

# [To shares which deliver the correct portioning](https://assignbuster.com/to-shares-which-deliver-the-correct-portioning/)

To understand Rawls meaning behind justice, the following ideas will be the primary focus of this essay; the originalposition, the veil of ignorance, the principles of justice and the priorityrules although several other principles are discussed in his book. However thetheory has come under critique by fellow philosophers such as Dworkins and Okinwhose position will be discussed in this essay. This essay will aim to justifythat Rawls’s understanding of justice is correct, by analytically disprovingthe argument presented by fellow philosophers. To begin with, Rawls understanding of the roleof justice is critical to understanding Rawls meaning of justice. Rawlsbelieves that justice is the primary feature of social institutions therefore howevereffective laws or even institutions maybe, they must be removed if they areunjust for society. According to Rawls there is an individuality of benefits, since social cooperation’s enable the opportunity of an improved life foreveryone, which wouldn’t have been attainable by individual efforts, howeverthere is also a battle of interests, as those involved are unware how the interestshould be distributed fairly, as everyone would favour a larger share.

As aresult of this conflict Rawls suggests that principles of social justice areneed to identify the proper distributive shares which deliver the correctportioning of the benefits and problems of social cooperation. Furthermore, Rawls considers the original agreement to be the overriding doctrine of theprinciples of justice, a basic position recognised as equal by a rationalperson concentrated on increasing their own interests which govern the form ofsocial cooperation that can be entered. This classification of the principle ofjustice, are to be named justice as fairness1The first notion which illustrates Rawls’smeaning behind justice is the original position. Rawls states that the original position is a hypothetical condition which enables the conclusion towards adefinitive conception of justice. In the original position, individuals withinthe society are oblivious to important human characteristics such as classposition, intelligence and strength. The principles of justice are selectedbehind a veil of ignorance; the purpose of this practice is to ensure that noone in society gains an advantage or is disadvantaged in the choice of the principles, by reason of usual chance or the eventuality of social conditions.

For Rawls, as everyone is in a similar position, without the ability to formulateprinciples which favour their specific conditions this allows the principles ofjustice to lead to an equal agreement. The individuals within the original positionare equal therefore have similar rights in choosing principles, to makeproposals, submit reason for their acceptance, as so on, which embodiesequality amongst humans beings as moral persons. Alongside the veil ofignorance, which will be discussed further along in the essay; thesecircumstances exemplify the principles of justice, as those which free personsmotivated to develop their interests would agree to as equal, when they aren’tinfluenced by the rewards and difficulties of communal and naturalpossibilities. 2Rawls provides a method to view the originalposition, which would enable us to gather whether the principles picked matchthe measured conviction of justice, or encompass them in an acceptable manner. The application of these principles could lead to two possible outcomes, onewhich would be the identical judgement about civilization that we would make instinctively, in which we have the ultimate assurance, or where we are hesitant about ourcurrent judgements, and these principles deliver solutions, which we are thenable to confirm through consideration. According to Rawls there are certainquestions that have a fixed answer, for example that religious intolerance andracial discrimination are unjust, based on unbiased judgements that are unlikelyto be affected by an extreme consideration of our own benefits, however the questionof what is right distribution of wealth and authority does not have a fixedanswer.

3For Rawls, to find the perfect answer we startby describing the situation, which exemplifies normally shared and preferablyfragile conditions, to see whether these conditions are resilient enough toyield a significant set of principles, if not then we aim to findcorrespondingly rational principles, but if so and these principle complementour measured beliefs of justice, then this satisfactory.  As there are likely to be inconsistencies, thismeans that we have choice to change the account of the original situation orreconsider our current judgement. This process is likely to lead to a solutionwhich concurs with the original position, thereby articulating conditions thatare considered rational and produce principles which match our judgement. Rawlsrefers to this as the reflective equilibrium” because at last our principles and judgments coincide; and it is reflectivesince we know to what principles our judgments conform and the premises oftheir derivation4″. Furthermore Rawls proposes the notion of ‘ thestrain of commitments’, as each party will be mindful that they have a sense ofjustice, this means that they will be bound by any principles that they select, knowing that they 5″cannot enter into agreements that mayhave consequence that they cannot accept” 6therefore all the parties must evaluate the consequences that there selectedprinciples will have on other individuals.

For this reason Rawls argues thatfollowing his principle would be far simpler than those of average utility, asfor the benefit of the parties, this would eliminate living with7″theworst eventualities” 8The purpose of the original position is tocreate a fair procedure, so that the principles approved are just. The intentionis to use the principles of justice, to remove the consequences ofeventualities which enable people to take advantage of natural and socialcircumstances for their own good. Rawls believes to nullify this procedure theparties are positioned behind the veil of ignorance. 9The veil of ignorance is a situation where theparties will be anonymous of exacting facts, for example “ no one knows his place in society, his class position … hisintelligence and strength… More than this, I assume that the parties do notknow the particular circumstances of their own society. That is, they do notknow its economic or political situation or the level of civilization andculture it has been able to achieve…the persons in the original positionhave no information as to which generation they belong.” The purpose ofthis disclosure is to ensure that the parties decide their principles based onuniversal considerations. The wider restrictions imposed on knowledge, as therebecause queries of social justice ascend among generations as well as withinthem, for example the appropriate rate of capital saving.

10 Howeverit is presumed that the parties will have knowledge of general facts abouthuman society, such as “ political affairsand the principles of economic theory”, but most importantly there will beno limitations placed on the intake of general information for the parties asthe principles of justice must be adapted based on the characteristics of society, which they control11These observations suggest that the originalposition shouldn’t be thought of as a universal assembly, which at one momentincludes everyone that will live at some point, or as an assembly that may liveat some time, as this understanding would lack intellect, along with failing tobe a guiding intuition. For Rawls, the original positon must be implemented, assuch whereby a person can at any time adopt its perception, without taking intoconsideration when and who the viewpoint is taken by, but the restriction beingthat same principle are always chosen. The veil of ignorance is a key factor inmeeting this requirement, as it makes sure that not only is the informationapplicable, but identical at all times12Furthermore Rawls provides two principles ofjustice that complement the original position13: Firstprinciple: Each person is to have an equal right to themost extensive scheme of equal basic liberties compatible with a similar schemeof liberties for others. Second principle: socialand economic inequalities are to be arranged so that they are both(a) Reasonably expected to be to everyone’sadvantage, and (b) Attached to positions and offices open toall. These principles relate, to the ordinarystructure of society and govern the privileges imposed on parties, including controllingthe supply of financial benefits. The first principle requires that rules definingbasic freedoms, apply to all similarly and that they permit the most extensivefreedom, with a comparable freedom for everyone.  The second principle applies, to theallocation of income and prosperity. Although the distribution of wealthdoesn’t have to be fair, importantly it must be to everyone’s benefit andpositions of power should be available to all.

Rawls identifies 4 interpretationsof the Difference principle, those being Natural aristocracy, Liberal equality, Natural liberty and the one chosen by Rawls is Democratic equality. As the ‘ positionsand offices open to all’ is to be interpreted to demand equal opportunity, therefore this standard removes obvious discrimination enabling individualswith equal talents to have similar opportunities to gain success without theinfluence of hereditary privileges. The distinguishing factor, between thedemocratic equality principle and the other principles identified by Rawls, is theinclusion of the difference principle when interpreting ‘ to everyone’sadvantage’ as under the difference principle the least advantaged are those withless than half the average wealth, therefore the difference principle aims toremove the subjective nature of abilities affecting life chances14In addition to this, the priority rules areinterrelated to the principles of justice and encompass Rawls’s argument about howthe principles of justice are to be applied. 15FIRSTPRIORITY RULE (THE PRIORITY OF LIBERTY)The principles of justice are to be ranked inlexical order and therefore the basic liberties can be restricted only for thesake of liberty. There are two cases: (a) Aless extensive liberty must strengthen the total system of liberties shared byall; (b) Aless than equal liberty must be acceptable to those with the lesser libertySECONDPRIORITY RULE (THE PRIORITY OF JUSTICE OVER EFFICIENCY AND WELFARE) The second principle of justice is lexicallyprior to the principle of efficiency and to that of maximizing the sum ofadvantages; and fair opportunity is prior to the difference principle. Thereare two cases: (a) An inequality of opportunity must enhancethe opportunities of those with the lesser opportunity; (b) An excessive rate of saving must onbalance mitigate the burden of those bearing this hardshipRawls states that these rules are to beorganized in sequential order, with the first principle preceding the second. The purpose of this assembling is to ensure that intrusions of the basic equalliberties, which are secured by the first principle can’t be reimbursed for, nor be secure by superior capital advantages.

16For Rawls, the priority of liberty has a logical significance for the reasonbeing that as the principles of justice should be applied in lexical order thisimplies an ordinal separation of all supplementary features of the theory towhich they relate. The priority rules enable Rawls to differentiate between theprinciples of justice from his “ general conception” of justice.  Without the priority rules, Rawls principleswould disintegrate in to solitary general principles that17 “ all social primary goods.

.. are to bedistributed equally unless an unequal distribution of any or all of these goodsis to the advantage of the least favored” 18While Rawls proposes a strong account of histheory of justice, the ideas have still come under great criticism. Dworkin questionsthe hypothetical nature and practicality of the original positon, whereas Okinargues that the principle of justice don’t apply to a family. Firstly, Dworkins question the practicality ofthe original position. For Rawls, justice is a contract amongst two personsbehind the veil of ignorance. Dworkin refutes this notion, by suggesting thatjustice is not a genuine agreement, but rather a hypothetical one which reinforcesDworkins difficulty in understanding the practical nature of the original position.  As Dworkin states “ A hypothetical contract is not simply apale form of an actual contract; it is no contract at all” thereby arguing that theoretical agreements, have nopower to bind individuals to fulfill the promises they have made, unlike realagreements.

19 On the other hand, Rawlscould suggest that justice as an agreement shouldn’t be considered as the fundamentalsof his theory, but rather a director concerning the principles of justice. Inthis situation, Rawls would interpret the principles as the accepted right ofevery person to have equivalent advantages and disadvantages, therefore theoriginal position alongside the veil of ignorance provide a betterunderstanding of the rights to equal rewards and difficulties. Secondly, Okin argues that forRawls the family is non-political, therefore irrelevant to the principles ofjustice. Okin suggests that by placing the family in a similar group aschurches, Rawls likens the family to a voluntary association whereby memberscan leave at any time, thereby disregarding the internal justice of the family. As Rawls discounts the family from the political, this formulates a separation amongstthe private and political life, which resurrects the mistakes of thetraditional social contract theorists.

In response to Rawls’s beliefs, Okinstates that “ thefamily is a social institution that defies Rawls’ political/nonpoliticaldichotomy” which means that the family is political intwo ways. Firstly, within families problems of power and allotting of resourcesoccur, and secondly, families have substantial political and social effectswithin society. 20Okin further argues that Rawls’s evaluation of the family to a voluntaryassociation such as a church is incorrect as an individual doesn’t have achoice in which family he is born in to, unlike voluntary establishments. 21However Rawls argues that the principles areapplicable to a family and that they guarantee equal rights for both women andtheir children. Rawls states that the doctrines of political justice apply tothe “ basic structure of societyunderstood as the arrangement of society’s main institutions into a unifiedsystem of social cooperation over time”, however the principles don’t applyto the internal life of the numerous relations within society, of which thefamily is one.

Nevertheless Rawls does acknowledge that these principlesenforce “ essential constrains” on thefamily as they “ guarantee basic rightsand liberties and fair opportunities for all its members” therefore thebasic rights and freedoms of the wife will unquestionably be secured by the restrictionsimposed on the family as a basic structure as well as equal opportunities inthe community22To conclude, Rawls’s conception of justice canbe considered to be an important influence on jurisprudential beliefs. Thisessay has examined the main features of Rawls theory of justice and theapplication of those principles in society in order to achieve a just outcomewhen distributing wealth or other goods. The central criticisms of the theoryhave also been critically discussed, showing that although the originalposition is a hypothetical situation this shouldn’t be considered as theguiding principle of the actual theory, as well as rebutting the argument thatthe principles of justice aren’t applicable to a family situation.