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ASSIGNMENT

ANSWERS;

John Rawls First Principle

John 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 years later. John Rawls's 1980 Dewey Lectures and his 1982 Tanner Lecture provided the best accounts, 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. 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.

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.

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 [e.g. the right to vote and to campaign], and only those liberties, are to be guaranteed their fair value.

The Second Principle

Rawls thought that the account and formulation of his second principle of justice, as found in A Theory of Justice (1971), was substantially sound. 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. 502 Rex Martin 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.
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.

We can get to Rawls's final specification of the difference principle by repeatedly employing the set of ideas just sketched. 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: first satisfy 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: at this point we have minimized the difference in question (without making any group worse off in the process), and those least well off (the bottom 20 per cent, say) have here their greatest benefit.

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, Rawls's 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.

The Original Position

Rawls's contractarian method of justification is very complex. I will be able to mention only a few of its main features here. One feature that is often emphasized and that Rawls continued to include even in his later writing that the 'parties' to the contract are placed (in what he calls the 'original position') behind a thick veil of ignorance. 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. 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.

John Rawls Idea of Justice

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.