

What is primary  
subject of justice for  
rawls philosophy  
essay



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The basic structure ' is the way in which the main political and social institutions of society fit together into one system of social cooperation, and the way they assign basic rights and duties and regulate the division of advantages that arises from social cooperation over time. The political constitution ..., the legally recognised forms of property, and the structure of the economy ..., as well as the family in some form, all belong to the basic structure.' (JFR, 10)

Rawls has persuasively shown that social justice is of crucial importance to social life and that it should inform constitutions, laws, policies, legal processes, etc. In fact, according to him, the primary subject of justice is the basis structure of society. His principle of social justice justifies, and is justified by, liberal democracy, a regulated market economy and the liberal-egalitarian welfare state.

### **Why is that the primary subject of justice?**

For us the primary subject of justice is the basic structure of society, or more exactly, the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation. By major institutions I understand the political constitution and the principal economic and social arrangements. . . . The basic structure is the primary subject of justice because its effects are so profound and present from the start. The intuitive notion here is that this structure contains various social positions and that men born into different positions have different expectations of life determined, in part, by the political system as well as by economic and social circumstances. In this way the institutions of society favour certain starting places over others.

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## **What does Rawls set aside as objects of inquiry?**

## **What is a conception of social justice supposed to provide? How does it differ from the concept of justice?**

The virtue of justice and its priority:

Justice is the first virtue of social institutions, as truth is of systems of thought. A theory however elegant and economical must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust. Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override. For that reason justice denies that the loss of freedom for some is made right by a greater good shared by others. (TJ, 1-2)

Thus the role of justice:

Principles of social justice ... provide a way of assigning rights and duties in the basic institutions of society and they define the appropriate distribution of the benefits and burdens of social cooperation. (TJ, 2) – social justice – equality of resources.

## **What are Rawls' principles of justice?**

Rawls argues that self-interested rational persons behind the veil of ignorance would choose two general principles of justice to structure society in the real world:

1) Principle of Equal Liberty: Each person has an equal right to the most extensive liberties compatible with similar liberties for all. (Democratic.)

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2) Difference Principle: Social and economic inequalities should be arranged so that they are both (a) to the greatest benefit of the least advantaged persons, and (b) attached to offices and positions open to all under conditions of equality of opportunity.

## **What basic liberties is he talking about?**

### **The Priority of Liberty**

The principles of justice are to be ranked in lexical order and therefore liberty can be restricted only for the sake of liberty. There are two cases:

(a) a less extensive liberty must strengthen the total system of liberty shared by all;

(b) a less than equal liberty must be acceptable to those with the lesser liberty.

### **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 specifies what he regards as basic liberties: “ freedom of thought and liberty of conscience; freedom of association; and the freedom defined by

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the liberty and integrity of the person as well as by the rule of law; and finally the political liberties” (Rawls 1982, 162), which is not meant to be a complete list.

### **What is the ordering of the principles like? What does it mean to say that there is a ‘lexical’ order between them?**

Rawls himself suggests a division of labour between economics and political philosophy when he proposes a lexical order between the two principles as stated in the first priority rule. The role of economics is strictly within the constraints of the system of basic liberties.

Note that the first principle of justice, which is lexically prior to the second, is about the distribution of liberties while the second principle is about opportunities, income and wealth. Thus, we may well say that the primary goods are hierarchically ordered, liberties being in the top category.

### **What are primary goods? What role do they play in Rawls’ theory?**

According to Rawls liberties are primary goods and a comparison of goods is assumed to be unproblematic. Primary goods are what “ every rational man is presumed to want. These goods normally have a use whatever a person’s rational plan of life.” (Rawls 1971, 62)

Primary goods fall in different categories. The basic types of primary goods are “ liberty and opportunity, income and wealth, and the bases of self-respect” (Rawls 1971, 62). Note that the first principle of justice, which is lexically prior to the second, is about the distribution of liberties while the second principle is about opportunities, income and wealth. Thus, we may

well say that the primary goods are hierarchically ordered, liberties being in the top category.

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### **What is the principle of efficiency? What are efficient distributions like? What is the problem with the principle?**

The principle of efficiency comes from economics and primarily it was meant to evaluate the efficiency of a production (nevertheless it can be applied to distribution too). Essentially, the principle says that a change is allowed only if it makes somebody better off without making somebody worse off, i. e. if it leads to a more efficient state.

The principle of efficiency used by Rawls holds that a distribution is optimally efficient if no other distribution exists which will improve the situation of one or more persons without worsening the position of at least one other person. The principle of efficiency is applied to the basic structure of society.

### **What does the system of natural liberty add to the principle of efficiency?**

The principle of efficiency is realized when it is impossible to make one person better off without making another person worse off. Many different distributions, however, may be efficient. So the principle of efficiency must be supplemented by some other principles. In the system of natural liberty, the principle of efficiency works against a background of equal liberty and “careers open to talents.” This means formal equality of opportunity: everyone has legal access.

**Under that system, what determines how well off people will eventually be?**

**Why is the result intuitively unjust?**

**How does the liberal conception of equality try to address this problem?**

**What problem remains? And, so, what do we end up with as the just system?**

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