

John Rawls After 100 Years: An Overview

Gargi Sengupta*

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Abstract: Rawls, the most influential political philosopher of 21st century gives the Theory of Justice which says that a well ordered society needed a concept of justice as a basic requirement and that such a concept could be developed by rational individuals behind a veil of ignorance. A just society, according to Rawls would be a property owning democracy in which ownership of the means of production is widely distributed and those who are worst off are prosperous enough to be economically independent. A Theory of Justice revitalized the social contract tradition to defend the detailed vision of egalitarian liberalism. In political liberalism he recasts the role of political philosophy accommodating it to the effectively permanent reasonable pluralism. The law of peoples focuses on the issue of global justice.

Keywords: Justice as fairness, Original position, Veil of ignorance, Liberty and difference principle, Ideal of public reason.

* Assistant Professor, Dept. of Political Science, Chapra bangalji Mahavidyalaya, Nadia.
e-mail: gargisengupta.cbm@gmail.com

John Rawls was one of the most distinguished moral and political philosophers of the twentieth century. He was the second of five children of William Lee Rawls and Anna Abell stump. He earned his bachelor's degree in 1943 from Princeton University and earned a PhD in moral philosophy in 1950. He taught at Princeton (1950-52), Cornell University (1953-1959), Massachusetts Institute of Technology (1960-1962), and finally Harvard University. Rawls's most discussed work in his theory of a just liberal society is *A Theory of Justice* in 1971 which presents a new social theory called *Justice as Fairness*, centering around rather justice than the idea of liberty or equality. Here he argues about the principles of justice and studies on how the processes of the principles of justice can be justified. Rawls's theory- the theory of justice, is concerned with what its author called the classical problems of modern political problems about the grounds of basic civil liberties, the limits of political obligation, and the justice of economic and other inequalities. His other remarkable works are *Justice as Fairness* (1985), *The Law of Peoples* (1993), *Political Liberalism* (1993).

In *A Theory of Justice* Rawls deploys a social contract theory to vindicate liberal political principles of civil liberty and distributive justice. Rawls begins his theory by assuming a hypothetical situation which will be known as the original position. In order to arrive at a just system of social distribution which is also fair and in which everyone operates with each other and is assumed to act justly, one must first remove all biases in order to come to a common consensus on the good of society. Thus the original position assumes a veil of ignorance in which one is unaware of what one's social status, income, religion or natural endowments might be when making one's decision. This is so that no one can design the principles of their own favour or allow them to be influenced by natural chance or the contingencies of social status. Rawls is specifically concerned with the principles that free and rational people concerned with furthering their own interests would accept in an initial position of equality as defining the fundamental terms of their association. This is known as justice as fairness.

Rawls's theory is oriented towards liberalism and form the basis for what law enforcement and the criminal justice system, should strive for in a pluralistic and liberal society. Rawls holds that the need to impose a unified law on a diverse citizenry raises two fundamental challenges. The first is the challenge of legitimacy i.e. the legitimate use of coercive political power. The second challenge is the challenge of stability, which looks at political power from the receiving end. Rawls, thinks a just society will conform to rules that everyone would agree to in the original position.".....they are deliberating behind the veil of ignorance.....don't know their personal circumstances, or even their view of the good life."¹ Rawls suggests that we should imagine we sit behind a veil of ignorance that keeps us from knowing who we are and identifying with our personal circumstances. By being ignorant of our circumstances, we can more objectively consider how societies should operate. Two primary principles supplement Rawls's veil of ignorance namely the *Liberty Principle* and the *Difference Principle*. According to the first principle of justice- All people have equal claims to as much freedom as is consistent with everyone else having the same level of freedom. This is his *Liberty principle* which tries to ensure that everyone enjoys the maximum liberty possible without intruding upon the

freedom of others. According to Rawls, if we imagine ourselves as deliberators, we might be tempted by the idea of total equality in primary goods. This ensures, at least, that nobody will be better off than others for arbitrary reasons. Rawls's second principle which addresses social and economic inequalities has two parts:

First, people in the original position will tolerate inequalities only if the jobs that pay more aren't assigned unfairly. This gives us the ideal of fair equality of opportunity. Inequalities are allowed only if they arise through jobs that equally talented people have equal opportunity to get.

Second, since their reasoning is governed by the maximin principle, deliberators will only tolerate inequalities that benefit the worst off: since, as far as they know, they might be the worst off, this maximizes the equality of their worst possible outcome. This is called the *Difference Principle*.

In *A Theory of Justice* Rawls attempts to resolve the problem of distributive justice in society. As a matter of fact his theory of justice as fairness describes a society of free citizens holding equal basic rights and cooperating within an egalitarian economic system. "Rawls is opposed to the traditional philosophical arguments on what constitute a just institution and the justification for social actions and policies."² He tries to explain that an adequate account of justice cannot be derived from utilitarianism, because that doctrine is consistent with intuitively undesirable forms of government in which the greater happiness of a majority is achieved by neglecting the rights and interests of a minority and an idea of the tyranny of majorities over minorities. In opposing the utilitarian arguments.....In *A Theory of Justice*, Rawls goes back to classical theories of the social contract, holding that the natural state of human beings is freedom, not subjugation to a monarch, no matter how benign or well intentioned. He makes references to John Locke and most particularly, to Jean-Jacques Rousseau and Immanuel Kant but not to Thomas Hobbes, whose theory of sovereignty he rejects. Rawls's theory views human beings as inherently good and echoing Kant inclined towards moral rectitude and action. Thus, Rawls expands social contract theory to include justice as fairness and also in *A Theory of Justice* he introduces a universal system of fairness and a set of procedures for achieving it. Rawls's justice theory contains three principles and five procedural steps for achieving fairness. The principles are original position, veil of ignorance and unanimity of acceptance of the original position respectively. The procedural steps or conjectures are entering into the contract, agreeing unanimously to the contract, including basic conditions in the contract such as freedom of speech, maximizing of the welfare of the most disadvantaged persons and ensuring the stability of the contract respectively.

"The original position is a hypothetical situation. Rawls asks what social rules and institutions people would agree to, not in actual discussion but under fair conditions where nobody knows whether they are advantaged by luck. Fairness is achieved through the veil of ignorance, an imagined device where the people choosing the basic structure of society, have morally arbitrary features hidden from them."³ The original position means we are all equal in our ignorance. Under this condition, we would agree to the *Liberty Principle* such as

freedom of expression and freedom from arbitrary arrest and *Difference Principle* in which inequalities are permitted provided they are positions open to all benefit the least advantaged within society. In *A Theory of Justice* Rawls proposes a striking and original connection of liberty and equality, animated by a tolerant and democratic faith in human possibilities. This book proposes a conception of justice-Rawls calls it justice as fairness-that is committed to both the individual rights we associate with classical liberalism and to an egalitarian ideal of fair distribution conventionally associated with socialist and radical democratic traditions.

In *A Theory of Justice* Rawls actually provides a contract theory of the principles of social justice in terms of the basic structure of society and the way in which the major social institutions distribute fundamental rights and duties to determine the division of advantages from social cooperation. According to Rawls, the primary subject of justice is the basic structure of society, the way that major institutions such as the political system, the economic system and the family interact to safe people's life prospects. The principle of justice are intended to regulate the basic structure. The duties imposed by social justice on individuals are ancillary; individuals have a duty to conform to the rules of just institutions, if they exist, and if they do not exist, to strive to some extent to bring them about. On the other hand, Rawls says that "justice as fairness assigns a certain primacy to the social". Unlike Kant's categorical imperative procedure, the original position is designed to represent the predominantly social bases of justice. "Justice is predominantly social does not mean that people do not have natural moral rights and duties outside society or in non cooperative circumstances -Rawls clearly thinks there are human rights and natural duties that apply to all human beings as such."⁴ Rawls sees political and economic justice as grounded in social cooperation and reciprocity. That is why Rawls upholds the idea of a state of nature wherein pre social but fully rational individuals agree to cooperative norms (as in Hobbes) or where pre- political persons with antecedent natural rights agree on the form of a political constitution (as in Locke).

Again, Rawls's theory of justice has an inner tendency to egalitarian liberalism. In fact, Rawls explains his theory as an egalitarian conception of justice. "His theory of justice supports welfare capitalism. To establish a just society, Rawls adds egalitarian factors to liberalism."⁵ Rawls's proposed reconciliation of liberty and quality is expressed in his two principles of justice. According to the first principle - each citizen has a right to the most extensive system of equal basic personal and political liberties compatible with a similar system of liberties for others. These liberties, Rawls argues, have special priority and are not to be restricted in the name of the community's overall good. His second principle of justice restricts the extent of social and economic inequalities. Jobs and positions of responsibility which often carry equal rewards must be open to everyone under conditions of fair equality of opportunity. Fair equality demands that people who are equally talented and motivated must have equal chances to attain desirable positions, regardless of their social background. To be specific, in his *A Theory of Justice*, he attempted to find a widely acceptable moral basis for two broad kinds of social and political institutions. First, he argues for the non- negotiable importance of a familiar list of equal basic liberties. These include freedom of expression, religion, conscience, property and

political participation. Second, he argues that justice requires arranging society so that the poorest citizens will be kept as well-off as possible.

Political Liberalism, another important work by Rawls in 1993 is an update of his 1971 work, *A Theory of Justice*. It is Rawls's most detailed account of how a modern constitutional democracy, based on a liberal political conception, could and would be viewed as legitimate by reasonable citizens. Here he argues that his theory of justice is not a comprehensive conception of the good but rather is compatible with a liberal conception of the role of justice- that is the government should be neutral in competitions between two forces of good. In the introduction of the book he argues that his concept of justice as fairness needs refining and that the kind of stability needed in a democratic society with a pluralism of reasonable but differing moral views, cannot coexist with a single concept of stability. Actually this book continues and revises the ideas of justice as fairness that John Rawls presents in *A Theory of Justice* but changes its philosophical interpretation in a fundamental way. He argues that his two principles of justice as such can be supported by all reasonable individuals even in a pluralistic society. This book is an attempt to show that his theory of justice "is not a comprehensive conception of the good but is instead compatible with a liberal conception of the role of justice, means the government should be neutral between competing conceptions of the good."⁶ Rawls thinks that the political principles of a liberal society must be presented in such a way as to be acceptable to citizens who hold a wide range of different positions. Rawls's *Political Liberalism* is the wider rethinking of the relation of moral and social theory. Rawls develops *political Liberalism* in response to his increasing appreciation of the depth of disagreement among responsible people and the complexities of formulating a moral theory appropriate for societies with such diversity. To be specific, it has set the agenda for much of political philosophy in the twenty first century.

Another major work of Rawls is *The Law of Peoples* which extends the idea of social contract to the society of peoples and lays out the general principles, accepted by both liberal and non liberal societies. This book is simply the extension of these same ideas to the political society of well- ordered peoples. This book is counted as a work on the theory of international relations. The book attempts to apply Rawls's approach to a theory of justice not to individuals aiming to live together in a just polity but to people's forming, or attempting to form, a global community.

John Rawls, the most important political philosopher of 21st century concentrates on the theories which are not focused on helping individuals cope with ethical dilemmas. Rather they address general concepts that consider how the criminal justice system ought to behave and function in a liberal democracy. Rawls's theory of justice is very much important in discussing welfare economics and social welfare functional. His basic point is generally taken to be his *Difference Principle* (maximizing the welfare of the worst off individual) for evaluating the equity of resource allocation. It is Rawls who opines the idea of justice as fairness and also "identifies social justice as the first characteristic of social institutions."⁷ He is more concerned for the poor class. In *A Theory of Justice* Rawls holds that every individual has an equal right to basic liberties and that they should have the right to opportunities and an equal chance as

other individuals of similar ability. His idea is reflected in the present day context also even after hundred years. Rawls's concept of equal liberty can still be seen applicable in present scenario. His work reflects the picture of 21st century. His ideas for uplifting of minority group are indispensable for equality. He is able to justify fully his principle of inequality. It can be said that "Rawls plays a major role in reviving an interest in the substantive questions of political philosophy"⁸ Rawls is concerned with the many ways in which attributes the moral worth and still occupying a pivotal role in the sphere of political philosophy.

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