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DEPT: IRD.

COURSE: POLITICAL THOUGHT SINCE HOBBES.

COURSE CODE: IRD 320.

ASSIGNMENT/QUESTION: Read the Chapter on Rawls in the Political Thinkers, edited by David Boucher and Paul Kelly and write short explanatory notes on:

1. John Rawls First Principle;

2. The Second Principle: Distributive Economic Justice;

3. The Original Position;

4. Summarize John Rawls Idea of Justice.

1. FIRST PRINCIPLE: EQUAL BASIC LIBERTIES.

In this first principle, Rawls claims 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 and (ii) an interest in exercising one’s ‘sense of justice’ and being motivated by it, providing others do so as well i.e. each person has, over that person’s entire life, 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.

The notion of the two powers of the citizen is understood to include the idea that in a democratic society, citizens are both equal and free. Here each person is conceived as having the two powers at a sufficient level to be able to be a fully contributing member of society over that person’s entire adult life or at least, the working years. In having these powers at some such level, all the citizens are on the same footing. This, then, is the grounding idea behind Rawls’s notion that the citizens are equal: they are equal in having reached what might be called this same minimum threshold level.

He uses the idea of the two powers and the corresponding interests of the citizen to ground his elaboration of the concrete basic liberties that each citizen is to have equally. He identifies which ‘liberties’ which ways of acting or of not being injured should be among the basic constitutional rights, or among the weightiest, such rights, by considering what he calls ‘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 the good interest). The argument here is simply 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 liberty of conscience or freedom of personal association.

He offers freedom of political speech and of assembly as examples under the second interest (the sense of justice interest). The main argument here, then, is simply that people could not live cooperatively with fellow citizens, on terms of equality and mutual respect, under a unified and stable scheme of democratic political institutions without having a practice of free political speech in place there. And the same could be said about liberty of political association and assembly.

Thus we arrive at Rawls’s first principle of justice: ‘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 (e.g. the right to vote and to campaign), and only those liberties, are to be guaranteed their fair value’.

2. SECOND PRINCIPLE: DISTRIBUTIVE ECONOMIC JUSTICE.

In his second principle of distributive economic justice, his account begins with the fact 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 endowment and initial social circumstance are not negligible; they powerfully affect a person's life prospects, advantageously for some and disadvantageously for others. Indeed, they may be the main sources of inequality between people.

Rawls’s argument sets out from this point. He first develops the idea of ‘democratic’ equality of opportunity conceived as (i) )the taking of remedial steps, conscientiously, to reduce the initial differential in advantages that accrues to individuals, arbitrarily, from their starting points in life. 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 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 as workers. And to make sure that everyone there, so far as possible, has the basic capabilities required to be contributing members of society. Rawls 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, Rawls introduces a further idea to complement equality of opportunity (point (i) above) and complete the line of argument. Rawls calls this new idea the ‘difference principle’; it adds two further remedial steps to the picture; it adds (ii) the principle of everyone’s continual benefit, which in turn is constrained by the idea that, where there are several mutually improving (that is, efficient) options available, (iii) we should choose that option which most reduces the resultant inequality in outcomes (as measured in terms of average income over a five-year period, say) between the topmost and bottom-most groups. The object of this three-step process is to reduce, ideally to minimize, the gap between persons by taking account of both starting points and end results.

I believe the argument just sketched becomes logically conclusive if we make certain simplifying assumptions. We must first assume, as does Rawls, that we are starting from a hypothetical point of strict equality between people. This ‘zero point’ does not, of course, describe the way things actually are; rather, it is used merely to orient and clarify our thinking. And, secondly, we must assume 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, right on up to the optimum or goal point. The object of this second assumption is to identify a zone or context in which the procedure (the repeated pattern described earlier) can operate, with full effect, to achieve its intended end.

With these two assumptions in place, we have completed our account of Rawls argument for his second principle of justice, the principle of distributive economic justice. It remains now only to state that principle succinctly: ‘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 members of society’.

3. 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. 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 such as Plato’s republic, various versions of utilitarianism, and so on.

Here the features of the original position serve as a checklist against which the candidate principles are to be measured and to be assessed. In short, some principles (perhaps Plato’s republic, with its endorsement of slavery, would be among them) would be filtered out, by the various features of the original position, and removed from any further consideration. But other principles, the various versions of utilitarianism, for example, might remain in contention after being examined under the conditions set by publicity, unanimity, the veil of ignorance, and so on. They have passed through the initial screening. This means simply that these principles can be formulated and argued for under the constraints of the original position. Unlike the discredited principles, these principles will have purchase there.

This brings us to the second main role of the original position: to rank the remaining eligible candidates, after the preliminary screening has been accomplished. In performing this second role, of ranking, the parties rely on the balance of reasons (determined in light of assessments that could be reached in the original position) 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. Let us turn, then, to an examination of Rawls’s two principles in the original position. We have already noted that one of the main features of the original position is the veil of ignorance. Thus, extreme uncertainty about starting points and outcomes for any given individual would characterize the deliberations in the original position, in which individuals are called upon to construct and then to choose the principles of justice that they would prefer to determine the basic structure of their society, in which they are to spend their entire lives.

Given this high degree of uncertainty, we find that Rawls’s earlier straightforward argument for his second principle of justice fares rather well. For example, 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 (where these things are advantageous) 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 origins. This transition would certainly carry more conviction for the parties in the original position.

And, for a second example, the mutual benefit part of the earlier argument would gain strong endorsement behind the veil of ignorance, especially if we assumed a starting point of strict equality. The argument would go as follows: the parties would have no reason to give up this equality in their choice of principles unless there were benefits for each and all, or at least for some of them (and no losses).

Now, a third example. Where persons have an equal status (as parties to the deliberation) and each has equal claim to shares of primary goods, then the parties (as representing such persons in the original position) would prefer a mutually beneficial outcome that reduced the difference in income between the topmost and bottom-most group over one that increased that inequality. The idea is that, even after mutual benefit is assured, one should continue to use equal shares (of primary goods) as a standing constraint on beneficial options, as a tie-breaker of sorts. Here, among available options, that efficient and mutually beneficial outcome which reduces inequality is to be preferred. In sum, I think Rawls’s straightforward arguments for each of his two principles would fare well in the original position construct; the arguments could be formulated and would hold up, under the constraints identified there.

The outcomes, which the maximin argument ranges over, are in fact generated by the main competing principles under review-by justice as fairness (Rawls’s own theory), on the one hand, and by its strongest competitor, the principle of maximizing average utility, on the other. It is these particular outcomes, sets of characteristic outcomes as determined by these competing principles, which the maximin argument then chooses between. Rawls’s view is that utilitarians and others, especially in the setting 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. Here the argument 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 maximin test provides what, in the context of the original position, is a compelling reason for ranking the two principles, as a set, above the principle of average utility.

4. JOHN RAWLS IDEA OF JUSTICE.

Rawls theory of justice revolves around the adaptation of two fundamental principles of justice which would, in turn, guarantee a just and morally acceptable society. The first principle guarantees the right of each person to have the most extensive basic liberty compatible with the liberty of others. The second principle states that social and economic positions are to be i) to everyone’s advantage and ii) open to all.

A key problem to Rawls is to show how such principles would be universally adopted and here the work borders on general ethical issues.  He introduces a theoretical ‘veil of ignorance’ in which all the ‘players’ in the social game would be placed in a situation which is called the ‘original position’. Having only a general knowledge of the facts of ‘life and society’, each player is to abide based on their moral obligation. By denying the players any specific information about themselves it forces them to adopt a generalized point of view that bears a strong resemblance to the moral point of view. ‘Moral conclusions can be reached without abandoning the prudential standpoint of positing, a moral outlook merely by pursuing one’s own prudential reasoning under certain procedural bargaining and knowledge constraints.’

Rawls proposes that the most reasonable principles of justice for a society are those that individuals would themselves agree to behind the ‘veil of ignorance’, in circumstances in which each is represented as a moral person, endowed with the basic moral powers. What this position supports is that while each person has different ends and goals, different backgrounds and talents, each ought to have a fair chance to develop his or her talents and to pursue those goals, fair equality for opportunity. It is not a race or contest where the talented or gifted prevail, it should be complete cooperation among all so that there may be reasonable life for all.

What the ‘veil of ignorance’ brings out is that we can accept utilitarianism as a public conception of justice only if we are prepared to let someone be subject to conditions, we would not be prepared to subject ourselves. However, it is not the responsibility of my actions to ensure the fulfillment of another person’s goals. These principles create an equal distribution of the ‘pie’, if you will, yet it is not attainable unless pursued or strived for. There is no room for idle observation, meaning, that while we all possess equal opportunity as we all are equally moral persons, the choice of what you wish to possess materially as well as intellectually is the discretion and capability of the individual.

Why should we accept these principles as principles of justice? Primarily, these principles promote equality among all. Each individual has the same basic liberties and opportunities. Each individual has a moral obligation to accept the existence of every other human being. In doing so, all people become equal in their position and desires. We are equal in that each has the basic powers of choice and on acting on a sense of justice. The responsibility of procedure and growth relies on each and every individual his/her self. By doing so we may create a level playing field. Is this a form of pure competition? It would seem so. Competition in that what is desired must be achieved by one and desired by many perhaps. A benefit of competitive circumstance is the betterment of all parties involved as they must evolve in order to surpass one another.

Also, in fair equality for opportunity we may eliminate all forms of discrimination and discretion of races, ethnic origin, social standards and religious intolerance and beliefs. All of these characteristics are a component of the individual person thus making him/her ‘individual’. Justice is only succumbed when the liberties of an individual are affected because of an external opinion of these characteristics, and, in the oppression of these characteristics upon another. They are nothing more than components of a people.