

Rawls' Theory of Justice - An Analysis

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Abstract

*Rawls was an important political philosopher of the 20th century. Rawls revived the normative aspect of Political Theory. Justice was discussed by Plato and Aristotle in detail but after that, there was no thinker who explained about this topic. During the Behavioral revolution and the emergence of logical positivism, there was a debate regarding the decline of political theory. Rawls in his book *A Theory of Justice* lays out how a just society can be maintained. For Rawls, Justice is a Virtue. Rawls constructs his principle of justice by using Social Contract Theory and he postulates the original position where people are behind the veil of ignorance and they reach on the principles of Justice. Rawls' Theory of Justice can be called procedural but it gives importance to the Social Justice. In this paper, various aspects of Rawls' Theory have been analyzed.*

Keywords

Original Position, Veil of Ignorance, Difference Principle, Basic Structure, Rational Choice Theory

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Introduction

Justice is a very significant topic in the present era. This is a major issue in the political Philosophy also. Rawls was an American political philosopher. Rawls' Theory of justice is an important work in the history of political philosophy. Rawls' in this work has revived the normative part of political philosophy. He is his theory of justice has formulated some principles of justice which are applicable in all types of societies. This paper deals with Rawls' theory of justice. Rawls' focus was to create a well-ordered society in which Justice will be the main virtue. He focused on the basic structure of the society. It is the role of the basic structure to ensure justice in the society. Rawls' presented his views on justice as fairness, original position, veil of ignorance, two principles and the basic structure of the society. His ideas on justice are very important to deal with the issue of social justice. Rawls was critical of Utilitarianism because this theory talks about the greatest happiness of the greatest numbers but Rawls was in favor of the poor section and minority class of the society. When Rawls gave theory of justice there was a civil rights movement that supported the black minority class in America these circumstances lead to Rawls' Theory of Justice. Rawls presented his ideas about justice in a systematic manner.

Original Position

Rawls before discussing the principle of justice he talks about the Original Position. The original position is designed to model the normative claim that it is appropriate to omit certain considerations or reasons when it comes to thinking about social justice. The constraints of the original position are thus epistemological and moral rather than metaphysical, they reflect Rawls' view that justice requires that people be treated as equal and free. Respect for their equality is ensured by denying individuals any knowledge of those 'morally arbitrary' inequalities resulting from the natural and social lottery, thereby ruling out reasoning that might make reference to such inequalities. Respect for their freedom is guaranteed by depriving people of knowledge about their unique sense of the good ensuring that they are motivated to defend their general capacity to design, pursue, and modify such conceptions rather than to advocate any particular conception. (Mulhall and Swift, 2003 p.465) The original position is the appropriate initial status quo. There is a veil of ignorance in the original position. The veil of ignorance prevents the parties from basing their choice of principles on considerations that we believe to be arbitrary or irrelevant to the justification of principles of justice. They are not aware of their position in the society, talents and capabilities, their strength and level of knowledge, their outlook on life and their plans for it, as well as any specific psychological

traits (Mandle 2009,p.38)In Rawls' original position People are not self - interested because they have a sense of justice and want to manage their interactions with one another in accordance with moral standards that we consider to be just. Self-interest in the original position behind the veil of ignorance, is not self-interest beyond it. It cannot be said that the parties are self-centered because they don't have any knowledge of their social positions which would allow them to advance their interests. (Knowles 2001 p. 225)People who live in the veil of ignorance choose just principles in order to guarantee that they will have the best possible access to the primary goods provided by social institutions (i.e., the social primary goods). This does not imply that our sense of justice is motivated by egoism. Since no one can predict their future positions, asking people to make decisions based on what is best for themselves has the same effect as asking them to make decisions based on what is best for everyone when all factors are taken into account.

Rawls and Rational Choice Theory

A Theory of Justice Rawls discusses the applicability of the rational choice theory. It is always obvious that its applicability is limited to the endeavor to demonstrate deductively what principles would be selected in the original position. In order to determine which rules would be logical to apply given the contractual circumstances, we must consider the theory of rational choice. Justice is defined as impartiality (Barry, 1995, p. 54). From his earliest work, however, Rawls insisted that we have conflicting ideas and intuition about justice. We are prompted to draw on a more commonly accepted notion of justification - rational choice in our search for reasonable agreement. When using an original position argument, we merely make the assumption that people are able to make rational decisions, that they are aware of and able to act in accordance with their own interests, and that they are able to calculate the potential effects of their various decisions. If the rationality of the justice principles can be verified and identified with by actual persons who have their own interests, we may argue that the principles pass the identification test and are justified by common, everyday notions of rational choice. That is, each can rationally identify with them since she can see that she would pick them as well under conditions of impartiality. Each considers the principles to be reasonable based only on her deliberative rationality. We could claim that the justificatory power of rational choice serves as the only unifying principle in our diverse society.(Gaus&Thrasher,2015 p.40,41)

Social Co-operation

Social cooperation is an important aspect of the Rawlsian theory of justice. Rawls held the view that by cooperating in the original position people reach to the

principles of justice. For Rawls cooperation is an important factor.” The role of the justice is to specify the fair terms of social cooperation. These principles specify the basic rights and duties to be assigned by the main political and social institutions” (Rawls,2001p.7)

According to Rawls, society is a fair system of cooperation. As already said, the notion is that social cooperation enables everyone to live better lives than they otherwise might if they were to rely exclusively on their own efforts. Although society is a cooperative venture for everyone’s benefit, it is usually characterized by a conflict of interests since it makes it possible for everyone to have better lives and because people care about how the higher benefits produced by their collaboration are to be dispersed. (Lehning,2009 p.26)

The fundamental idea of society as a fair system of cooperation over a generation is developed in concurrence with two companion concepts: the idea of a well-ordered society as a society effectively regulated by a public political conception of justice. (Rawls,2005p.35)

Rawls and Social Contract Theory

Rawls revived the social contract theory which was propounded by Hobbes, Locke Rousseau and Kant. According to Rawls “My aim is to present a conception of justice which generalizes and carries to a higher level of abstraction the familiar theory of the social contract as found, say in Locke, Rousseau, and Kant.” (Rawls,1972 p.11) Specifically, rather as Hobbes seeks to resolve the problem of political obligation with an account of why rational individuals, placed in a state of nature, would choose to institute an absolute sovereign, so Rawls seeks to resolve the question of justice with an account of rational individuals, would choose from a carefully specified original position. This ‘contractualism’ is another reason why Rawls’ argument aroused so much interest when A Theory of Justice first appeared. Prior to 1971, social contract theory had appeared little more than a historical curiosity. Since then, it has turned out to be very much alive. (Haworth,2012p.261) Rawls deduces his principles from a theory of a ‘social contract. that is, a hypothetical contract has individuals choosing general rules for their society ‘before’ they receive what makes them different from one another. In the ‘Original position’ or ‘behind the veil of ignorance, as he puts it, everyone is identical to everyone else. (Kolm,1993 p.448)

The Basic Structure of Society

The institutional form of society affects its members and determines in large part the kind of persons they want to be as well as the kind of person they are. The

social structure also limits people's ambitions and hopes in different ways, for they will with reason view themselves in part according to their position in it and take account of the means and opportunities they can realistically expect. So, an economic regime, say, is not only an intuitional scheme for satisfying existing desires and aspirations but a way of fashioning desires and aspirations in the future. More generally, the basic structure shapes the way the social system produces and reproduces over time a certain form of culture shared by persons with a certain conception of their good. (Rawls,2005 p.269)

When we talk about the basic structure of a society, we are concerned with the way in which institutions operate in a systematic way to benefit some people and disadvantage others. Rawls' inclusion of this idea of a social structure in his theory marks the arrival of the age of liberal political philosophy. For the first time, a major figure in the broadly individualistic school has addressed Marx and Weber's legacy. (Brain Barry as cited in Audard,2007 p.61)

Rawls is assured that a just liberal society is the one that has a lot more space than other worlds. It is for this reason that he tries to find out how the basic political, social, and economic institutions of a modern constitutional democracy should be designed such that at the same time, the basic liberties of each person, in addition, to the claim of democratic equality can be respected. (Lehning,2009 p.17) Rawls' theory of justice as fairness describes a normative ideal to enable us to assess the 'basic structure of society, by which Rawls means the main political, social and economic institutions. (Shorten,2016 p.247)

Principle of Equal Liberty and Fair Equality of Opportunities

The first principle applies specifically to the political order of a society and assesses it according to the extent to which it secures certain basic rights and liberties of its members. The first principle of justice is "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, and only those liberties, are to be guaranteed their fair value" (Rawls, 2005, 5). Rawls never distinguishes precisely between basic rights and basic liberties, and for the sake of brevity, he often refers only to basic liberties, or only to basic rights. The second principle of Justice Rawls mention about i.e."Social and economic inequalities are to satisfy two conditions: first, they are to be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefit of least advantaged members of society." (Rawls,2001 p.42,43) For Rawls, the second principle is the difference principle which accepts inequalities only if they benefit the poor section of the society.

Distributive Justice and The Difference Principle

The difference principle articulates the concept of fraternity. Any theory of justice does not mention the brotherhood specifically. With the slogans of liberty and equality, fraternity served as the French Revolution's central theme. Fraternity plays a crucial role in society because it brings the various segments of the population together. The difference principle upholds the notion of fraternity, which states that the wealthy will profit the most from social changes unless they also assist the underprivileged. Since fraternity is typically understood as something containing components of sentiments and feelings, the democratic theory does not include it. However, if justice as fairness is seen to be something that includes social unity, it can be accommodated. Rawlsian Justice does a great job of incorporating the traditional concepts of liberty, equality, and fraternity. The first liberty-related rule. The first principle, which is equal opportunity for all, and the second principle, which relates to fraternity, both express equalities. (Dadhich, 2019p.63) Rawls' Difference Principle is based on the moral judgment that all inequalities in people's prospects for a good life that arise from the basic structure of society and for which they are not responsible are, at first glance, unfair. These inequalities can only be justified if the institutions that comprise that structure are the best ones available for achieving an egalitarian goal—that of making the group that is least privileged in society as fortunate as possible. This is an egalitarian goal since it prevents further equality only if doing so will leave everyone worse off. (Nagel 2003, p. 71)

Rawls is concerned with justice in only one of the many senses of the term. For him, questions of how the benefits and burdens of social cooperation are to be shared, and the principles of justice he develops are to apply in the first instance not to arbitrary distributions of goods but to the basic institutions of society which determine 'the assignment of rights and duties and regulate the distribution of goods but to the institution of society which determines the assignment of rights and duties and... regulates the distribution of social and economic advantages. Rawls principles apply to particular distributions only indirectly: a distribution may be called just if it is the result of just institutions working properly. But the principles provide no standard for appraising the justice of distributions independent of the institution affecting them. (Scanlon, 1975p.191) Rawls argues that parties are presented with a shortlist of the traditional conception of justice and must decide which will secure them the largest share of social primary goods. Rawls believes that it is rational for the

parties to choose his two principles of justice are the maximin solution to the problem of justice. (Farrelly,2004 p.9)Thus Rawls' difference principle is a very important aspect of distributive justice.

Conclusion

Rawls 'Theory of Justice has been one of the greatest works in Political Philosophy. Rawls formulates his principle of Justice which will be important to create a just society. Justice has been a significant topic in moral and political Philosophy. Rawls theory of justice starts with procedural theory and leads to the substantive justice. Rawls 'in his theory of Justice discusses about the distributive justice. The distribution of Primary goods is important to achieve justice and the basic structure of the society should be designed to ensure justice in the society. So, it can be said that Rawls theory of justice sets some principles to achieve social justice in the society.

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