UNIT-15: JOHN RAWLS: JUSTICE AS FAIRNESS

UNIT STRUCTURE

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15.1 LEARNING OBJECTIVES

After going through this unit you will be able to know

- What is the meaning of justice
- Why justice is necessary for the society
- What is Just Distribution
- How Rawl explained about justice in his "Theory of Justice"
- What are the criticism has made against Rawl's "Theory of Justice"

15.2 INTRODUCTION

A Theory of Justice is a work of political philosophy and an ethics by John Rawl's, in which the author attempts to solve the problem of distributive justice by utilizing a variant of the familiar device of social contract. This theory is also known as "Justice of Fairness". It was originally published in 1971 and revised in both 1975 and 1999.

15.3 WHAT IS JUSTICE?

Justice is the legal of philosophical theory by which fairness is

administered. It is a central moral standard in social life, is generally held to have a prominent role in social theory and social action.

It is conventional to distinguish 'formal justice'(the law) and material justice(morality and politics), although some theorists of justice treat the two concepts as parallel or overlapping and argue that since legal or criminal justice concerns the distribution of penalties to the guilty. It has much in common with social justice, which deals with the allocation of scarce goods to a population: both are premised on the ideas of due process, impartiality and distribution according to appropriate criteria.

Most academic debate about the concept of justice starts with John Rawl's famous 'difference principle', which asserts that inequalities in the distribution of scarce goods (power, money, access to healthcare, or whatever) are justified only if they serve to increase the advantage of the least favored groups in society.

15.4 JUST DISTRIBUTION

Just distribution or distributive justice concerns the nature of a society just allocation of goods in a society. The concept includes the available quantities of goods, the process by which goods are to be distributed, and the resulting allocation of the goods to the members of the society.

John Rawl himself was particularly concerned with distributive justice, which is about the distribution of what he calls ''the social surplus'—that is, all the things we get only through co-operating in a society.

Rawl believes that justice can be created through just institutions. If what he calls the 'basic structure' of a society is just, then that society will be just. Rawl says that in order to determine which social institutions would be just, we need to discover what kind of social structure would be chosen by rational agents free from prejudice and partiality, that is ,what principles of justice do they think ought to govern the basic institutions of society.

15.5 JOHN RAWL'S THEORY OF JUSTICE

Rawls theory of justice revolves around the adaption of two

fundamental principles of justice which would, in turn, guarantee a just and morally acceptable society. The first principle guarantees that right of each person to have the most extensive basic liberty compatible with the liberty of others .The second principle states that social and economic positions are to be

a) to everyone's advantage and

b) Open to all.

A key problem to Rawls is to show how such principles would be universally adopted and here the work borders on general ethical issues. He introduces a theoretical "veil of ignorance" in which all the "players" in the social game would be played in a situation which is called the "original position". Having only a general knowledge of the facts of "life and society", each player is to abide based on their moral obligation, by denying the players any specific information about themselves it forces them to adopt a generalized point of view that bears a strong resemblance to the moral point of view.

Rawl proposes that the most reasonable principles of justice for a society are those that individuals would themselves agree to behind the "veil of ignorance", in circumstances in which each is represented as moral powers. What this position supports is that while each position has different ends and goals, different backgrounds and talents, each ought to have a fair chance to develop his/her talents and pursue those goals fair equality for opportunity. This should be complete cooperation among all so that there may be reasonable life for all.

Why should we accept Rawls principles of justice?

Primarily Rawls principles promote equality among all. Each individual has the same basic liberties and opportunities. Each individual has a moral obligation to accept the existence of every other human being. In doing so, all people become equal in their position and desires. Competition in that what is desired by much perhaps? A benefit of competitive circumstances is the betterment of all parties involved as they must evolve in order to surpass one another.

Also, in fair equality for opportunity we may eliminate all forms of discrimination and discretion of races, ethnic origin, social standards and religious intolerance and beliefs. All of these characteristics are a component of the individual person thus making him/her "individual". Justice is only succumbed when the liberties of an individual are affected because of an external opinion of these characteristics, and in the oppression of these characteristics upon another. They are nothing more than components of a people.

15.6 CRITICISM

In 1974, Rawls' colleague at Harvard, Robert Nozick, published a defense of libertarian justice, *Anarchy, State, and Utopia*.[Another Harvard colleague, Michael Walzer, wrote a defense of communitarian political philosophy, *Spheres of Justice*, as a result of a seminar he co-taught with Nozick. In a related line of criticism, Michael Sandel, also a Harvard colleague, wrote *Liberalism and the Limits of Justice*,[6] in which he criticized Rawls for asking us to think about justice while divorced from the values and aspirations that define who we are as persons and that allow us to determine what justice is.

Feminist critics of Rawls, such as Susan Moller Okin, largely focused on weakness of Rawls in accounting for the injustices and hierarchies embedded in familial relations. Rawls argued that justice ought only to apply to the "basic structure of society." Feminists, rallying around the theme of "the personal is political," took Rawls to task for failing to account for injustices found in patriarchal social relations and the gendered division of labor, especially in the household.

15.7 CONCLUSSION

From the above discussion we would have to understand that justice has different understanding for different people. Justice is not only about materiality. It is about a balance among economic inequality, cultural disrespect, sexual disrespect, gender differences and many other issues.

Rawl has theorized his understanding of justice by creating a divine between personal and political, but as we understand from the different critique of Rawls, in contemporary time we need a new theory of justice which would try to encapsulate these critiques.



CHECK YOUR PROGRESS

Q.1: When Rawls theory of justice published?

Q.2: Rawls Theory of Justice is also known as _____. (Fill in the gap)

Q.3: What is the meaning of justice?

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Q.4: What do you mean by Formal Justice and material Justice?

.....

Q.5: What is Just Distribution?

.....

Q.6: Write what are the two principles of Rawls Theory of Justice?

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Q.7: Mention the name of some critics of Rawls theory of Justice?

.....

Q.8: At what point did Feminists criticize Rawl?

.....

Q.9: State whether the following statements are true or false.

a) Rawls theory of justice is also known as “Justice of fairness”.

b) Distributive Justice includes the limited quantities of goods.

c) Primarily Rawls principles promote equality among all.

d) Justice is only succumbed when the liberties of an individual are affected.

e) Justice is not about materiality.



15.8: LET US SUM UP

- Justice is the legal of philosophical theory by which fairness is administered.

- Most academic debate about the concept of justice starts with John Rawl's famous 'difference principle', which asserts that inequalities in the distribution of scarce goods (power, money, access to healthcare, or whatever) are justified only if they serve to increase the advantage of the least favored groups in society
- Just distribution or distributive justice concerns the nature of a society just allocation of goods in a society.
- The concept includes the available quantities of goods, the process by which goods are to be distributed, and the resulting allocation of the goods to the members of the society.
- Rawl believes that justice can be created through just institutions.
- Rawls theory of justice revolves around the adaption of two fundamental principles of justice which would, in turn, guarantee a just and morally acceptable society.
- A key problem to Rawls is to show how such principles would be universally adopted and here the work borders on general ethical issues.
- Rawl proposes that the most reasonable principles of justice for a society are those that individuals would themselves agree to behind the "veil of ignorance", in circumstances in which each is represented as moral powers.
- In fair equality for opportunity we may eliminate all forms of discrimination and discretion of races, ethnic origin, social standards and religious intolerance and beliefs.
- Feminist critics of Rawls, such as Susan Moller Okin, largely focused on weakness of Rawls in accounting for the injustices and hierarchies embedded in familial relations.
- Rawls argued that justice ought only to apply to the "basic structure of society."



15.9 FURTHER READING

1. John Scott and Gordon Marshal (2009, 3rd edition): Oxford Dictionary of Sociology

2. Helen McCabe, "John Rawls and Justice", Philosophy now: A Magazine Idea

3. John Rawls theory of Justice: Summery and Analysis, School work Helper

4." Justice ", Political Theory: Concept and Debates, Virtual Learning Environment, ILL



15.10 ANSWER TO CHECK YOUR PROGRESS

Answer to Q.1: Rawls theory of Justice was originally published in 1971 and revised in both 1975 and 1999.

Answer to Q.2: "Justice of fairness".

Answer to Q.3: Justice is the legal of philosophical theory by which fairness is administered. It is a central moral standard in social life, is generally held to have a prominent role in social theory and social action.

Answer to Q.4: Formal justice is based on the Law and Material justice is based on morality and politics.

Answer to Q.5: Just distribution or distributive justice concerns the nature of a society just allocation of goods in a society. The concept includes the available quantities of goods, the process by which goods are to be distributed, and the resulting allocation of the goods to the members of the society.

Answer to Q.6: The two principles of Rawls theory of justice are,

i) The first principle guarantees that right of each person to have the most extensive basic liberty compatible with the liberty of others.

ii) The second principle states that social and economic positions are to be to everyone's advantage and Open to all.

Answer to Q.7: Robert Nozick,, Michael Sandel, Michael Walzer, and so many.

Answer to Q.8: Feminist critics of Rawls, such as Susan Moller Okin, largely focused on weakness of Rawls in accounting for the

injustices and hierarchies embedded in familial relations. Rawls argued that justice ought only to apply to the "basic structure of society."

Answer to Q.10: **a)** True **b)** false **c)** True **d)** True **e)** False



15.11 MODEL QUESTIONS

A. Very shorts questions

Q.1: In the theory Rawls attempt to solve what?

Q.2: What is the main topic for the most academic debate about the concept justice?

Q.3: What is original position?

Q.4: What issue does a political conception of justice address?

B. Short questions (Answer each question about 150 words)

Q.1: What is the "social surplus" for Rawls?

Q.2: What is "veil of ignorance"? Discuss.

Q.3: When is our social situation is just?

Q.4: What should be the basic structure of society for Rawls?

Q.5: For Rawls what were the most reasonable principles of justice?

C: Write short notes on (answer each in about 250 words)

Q.1: What does Rawls mean by Justice as Fairness?

Q.2: Why should we accept Rawls principles of justice?

Q.3: Why Rawl believes that justice can be created through just institutions?

Q.4: Why a new theory on justice is needed in the contemporary time?

D. Long Questions) Answer each question in about 300-500 words)

Q.1: What is Rawls Theory of Justice? Explain.

Q.2: Explain how the different theorists had criticized Rawls?

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5. Dasgupta, Samir & Paulomi Saha (2012) *An Introduction to Sociology*. Dorling Kindersley (India) Pvt. Ltd.
6. Doshi, S L. (2006). *Modernity, Postmodernity and Neo-Sociological Theories*. Rawat Publications
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