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ASSIGNMENT: SHORT EXPLANATORY NOTES ON

- I. JOHN RAWLS FIRST PRINCIPLE
- II. THE SECOND PRINCIPLE, DISTRIBUTIVE ECONOMIC JUSTICE
- III. THE ORIGINAL POSITION
- IV. SUMMARIZE JOHN RAWLS IDEA OF JUSTICE

## **Rawls first principle of equal basic liberties**

Rawls first principle of justice states that, '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 only those liberties are to be guaranteed their fair value.' For him, these basic rights and liberties are not founded on 'basic or natural rights' much like the constitution, rather 'the foundation is in the conception of the person and of social cooperation most likely to be congenial to the public political culture of a modern democratic society'.

In Rawls opinion, for every individual citizen, there are two fundamental capacities or powers which include the idea that in a democratic society, citizens are both equal and free. Behind this notion that citizens are equal is the idea that they are equal in having reached what might be called this same minimum threshold level. Thus, in having these powers at some level to be a fully contributing member of the society, all citizens are on the same footing.

Nevertheless, there are two higher order interests which are important for the realization of these capacities. Each person then has over that person's life;

- I. An interest in being able to formulate and live according to some particular conception of the good and,
- II. An interest in exercising one's sense of justice and being motivated by it, providing others to do so as well by living cooperatively with fellow citizens, in terms of mutual respect and reciprocal benefit.

Rawls then uses the idea of the two powers and corresponding interests of the citizen as a base to clearly explain his notion of the concrete basic liberties that each citizen is to have equally. He identifies which 'liberties' referred to as ways of acting or ways of not being injured should be among the basic constitutional rights by considering what he calls 'two fundamental cases'. Thus, the first of these cases constitute those liberties that are a means of achieving the first interest which is the conception of good interest, and the second case includes those liberties that are a means of achieving the second interest which is the sense of justice interest.

As examples, the argument that people would not be able to have or live according to their own particular determinate conception of the good, whatever it was, and would not be able to revise any such conception, without liberty of conscience or freedom of association justifies the position of those liberties under the first conception of the good interest. Also, he offers freedom of political speech and of assembly as examples under the second, sense of justice interest which he conceives to be exercised in a democratic institutional context. The argument is 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 there.

Furthermore, the basic liberties constitute a determinate and well defined set of standard civil rights which could be found in the European Convention of Human Rights (1954) and other human rights conventions and constitutions. Although most of the liberties would be justified in Rawls view as coming under either or both of the 'two fundamental cases', however, some

liberties fall under neither case directly but are nonetheless, necessary to the full flourishing of the liberties justified in the 'two fundamental cases'.

### **Rawls second principle of distributive economic justice**

The principle of distributive economic justice states that '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 second, they are to be to the greatest benefit of the least advantaged member of the society'. Rawls begins his account by addressing the fact that people have different natural endowments and are born into and grow up in different social circumstances. As much as factors such as natural endowment and initial social circumstance powerfully affect a person's life prospects, advantageously for some and disadvantageously for others, no one can be said to be responsible for these factors in their own case. However, they may be said to be the main source of inequality among people. This principle involves elements that include policies designed to achieve fair equality of opportunity, in all its aspects, and to achieve maximization of the level of goods and services available to the least well-off income group.

Rawls argument is made up of two basic ideas

1. The idea of democratic equality of opportunity
2. The difference principle

The two arguments introduce three remedial steps aimed at reducing and minimizing the gap between persons by taking account of both starting points and end results.

1. The taking of remedial steps, conscientiously, to reduce the initial differential in advantages that accrues to individuals, arbitrarily from their starting points in life, is the first remedial step conceived from the idea of democratic equality of opportunity. The leading idea here is to try to make people somewhat less unequal at the point where they actually enter into adult life as citizens and workers. He believes that an absolute equality of opportunity with respect to such starting points can never be achieved, and it is precisely where fundamental equality in starting points is not fully and strictly achieved, or cannot be that concern for reducing the inequality of resultant outcomes is in order.

Thus in order to address the issue of inequality of resultant outcomes, Rawls introduces two more remedial steps under the idea of the 'difference principle';

2. The principle of everyone's continual benefit, which in turn is constrained by the idea that, where there are severally mutually improving options available;
3. We should choose that option which most reduces the resultant inequality in outcomes between the most topmost and bottommost groups.

For Rawls, the difference principle can be represented then as proceeding through a series of stages each one of which embodies a conscientious effort at achieving equality of opportunity and each one of which repeats the same theme: first satisfy the standard of mutual benefit and then reduce differences in outcome between the topmost and bottommost group.

Thus the final specification of the difference principle is that the repeated pattern continue at each stage until we reach an optimum point, at which no further mutually improving moves are possible: at this point we have minimized the difference in question, without making any group worse off in the process and those least well-off have here their greatest benefit.

### **The Original Position**

Rawls idea of 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 aim is to set up a fair procedure so that any principles agreed to will be just. The parties are well aware that they are deciding about principles of justice and they will have to live, for their entire lives, under the principles they have selected. The original position is characterized by certain features such as;

1. The veil of ignorance: this is a metaphorical feature which signifies that parties should remove the sources of bias and irrelevancy from their deliberations. This is because; here they are instructed to ignore their personal traits in their subsequent reasoning, to be unaware of their actual place in the society and their society's place in history and institutional evolution.
2. The publicity requirement: since the parties understand the importance of their decisions, they would want the principles to be clear and intelligible to all, with nothing hidden from view and everything up front and accounted for.
3. The unanimity requirement: also, such principles, when looked at from a variety of perspectives, ought to be acceptable to persons in each of those perspectives

Rawls also envisions two major roles and purposes for the original position

1. The first purpose of 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. The features of the original position serve as a checklist against which the candidate principles are to be measured and to be assessed. Thus, principles which pass the initial screening can be formulated and argued for under the constraints of the original position.
2. The second main role is the ranking of the competing candidate principles that remain eligible after screening. The parties in performing this second role rely on the balance of reasons determined by the assessments reached in the original position to decide which of the remaining eligible candidates is best.

Furthermore, he expounded a line of reasoning called 'maximin argument' which has its base in rational choice theory, and which is reasoning literally on the principle of maximizing the minimum. The line of reasoning in this argument is that 'behind the veil of ignorance and given the high degree of uncertainty there, each individual thinks that, since they don't 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 for any one of them is the best of a bad lot, the best, and that is, of the set of worst outcomes.

## **Rawls idea of Justice**

Rawls idea of justice as analysed from his works, is 'justice by fairness'. He used this term to identify the expected and preferred result of using impartial procedures of the original position, which according to him will be acceptable to all perspectives and judged by all to have been a fairly decided one. It also referred to his two principles of justice and the main institutions required to embody them. Rawls wanted to work out a conception of justice that provides a reasonably systematic alternative to utilitarianism. This thought steamed from his perception of the weakness of the utilitarian doctrine as a basis for the institutions of constitutional democracy, he stated that

“...I do not believe that utilitarianism can provide a satisfactory account for the basic rights and liberties of citizens as free and equal persons, a requirement of absolutely first importance for an account of democratic institutions.”

Thus, Rawls idea of justice can be said to be a society with democratic institutions with account of the basic rights and liberties of citizens as free and equal persons. This idea is further embodied in his arguments about his two principles of justice based on the equality and liberties of citizens and polies designed to achieve equality of opportunity. His view is that utilitarian and others, especially in the setting afforded by the original position, would allow the sacrifice or serious weakening of some of the demands of justice by fairness, or would do so for some people at least.