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DEPARTMENT I.R.D

COURSE POL 304

MATRIC NUMBER 17/SMS09/015

ASSIGNMENT

Read the chapter on rawls[full name is John Rawls].In the political thinkers,Edited by David Boucher and paul Kelly and write a short note 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 The intention of rawls concerning his first principle was Theory of Justice to provide a 'convincing account of basic rights and liberties, and of their priority rawls claims that individuals must have particularly 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. First principle of justice, the principle of equal basic liberties. 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. 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 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. Rawls 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 most weighty 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'. 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 , 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). Finally, some liberties (or protections from injury) fall under neither case directly but are, nonetheless, necessary for the proper and adequate exercise of those that do so fall. For example, the due process rights to such things as fair trial or the rights to bodily integrity (rights that specify not being assaulted and possibly maimed, not being tortured, and so on) are justified as necessary to the full flourishing of the liberties justified in the 'two fundamental cases'. 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 · 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 , and only those liberties, are to be guaranteed their fair value.'

2 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, 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

 (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. 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 1 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

 (2) 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,

(3) 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.

3 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 rawls illustration the force of this first role (screening) with an example, admittedly a rather extreme one. An avowedly racist principle would probably not pass through the filter afforded by the features of the original position. Thus, if people contemplated living in a multiracial society under that principle, it is clear that some of them would be seriously disadvantaged, indeed deeply harmed, by its operation. Everyone who took on, by hypothesis, the role of these injured parties would have to veto the racist principle; thus, it could not meet the unanimity requirement. Since anyone (given the veil of ignorance) could be in such a role, the racist principle would be decisively ruled out. For similar reasons it is likely that caste system principles or slavery principles would not survive the initial screening either 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 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). Let me make the same argument now in somewhat different words. In the original position (as I have already indicated) 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 deliberations of the parties

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 In justice as fairness the original position of equality corresponds to the state of nature in the traditional theory of the social contract. This original position is not, of course, thought, of as an actual historical state of affairs, much less as a primitive condition of culture. It is understood as a purely hypothetical situation characterized so as to lead to a certain conception of justice. Among the essential features of this situation is that no one knows his place in society, his class position or social status, nor does anyone know his fortune in the distribution of natural assets and abilities, his intelligence, strength, and the like. I shall even assume that the parties do not know their conceptions of the good or their special psychological propensities. The principles of justice are chosen behind a veil of ignorance. This ensures that no one is advantaged or disadvantaged in the choice of principles by the outcome of natural chance or the contingency of social circumstances. Since all are similarly situated and no one is able to design principles to favor his particular condition, the principles of justice are the result of a fair agreement or bargain. For given the circumstances of the original position, the symmetry of everyone's relations to each other, this initial situation is fair between individuals as moral persons, that is, as rational beings with their own ends and capable, I shall assume, of a sense of justice, The merit of the contract terminology is that it conveys the idea that principles of justice may be conceived as principles that would be chosen by rational persons, and that in this way conceptions of justice may be explained and justified. The theory of justice is a part, perhaps the most significant part, of the theory of rational choice. Furthermore, principles of justice deal with conflicting claims upon the advantages won by social cooperation; they apply to the relations among several persons or groups. The word "contract" suggests this plurality as well as the condition that the appropriate division of advantages must be in accordance with principles acceptable to all parties. The condition of publicity for principles of justice is also connoted by the contract phraseology. Thus, if these principles are the outcome of an agreement, citizens have a knowledge of the principles that others follow. It is characteristic of contract theories to stress the public nature of political principles. Finally there is the long tradition of the contract doctrine. Expressing the tie with this line of thought helps to define ideas and accords with natural piety. There are then several advantages in the use of the term "contract." With due precautions taken, it should not be misleading.