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QUESTION: Write 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.

I. John Rawls First Principle: His theory of justice as fairness describes a society of free citizens holding equal basic rights and cooperating within an egalitarian economic system. Rawls intended his Theory of Justice to provide a 'convincing account of basic rights and liberties, and of their priority', Rawls admits he did not successfully achieve this objective until ten or years later. Rawls's 1980 Dewey Lectures and his 1982 Tanner Lecture provides the best account of, and arguments for, his 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 each person has over that person's entire life, first of all an interest in being able to formulate and live according to some particular conception of the good and also an interest in exercising one's 'sense of justice' and being motivated by it, providing others do so as well. 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. Just as the first principle explains that each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others; and the second explains that social and economic inequalities are to be arranged so that they are both reasonably expected to be to everyone's advantage, and also attached to positions and offices open to all. There are two ambiguous phrases in the second principle,

namely "everyone's advantage" and open to all". This explains that they are to govern the assignment of rights and duties and to regulate the distribution of social and economic advantages. The principles distinguish between those aspects of the social system that define and secure the equal liberties of citizenship and those that specify and establish social and economic inequalities. The basic liberties of citizens include: political liberty (the right to vote and to be eligible for public office) together with freedom of speech and assembly; liberty of conscience and freedom of thought; freedom of the person along with the right to hold (personal) property; and freedom from arbitrary arrest and seizure as defined by the concept of the rule of law. These liberties are all required to be equal by the first principle, since citizens of a just society are to have the same basic rights.

The second principle applies, in the first approximation, to the distribution of income and wealth and to the design of organizations that make use of differences in authority and responsibility, or chains of command. While the distribution of wealth and income need not be equal, it must be to everyone's advantage, and at the same time, positions of authority and offices of command must be accessible to all. One applies the second principle by holding positions open, and then, subject to this constraint, arranges social and economic inequalities so that everyone benefits. These principles are to be arranged in a serial order with the first principle prior to the second. The distribution of wealth and income, and the hierarchies of authority, must be consistent with both the liberties of equal citizenship and equality of opportunity.

A theory of justice depends upon a theory of society in ways that will become evident as we proceed. For the present, it should be observed that the two principles are a special case of a more general conception of justice that can be expressed as follows: All social values, liberty and opportunity, income and wealth, and the bases of self-respect-are to be distributed equally unless an unequal distribution of any, or all, of these values is to everyone's advantage. Injustice, then, is simply inequalities that are not to the benefit of all. Of course, this conception is extremely vague and requires interpretation. 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). 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 freedom 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 of 1966 which 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. Finally, some liberties fall under neither case directly but are, nonetheless, necessary for the proper and adequate exercise of those that do not 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'. In conclusion, 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. 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.

II. The Second Principle: Distributive Economic Justice: Rawls thought that the account and formulation of his second principle of justice, as found in *A Theory of Justice* was substantially sound unlike the first principle. 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 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 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 principle requires that any economic inequalities be to the greatest advantage of those who are less advantaged. Arguments about which frameworks and/or resulting distributions are morally preferable constitute the topic of distributive justice. Principles of distributive justice are therefore best thought of as providing moral guidance for the political processes and structures that affect the distribution of benefits and burdens in societies, and any principles which do offer this kind of moral guidance on distribution, regardless of the terminology they employ, should be considered principles of distributive justice.

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 in order. Thus, Rawls introduces a further idea to complement equality of opportunity and his line of argument. Rawls calls this new idea the 'difference principle'; it adds two further remedial steps to the picture; firstly, the principle of everyone's continual benefit, which in turn is constrained by the idea that, where there are several efficient options available, we should choose that option which most reduces the resultant inequality in outcomes. 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. 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 then repeats the same theme: firstly satisfies the standard of mutual benefit (or of efficiency) and then reduce differences in outcome between the topmost and the bottom-most group. This repeated pattern continues at each stage until we reach an optimum point, at which no further mutually improving moves are possible. The object of this second assumption is to identify a zone or context in which the procedure can operate, with full effect, to achieve its intended end. With these two assumptions in place, we have completed our account of Rawls's argument for his second principle of justice, the principle of distributive economic justice.

III. The 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. The original position Rawls's contractarian method of justification is very complex. One important feature of the original position Rawls continued to include even in his later writings, is that the 'parties' to the contract are placed (in what he calls the 'original position') behind a thick 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. Here they are instructed in their subsequent reasoning to ignore their own particular traits (traits that distinguish them from most or, at least, many other people), to be unaware of or to ignore their actual place in society, to be unaware of their society's place in history or in institutional evolution, and so on. Other features are important as well. The parties understand that they are deciding about principles of justice (principles for distributing certain primary goods, such goods as liberties, opportunities, income, and wealth-to individuals) and that they will have to live, for their entire lives, under the principles they have selected. Accordingly, they would want the principles selected to be clear and intelligible to all, with nothing hidden from view and everything up front and accounted for. Rawls calls this the 'publicity requirement'. 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'. 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).

Rawls envisions two main roles for the original position. 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.

IV. Summarize John Rawls Idea of Justice: Rawls was dissatisfied with the traditional philosophical arguments about what makes a social institution just and about what justifies political or social actions and policies. The utilitarian argument holds that societies should pursue the greatest good for the greatest number. This argument has a number of problems especially that it seems to be consistent with the idea of the tyranny of majorities over minorities. The intuitionist argument holds that humans intuit what is right or wrong by some innate moral sense. This is also problematic because it simply explains away justice by saying that people “know it when they see it,” and it fails to deal with the many conflicting human intuitions. Rawls attempts to establish a reasoned account of social justice through the social contract approach. This approach holds that a society is in some sense an agreement among all those within that society. If a society were an agreement, he states that the contract is a purely hypothetical one: He does not argue that people had existed outside the social state or had made agreements to establish a particular type of society.

Rawls begins his work with the idea of justice as fairness. He identifies the basic structure of society as the primary subject of justice and identifies justice as the first virtue of social institutions. He considers justice a matter of the organization and internal divisions of a society. After considering the main characteristics of justice as fairness and the theoretical superiority of this approach to utilitarianism, intuitionism, or other perspectives, Rawls looks at the principles of justice. He identifies two principles: One, that each person should have equal rights to the most extensive liberties consistent with other people enjoying the same liberties; and two, that inequalities should be arranged so that they would be to everyone’s advantage and arranged so that no one person would be blocked from occupying any position. From these two principles Rawls derives an egalitarian conception of justice that would allow the inequality of conditions implied by equality of opportunity but would also give more attention to those born with fewer assets and into less favorable social positions. Rawl’s positive distributive thesis is equality based reciprocity.

In conclusion, justice requires that any inequalities must benefit all citizens, and particularly benefit those who have the least.