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**IRD**

**300LEVEL**

 **QUESTIONS**

Read the chapter on Rawls (Full name is: John Rawls) in the political Thinkers, edited by David Boucher and Paul Kelly (eBook sent on whatsapp) and write short explanation 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.

 **ANSWERS**

**John** **Rawl’s first principle** is also called the greatest equal liberty principle.

The principle confirms widespread convictions about the importance of equal basic rights and liberties. Two further features make this principle distinctive. First is its priority: the basic rights and liberties must not be traded off against other social goods. The first principle disallows, for instance, a policy that would give draft exemptions to college students on the grounds that educated civilians will increase economic productivity. The draft is a drastic infringement on basic liberties, and if a draft is implemented then all who are able to serve must be equally subject to it, even if this means slower growth. Citizens' equal liberty must have priority over economic policy.

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'.

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, 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).

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.

The second part of the second principle is the difference principle, which regulates the distribution of wealth and income. Allowing inequalities of wealth and income can lead to a larger social product: higher wages can cover the costs of training and education, for example, and can provide incentives to fill jobs that are more in demand. The difference principle allows inequalities of wealth and income, so long as these will be to everyone's advantage, and specifically to the advantage of those who will be worst off. The different principle requires, that is, that any economic inequalities be to the greatest advantage of those who are advantaged least.

The second distinctive feature of Rawls's first principle is that it requires fair value of the political liberties*.* The political liberties are a subset of the basic liberties, concerned with the right to hold public office, the right to affect the outcome of national elections and so on. For these liberties, Rawls requires that citizens should be not only formally but also substantively equal. That is, citizens who are similarly endowed and motivated should have similar opportunities to hold office, to influence elections, and so on regardless of how rich or poor they are. This fair value proviso has major implications for how elections should be funded and run, as will be discussed below.

**John Rawls second principle**

Rawls's second principle of justice has two parts. The first part, fair equality of opportunity, requires that citizens with the same talents and willingness to use them have the same educational and economic opportunities regardless of whether they were born rich or poor. “In all parts of society there are to be roughly the same prospects of culture and achievement for those similarly motivated and endowed”.

like, for example, if we assume that natural endowments and the willingness to use them are evenly distributed across children born into different social classes, then within any type of occupation (generally specified) we should find that roughly one quarter of people in that occupation were born into the top 25% of the income distribution, one quarter were born into the second-highest 25% of the income distribution, one quarter were born into the second-lowest 25%, and one-quarter were born into the lowest 25%. Since class of origin is a morally arbitrary fact about citizens, justice does not allow class of origin to turn into unequal opportunities for education or meaningful work. The original position is a central feature of John Rawls’s social contract account of justice, “justice as fairness,” set forth in A Theory of Justice.

**John Rawls original position**

The original position is designed to be a fair and impartial point of view that is to be adopted in our reasoning about fundamental principles of justice. In taking up this point of view, we are to imagine ourselves in the position of free and equal persons who jointly agree upon and commit themselves to principles of social and political justice. The main distinguishing feature of the original position is “the veil of ignorance”: to insure impartiality of judgment, the parties are deprived of all knowledge of their personal characteristics and social and historical circumstances. They do know of certain fundamental interests they all have, plus general facts about psychology, economics, biology, and other social and natural sciences. The parties in the original position are presented with a list of the main conceptions of justice drawn from the tradition of social and political philosophy, and are assigned the task of choosing from among these alternatives the conception of justice that best advances their interests in establishing conditions that enable them to effectively pursue their final ends and fundamental interests. Rawls contends that the most rational choice for the parties in the original position are two principles of justice: The first guarantees the equal basic rights and liberties needed to secure the fundamental interests of free and equal citizens and to pursue a wide range of conceptions of the good. The second principle provides fair equality of educational and employment opportunities enabling all to fairly compete for powers and positions of office; and it secures for all a guaranteed minimum of the all-purpose means (including income and wealth) that individuals need to pursue their interests and to maintain their self-respect as free and equal persons.

**Summary of John Rawl’s idea of justice**

In A Theory of Justice, Rawls defends a [conception](https://www.merriam-webster.com/dictionary/conception) of “justice as fairness.” He holds that an adequate account of [justice](https://www.merriam-webster.com/dictionary/justice) cannot be derived from utilitarianism, because that doctrine is consistent with intuitively undesirable forms of government in which the greater happiness of a majority is achieved by neglecting the rights and interests of a minority. Reviving the notion of a social contract, Rawls argues that justice consists of the basic principles of government that free and rational individuals would agree to in a hypothetical situation of perfect equality. In order to ensure that the principles chosen are fair, Rawls imagines a group of individuals who have been made ignorant of the social, economic, and historical circumstances from which they come, as well as their basic values and goals, including their conception of what constitutes a “good life.” Situated behind this “veil of ignorance,” they could not be influenced by self-interested desires to benefit some social groups (i.e., the groups they belong to) at the expense of others. Thus they would not know any facts about their race, sex, age, religion, social or economic class, wealth, income, intelligence, abilities, talents, and so on.

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In this “original position,” as Rawls characterizes it, any group of individuals would be led by reason and self-interest to agree to the following principles:

(1) Each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others.

(2) Social and economic inequalities are to be arranged so that they are both (a) to the greatest benefit of the least advantaged and (b) attached to offices and positions open to all under conditions of fair equality of opportunity*.*

The “basic liberty” mentioned in principle 1 comprises most of the rights and liberties traditionally associated with liberalism and democracy: freedom of thought and conscience, freedom of association, the right to representative government, the right to form and join political parties, the right to personal property, and the rights and liberties necessary to secure the rule of law. Economic rights and liberties, such as freedom of contract or the right to own means of production, are not among the basic liberties as Rawls construes them. Basic liberties cannot be infringed under any circumstances, even if doing so would increase the aggregate welfare, improve economic efficiency, or augment the income of the poor.