**OMOYENI OLUWASEYI FAITH**

**17/LAW01/235**

**HISTORY OF POLITICAL THOUGHTS 11**

**POL 304**

**JOHN RAWLS FIRST PRINCIPLE**

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. 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 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.

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 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.

 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.

 Rawls's argument sets out from this point. 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. Rawls calls this new idea the difference principle; it adds two further remedial steps to the picture; it adds 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) 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.

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**

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. 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.

This brings us to the second main role of the original position: to rank the remaining eligible candidates, after the preliminary screening has been accomplished. (See TJ (rev. edn.), 16; also 'Basic Structure as Subject', 278,7 for the point about ranking.) In performing this second role, of ranking, the parties rely on the balance of reasons (determined in light of assessments that could be reached in the original position) to decide which of the remaining eligible candidates is best. If they can do so unanimously, there should be no real doubt about that particular ranking. Let us turn, then, to an examination of 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.

Nonetheless, the things we have looked at here-his two principles of justice and the arguments for them and for preferring them to alternative theories-have tended to dominate debate and to have had the lion's share of attention.

**JOHN RAWLS IDEA OF JUSTICE**

Rawls thinks that the best-supported principles will be those of justice as fairness'-that is, they will be the two principles of justice, understood now as political principles. Or, to be precise, he thinks the preferred set will actually be a 'family' of principles, among which are included the two he emphasizes. The members of this 'family' have three main features in common: (1) certain familiar rights, liberties, opportunities are to be singled out and specified and maintained; (2) a certain priority is to be given to these rights etc. over against 'the claims of the general good [understood aggregatively] and of perfectionist values'; (3) measures to help citizens make effective use of these rights etc., by having an adequate base of income and wealth, are to be set in place.16 In Rawls's account the justification of the political conception proceeds in two main stages (see PL 64-5, 140-1, 385-8). The first stage is the one I have focused on up to now. The main project here is to settle on that principle or set of principles for distributing primary goods which is most appropriate, given the fundamental democratic ideas from which we started. Thus, Rawls argues that the generic liberal principles (the family of principles in which are included his own preferred two principles) are well designed to specify an acceptable distribution of primary goods in the context of existing democratic political arrangements. This first line of justification (justificationfrom democratic principles in a democratic context) is said by Rawls to be 'freestanding', in the sense that it draws only on these background democratic ideas, presumably shared already to a large degree by fellow citizens.

At the second stage we contemplate the justification of the political conception from within the confines of a variety of comprehensive views. In some of these cases such justification will follow a deductive pattern; in others it will be a justification based on the claim that the political conception counts as a nearest practical approximation, or at least as a feasible real-world exemplification, of the comprehensive view in question; in yet others it will be a justification only in the very weak sense given by the notion of consistency-here the political conception is said merely to be compatible with the comprehensive doctrine in question. In any event, where several different comprehensive doctrines can justify a single political conception in one of these ways, we say that there is an overlapping consensus among these comprehensive doctrines; each for its own reasons endorses the same political conception.