

To shares which  
deliver the correct  
portioning



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To understand Rawls meaning behind justice, the following ideas will be the primary focus of this essay; the original position, the veil of ignorance, the principles of justice and the priority rules although several other principles are discussed in his book. However the theory has come under critique by fellow philosophers such as Dworkin and Okin whose position will be discussed in this essay. This essay will aim to justify that Rawls's understanding of justice is correct, by analytically disproving the argument presented by fellow philosophers. To begin with, Rawls understanding of the role of justice is critical to understanding Rawls meaning of justice.

Rawls believes that justice is the primary feature of social institutions therefore however effective laws or even institutions maybe, they must be removed if they are unjust for society. According to Rawls there is an individuality of benefits, since social cooperation's enable the opportunity of an improved life for everyone, which wouldn't have been attainable by individual efforts, however there is also a battle of interests, as those involved are unaware how the interests should be distributed fairly, as everyone would favour a larger share.

As a result of this conflict Rawls suggests that principles of social justice are needed to identify the proper distributive shares which deliver the correct portioning of the benefits and problems of social cooperation.

Furthermore, Rawls considers the original agreement to be the overriding doctrine of the principles of justice, a basic position recognised as equal by a rational person concentrated on increasing their own interests which govern the form of social cooperation that can be entered. This classification of the principle of justice, are to be named justice as fairness<sup>1</sup>The first notion which

illustrates Rawls's meaning behind justice is the original position. Rawls states that the original position is a hypothetical condition which enables the conclusion towards a definitive conception of justice. In the original position, individuals within the society are oblivious to important human characteristics such as class position, intelligence and strength. The principles of justice are selected behind a veil of ignorance; the purpose of this practice is to ensure that no one 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 formulate principles which favour their specific conditions this allows the principles of justice to lead to an equal agreement. The individuals within the original position are equal therefore have similar rights in choosing principles, to make proposals, submit reason for their acceptance, as so on, which embodies equality amongst human beings as moral persons. Alongside the veil of ignorance, which will be discussed further along in the essay; these circumstances exemplify the principles of justice, as those which free persons motivated to develop their interests would agree to as equal, when they aren't influenced by the rewards and difficulties of communal and natural possibilities. Rawls provides a method to view the original position, which would enable us to gather whether the principles picked match the measured conviction of justice, or encompass them in an acceptable manner. The application of these principles could lead to two possible outcomes, one which 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 our current judgements, and these principles deliver solutions, which we are then able to confirm through consideration. According to Rawls there are certain questions that have a fixed answer, for example that religious intolerance and racial discrimination are unjust, based on unbiased judgements that are unlikely to be affected by an extreme consideration of our own benefits, however the question of what is right distribution of wealth and authority does not have a fixed answer.

3 For Rawls, to find the perfect answer we start by describing the situation, which exemplifies normally shared and preferably fragile conditions, to see whether these conditions are resilient enough to yield a significant set of principles, if not then we aim to find correspondingly rational principles, but if so and these principles complement our measured beliefs of justice, then this is satisfactory. As there are likely to be inconsistencies, this means that we have choice to change the account of the original situation or reconsider our current judgement. This process is likely to lead to a solution which concurs with the original position, thereby articulating conditions that are considered rational and produce principles which match our judgement. Rawls refers to this as the "reflective equilibrium" because at last our principles and judgements coincide; and it is reflective since we know to what principles our judgements conform and the premises of their derivation<sup>4</sup>. Furthermore Rawls proposes the notion of 'the strain of commitments', as each party will be mindful that they have a sense of justice, this means that they will be bound by any principles that they select, knowing that they<sup>5</sup> "cannot enter into agreements that may have consequences that they cannot accept"

6therefore all the parties must evaluate the consequences that there selected principles will have on other individuals.

For this reason Rawls argues that following his principle would be far simpler than those of average utility, as for the benefit of the parties, this would eliminate living with "the worst eventualities" 8The purpose of the original position is to create a fair procedure, so that the principles approved are just. The intention is to use the principles of justice, to remove the consequences of eventualities which enable people to take advantage of natural and social circumstances for their own good. Rawls believes to nullify this procedure the parties are positioned behind the veil of ignorance. 9The veil of ignorance is a situation where the parties will be anonymous of exacting facts, for example "no one knows his place in society, his class position ... his intelligence and strength... More than this, I assume that the parties do not know the particular circumstances of their own society. That is, they do not know its economic or political situation or the level of civilization and culture it has been able to achieve...the persons in the original position have no information as to which generation they belong." The purpose of this disclosure is to ensure that the parties decide their principles based on universal considerations. The wider restrictions imposed on knowledge, as there because queries of social justice ascend among generations as well as within them, for example the appropriate rate of capital saving.

10 However it is presumed that the parties will have knowledge of general facts about human society, such as "political affairs and the principles of economic theory", but most importantly there will be no limitations placed on

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the intake of general information for the parties as the principles of justice must be adapted based on the characteristics of society, which they control<sup>11</sup> These observations suggest that the original position shouldn't be thought of as a universal assembly, which at one moment includes everyone that will live at some point, or as an assembly that may live at some time, as this understanding would lack intellect, along with failing to be a guiding intuition. For Rawls, the original position must be implemented, as such whereby a person can at any time adopt its perception, without taking into consideration when and who the viewpoint is taken by, but the restriction being that same principle are always chosen. The veil of ignorance is a key factor in meeting this requirement, as it makes sure that not only is the information applicable, but identical at all times<sup>12</sup> Furthermore Rawls provides two principles of justice that complement the original position<sup>13</sup>: First principle: Each person is to have an equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberties for others. Second principle: social and economic inequalities are to be arranged so that they are both (a) Reasonably expected to be to everyone's advantage, and (b) Attached to positions and offices open to all. These principles relate, to the ordinary structure of society and govern the privileges imposed on parties, including controlling the supply of financial benefits. The first principle requires that rules defining basic freedoms, apply to all similarly and that they permit the most extensive freedom, with a comparable freedom for everyone. The second principle applies, to the allocation of income and prosperity. Although the distribution of wealth doesn't have to be fair, importantly it must be to everyone's benefit and positions of power should be available to all.

Rawls identifies 4 interpretations of the Difference principle, those being Natural aristocracy, Liberal equality, Natural liberty and the one chosen by Rawls is Democratic equality. As the 'positions and offices open to all' is to be interpreted to demand equal opportunity, therefore this standard removes obvious discrimination enabling individuals with equal talents to have similar opportunities to gain success without the influence of hereditary privileges. The distinguishing factor, between the democratic equality principle and the other principles identified by Rawls, is the inclusion of the difference principle when interpreting 'to everyone's advantage' as under the difference principle the least advantaged are those with less than half the average wealth, therefore the difference principle aims to remove the subjective nature of abilities affecting life chances<sup>14</sup> In addition to this, the priority rules are interrelated to the principles of justice and encompass Rawls's argument about how the principles of justice are to be applied.

**15 FIRST PRIORITY RULE (THE PRIORITY OF LIBERTY)** The principles of justice are to be ranked in lexical order and therefore the basic liberties can be restricted only for the sake of liberty. There are two cases: (a) A less extensive liberty must strengthen the total system of liberties shared by all; (b) A less than equal liberty must be acceptable to those with the lesser liberty

**SECOND PRIORITY RULE (THE PRIORITY OF JUSTICE OVER EFFICIENCY AND WELFARE)** The second principle of justice is lexically prior to the principle of efficiency and to that of maximizing the sum of advantages; and fair opportunity is prior to the difference principle. There are two cases: (a) An inequality of opportunity must enhance the opportunities of those with the lesser opportunity; (b) An excessive rate of saving must on balance mitigate the burden of those bearing this hardship

Rawls states that these rules are to

be organized in sequential order, with the first principle preceding the second. The purpose of this assembling is to ensure that intrusions of the basic equal liberties, which are secured by the first principle can't be reimbursed for, nor be secure by superior capital advantages.

16 For Rawls, the priority of liberty has a logical significance for the reason being that as the principles of justice should be applied in lexical order this implies an ordinal separation of all supplementary features of the theory to which they relate. The priority rules enable Rawls to differentiate between the principles of justice from his "general conception" of justice. Without the priority rules, Rawls principles would disintegrate into solitary general principles that<sup>17</sup> "all social primary goods.

.. are to be distributed equally unless an unequal distribution of any or all of these goods is to the advantage of the least favored"<sup>18</sup> While Rawls proposes a strong account of his theory of justice, the ideas have still come under great criticism. Dworkin questions the hypothetical nature and practicality of the original position, whereas Okin argues that the principle of justice don't apply to a family. Firstly, Dworkin questions the practicality of the original position. For Rawls, justice is a contract amongst two persons behind the veil of ignorance. Dworkin refutes this notion, by suggesting that justice is not a genuine agreement, but rather a hypothetical one which reinforces Dworkin's difficulty in understanding the practical nature of the original position. As Dworkin states "A hypothetical contract is not simply a pale form of an actual contract; it is no contract at all" thereby arguing that theoretical agreements, have no power to bind individuals to fulfill the promises they have made, unlike real agreements.

19 On the other hand, Rawls could suggest that justice as an agreement shouldn't be considered as the fundamental of his theory, but rather a director concerning the principles of justice. In this situation, Rawls would interpret the principles as the accepted right of every person to have equivalent advantages and disadvantages, therefore the original position alongside the veil of ignorance provide a better understanding of the rights to equal rewards and difficulties. Secondly, Okin argues that for Rawls the family is non-political, therefore irrelevant to the principles of justice. Okin suggests that by placing the family in a similar group as churches, Rawls likens the family to a voluntary association whereby members can leave at any time, thereby disregarding the internal justice of the family. As Rawls discounts the family from the political, this formulates a separation amongst the private and political life, which resurrects the mistakes of the traditional social contract theorists.

In response to Rawls's beliefs, Okin states that "the family is a social institution that defies Rawls' political/nonpolitical dichotomy" which means that the family is political in two ways. Firstly, within families problems of power and allotting of resources occur, and secondly, families have substantial political and social effects within society. Okin further argues that Rawls's evaluation of the family to a voluntary association such as a church is incorrect as an individual doesn't have a choice in which family he is born in to, unlike voluntary establishments. However Rawls argues that the principles are applicable to a family and that they guarantee equal rights for both women and their children. Rawls states that the doctrines of political justice apply to the "basic structure of society understood as the

arrangement of society's main institutions into a unified system of social cooperation over time", however the principles don't apply to the internal life of the numerous relations within society, of which the family is one.

Nevertheless Rawls does acknowledge that these principles enforce "essential constraints" on the family as they "guarantee basic rights and liberties and fair opportunities for all its members" therefore the basic rights and freedoms of the wife will unquestionably be secured by the restrictions imposed on the family as a basic structure as well as equal opportunities in the community.<sup>22</sup> To conclude, Rawls's conception of justice can be considered to be an important influence on jurisprudential beliefs. This essay has examined the main features of Rawls theory of justice and the application of those principles in society in order to achieve a just outcome when distributing wealth or other goods. The central criticisms of the theory have also been critically discussed, showing that although the original position is a hypothetical situation this shouldn't be considered as the guiding principle of the actual theory, as well as rebutting the argument that the principles of justice aren't applicable to a family situation.