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History of Political Thoughts II Assignment

POL 304

Write short explanatory notes on:

1. **John Rawls’ First Principle**

Rawls first principle states thus: “each person has an equal claim to a fully adequate scheme of equal basic rights and liberties, which scheme is compatible with the same scheme for all and in this scheme, the equal political liberties and those liberties are to be guaranteed their fair value.”

Rawls claims that for every citizen, there are two fundamental capacities or powers and correspondingly, two higher order interests in the realization of these two capacities. Thus each person has over his life, an interest in being able to formulate and live according to some particular conception of the good and an interest in exercising ones sense of justice and being motivated by it, providing others to do so as well.

This simply means that each person has an interest or is entitled to 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.

This notion of the two powers of the citizen is understood to include the idea that in a democratic society, citizens are also equal and free and are therefore on the same footing. This is therefore the grounding idea behind Rawls’ notion that the citizens are equal. Therefore, Rawls uses the idea of the two powers and corresponding interests of the citizen to ground his elaboration of the basic liberties that each citizen is to have equally.

He identifies which liberties should be among the basic constitutional rights or among the weightiest by considering what he calls “Two fundamental cases”. Thus, those liberties that are a part of or a means of achieving the first interest known as the “conception of the good interest” constitutes the rest of these cases and those that are a part of or a means of achieving the second called the “sense of justice interest” constitutes 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. This is because he was of the opinion that people would not be able to have or live according to their own particular determinate conception of the good, whatever it was and in particular would not be able to revise any such conception without the liberties of conscience or freedom of personal association.

He also offered freedom of political speech and of assembly as examples under the second interest. He conceived this interest as being exercised in a democratic institutional context. He believed that people could not live cooperatively with fellow citizens on terms of equality and mutual respect, under a unified and stable scheme of democratic and political institutions without having a practice of free political speech in place, as well as liberty of political association and assembly.

These liberties are rather standard civil rights that would be found, for example in the European convention of human rights. Some liberties however fall under neither case directly but are necessary for the proper and adequate exercise of those that do so fall. Examples of such include right to fair trial and right to bodily integrity.

For Rawls, all these liberties should be counted among the basic constitutional rights. These liberties and rights are not founded upon basic natural rights. Rather, Rawls says their foundation is in the conceptions of the person and of social cooperation most likely to be congenial to the public political of a modern democratic society.

1. **The second principle: Distributive Economic Justice**

The principle of distributive economic justice states thus: “social and economic inequalities are 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 secondly, they are to be the greatest benefit of the least advantaged members of society.”

Rawls in his second principle was of the opinion that people have different natural endowments and are born into and grow up in different social circumstances. No one can be said to be responsible for these factors in their own case. Nonetheless, factors such as natural endowments and initial social circumstance are not negligible; they powerfully affect a person’s life prospects, advantageously for some and disadvantageously for others and may be the main sources of inequality between people.

He developed the idea of democratic equality of opportunity conceived as the taking of remedial steps to reduce the initial differences in advantages that accrues to individuals arbitrarily from their starting points in life and went ahead to suggest that state supported primary and secondary education of good quality and at no cost to the individual student would be an example of such a step. The idea behind this was to try and make people somewhat less unequal at the point where they actually enter into adult life and to ensure that everyone has the basic capabilities required to be contributing members of the society.

Rawls further introduced another idea to complement the equality of opportunity and complete his line of argument. He calls this idea the “difference principle” which adds two further remedial steps to the picture:

* The principal 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 between the topmost and bottommost groups

The objective of this three step process is aimed at minimizing the gap between persons by taking account of both starting points and end results. It seeks to satisfy the standard of mutual benefit and then reduce differences in outcome between the topmost and bottommost group. This pattern continues at each stage until an optimum point has been reached at which no further mutually improving moves are possible thereby minimizing the difference.

This therefore leads to the assumption that so long as the benefit of the least well off group could possibly be higher, that of the other groups could also be higher.

1. **The Original Position**

In his first book, Rawls used the term ‘justice as fairness’ as a shorthand way of describing the acceptable to all perspectives and impartial procedures of the original position, suggesting that whatever result came from using these procedures, it would be judged by all to have been a fairly decided one. The question considered here was “how would the arguments for each of Rawls’s two principles fare as formal arguments? How would they do in the original position?

In simplest terms, the original position is an arena for deliberation and decision about principles of justice, its various features which 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 principle agreed to will be just.

Rawls envisions two main roles for the original position. In its first role, the original position is to serve as a screening device for the candidate principles that is principles taken from a short list of main historically available theories of justice. Here, the features of the original position serve as a check list against which the candidate principles are to be measured and to be assessed.

As for the second role, its aim is to rank the remaining eligible candidates after the preliminary screening has been accomplished. In performing this role, the parties rely on the balance of reasons to decide which of the remaining eligible candidates is best. If they can do so unanimously, there should be no real doubt about that particular ranking.

Rex Martin was of the opinion that Rawls’s earlier argument for the second principle of justice fares well. He gave the example that the transition from the idea that nobody is responsible for their own starting points in life to the idea that people should use their natural endowments and their social origins in such a way that everybody benefits would surely go more smoothly behind the veil of ignorance than it would where people were already aware of their own and others’ natural endowments and social origin.

This simply means that in the original position, a certain amount of role playing is allowed; individuals are allowed to assume certain standpoints and then to consider how things would play out in the deliberation of the parties.

Furthermore, behind the veil of ignorance, each individual thinks that since they do not know how or where they might end up, they should set things up in the principles they select, each one having a veto, so that the worst controllable outcome of any one of them is the best of a bad lot, the best that is of the set of worst outcomes. This line of reasoning is called ‘maximum reasoning’, that is reasoning literally on the principle of maximizing the minimum.

The outcomes which the maximum argument ranges over are in fact generated by the main competing principles under review by justice as fairness on the one hand and by its stronger competitor, the principle of maximizing average utility in the other. It is these particular sets of characteristic outcomes as determined by these competing principles, which the maximum argument then chooses between.

Rawls view is that futilitarians and others especially in the setting of afforded by the original position would allow the sacrifice or the serious weakening of some of the demands of justice as fairness or would do so for some people at least. The argument here focuses in particular, on the loss of equal basic liberties of the sort enshrined in the first principle and it is this fact that marks the primary ground in Rawls’s view for preferring the principles of justice as fairness over their presumed closest competitor. Thus, the maximum test provides what ion the context of the original position, is a compelling reason for ranking the two principles as a set above the principle of average utility.

1. **Summarize John Rawls’ idea of justice**

In the preface to his 1999 revised edition of his “theory of justice”, Rawls says that he wanted to work out a conception of justice that provides a reasonably systematic alternative to utilitarianism. However, his theory of justice is very complex.

Rawls is of the opinion that leading ideas out of which the political conception of justice is to be constructed and by reference to which it is to be justified are implicit in the public political culture of a contemporary democratic society which he took to be the deep background of the entire theory.

The main objective of his new political conception is establishing terms for principles for a fair distribution of certain primary goods. The principles of justice that emerged as preferred are the principles that are best supported by the background democratic ideas. The preferred principles are the principles that are most appropriate to the basic ideas there, ideas such as the two moral powers and the citizens’ corresponding fundamental interest and the importance of reciprocal benefit.

That is, they are principles that upon reflection and given the balance of reasons are the most appropriate ones with respect to the democratic starting point itself under the assumption that there is and is going to be in a continuing free and open society, an irreducible pluralism of reasonable comprehensive moral and religious and philosophic doctrines.

Rawls thinks that the best supported principle will be that of ‘justice as fairness’, that is, they will be the two principles of justice, understood now as political principles. He thinks the preferred set will be a family of principles and the members of this family have three main features in common: a) certain familiar rights, liberties, opportunities are to be singled out and specified and maintained; b) certain priority is to be given to these rights over against the claims of the general good and of perfectionist values; c) measures to help citizens make effective use of their rights by having an adequate base of income and wealth, are to be set in place.

In conclusion, Rawls holds that justice as fairness is the most egalitarian and also the most plausible interpretation of these fundamental concepts of liberalism. He further argues that justice as fairness provides a superior understanding of justice to that of the dominant tradition in modern political thought.