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COURSE CODE: Political Thought Since Hobbes ( IRD 320)

ASSSIGNMENT: Read the Chapter on Rawls (Full Name is : John Rawls) in the *Politcal Thinkers*, edited by David Boucher and Paul Kelly 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

**JOHN RAWS FIRST PRINCIPLE**

 The central tenant of John Rawls first principle of equal basic liberties is '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'

 Rawls states 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,

1. an interest in being able to formulate and live according to some particular conception of the good and
2. an interest in exercising one's 'sense of justice' and being motivated by it, providing others do so as well. Let me amplify this second point a bit: 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 basic liberties constitute, in effect, a determinate and well-defined set. For the most part, these liberties are rather standard civil rights, of the sort that would be found, for example,in 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. As we have seen, most of the determinate liberties on this list would be justified in Rawls's schema as coming under either one or the other of the'two fundamental cases'. Or they could be justified as falling under *both*

*cases* (as all four of the liberties named in the previous paragraph presumably could be). By way of illustration, 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 ilie 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). Rawls conceives this interest as being exercised in a democratic institutional context. 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.The basic liberties constitute, in effect, For Rawls, then, all the liberties (and non-injuries) just specified should be counted among the basic constitutional rights. These basic liberties and rights, like the conception of the constitution of which they are a part, are not founded 'on basic (or natural) rights'. Rather, Rawls says, the 'foundation is in the conceptions of the person and of social cooperation most likely to be congenial to the public political culture of a modern democratic society'

In conclusion, 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'

**THE SECOND PRINCIPLE: DISTRIBUTIVE ECONOMIC JUSTICE**

Rawls’s difference principle requires that economic systems be organized so that the least advantaged members of society are better off than they would be in any alternative economic arrangement. The following questions are addressed here: What constraints are imposed by equal basic liberties and fair equality of opportunity on inequalities allowed by the difference principle? What are the difference principles’s broad and narrow requirements? Is maximizing the least advantaged position mandatory regardless of the inequalities created, or is it optional so that a society can choose to limit inequalities permitted by the difference principle? In what respect is the difference principle a reciprocity principle and not prioritarian? What measures are required to realize the difference principle under ideal conditions of a well-ordered society versus non-ideal conditions of an unjust society? Why should property-owning democracy rather than welfare-state capitalism satisfy Rawls’s principles of justice?

John Rawls second principle of distributive economic justice varies from the first principle of basic equal liberties Rawls thought that the account and formulation of his second principle of justice, as found in A Theory of Justice (1971), Rawls's 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, advan-tageously for some and disadvantageously for others. Indeed, they may be the main sources of inequality between people.

 Rawls's argument commences from these views He first develops the idea of 'democratic' equality of opportunity-conceived as 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.

**THE ORIGINAL POSITION**

 One of the prominent features that in often emphasized in the works of John Rawls especially in his later writings is the parties to the contract are placed (In what he calls the original position) behind a thick veil of ignorance

The original position is an elegant thought experiment. In effect, Rawls invites his readers to imagine that they are temporarily ignorant about certain things, including important facts about themselves, such as how well off they are, whether or not they are especially talented, and what their core personal values – religious or otherwise – are. Readers are then to ask themselves: what principles of justice would I choose to regulate the basic institutions of my society if I did not know these things? To be a little more precise, Rawls is employing a version of the familiar idea of a social contract. The parties to the contract are choosing basic principles of justice for their society. But they are behind what Rawls refers to as ‘a veil of ignorance’: they do not know how well off they are, whether or not they are especially talented, and what their core personal values are. Rawls argues that in such a situation, given certain additional stipulations, it would be rational for the parties to choose the following two principles of justice. First, a principle that guaranteed each citizen a robust package of liberal rights to such things as freedom of conscience, freedom to vote and stand in elections, and rights to due process in law. Second, a principle that ensured fair equality of economic opportunity as well as shares of income and wealth that were maximally beneficial to people with the least amount of income and wealth.

In essence the original position put in simple terms is a forum for deliberation and decision making about principles. The main reason for the creation of of the original position is that for any principle created will be just.

**JOHN RAWLS IDEAL OF JUSTICE**

 John Rawls’ “Theory of Justice” (1971) is the single most important philosophical work of the Left since Marx. Rawls’ A Theory of Justice can be understood as two theories addressing two different subjects. The split can also be seen textually. The first half of the book deals almost exclusively with the hypothetical theory of justice founded in the original position. Thesecond half of the book addresses how actual institutions should operate given the findings of the initial theory. There are many instances, such as Rawls’ distinction between fair and formal equal opportunity, where Rawls claims that the purely speculative arguments of his theory can justify his claims concerning actual situations. However, as Sher argues, it is not necessarily the case that Rawls can make the connection. Rawls’ hypothetical theory can operate on its own. Rawls’ theory of just institutions is a stronger argument if he does not try and connect the two theories. The problem of desert is one example of how Rawls’ theory of justice as fairness should be read as two theories.

Rawls offers a theory of a just and well-ordered society which would distribute wealth, income, liberties, opportunities and positions of authority. He considers “justice as fairness” as a political -moral conception of justice. The principles of justice are two according to Ralws and these would justify a given body of social, moral and political ideas since they are congruent to our ferments convictions.

Utilitarianism was first developed in the nineteenth century by ”the great utilitarians”. Utilitarianism essentially posits that a just society is one based on achieving the greatest good, or happiness, for the greatest number of people. However, Rawls rejects Utilitarianism, for it fails to take into consideration, the distinction that exists between individuals. Since it aims at the greatest happiness and tries to maximize greatest welfare, it fails to secure individual rights. Rawls relies on the social contract tradition in its Kantian form to account for principles that would guide individuals’ noumenal selves, secure equal basic liberties to all and account for social values and community.

In A Theory of Justice, Rawls begins with the statement that, ”Justice is the first virtue of social institution,” meaning that a good society is one structured according to principals of justice. . Rawls asserts that existing theories of justice, developed in the field of philosophy, are not adequate: ”My guiding aim is to work out A Theory of Justice that is a viable alternative to these doctrines which have long dominated our philosophical tradition.” He calls his theory-aimed at formulating a conception of the basic structure of society in accordance with social justice-justice as fairness. He claims that justice as fairness provides a practical political procedure, which satisfies the demand of modern democracies societies. Pluralism entailed by industrial societies is presumed to be the permanent features of modern democracies, which challenges the priority of philosophy over democracy.

However, Rawls’ theory has received large scale attention by some well-known Academicians. Some of them have disagreed and challenged its basic assumptions. These critical appraisals, but, indicate the importance of his work if one wants to deliberate on problems of contemporary social and political theory. In this thesis will try to excavate the philosophical understanding of the Rawlsian theory of justice and also try to identify the philosophical shift in his position under the light of some of major critiques.