

A Theory of Justice
by *John Rawls*

“The principles of justice for the basic structure of society are the object of the **original agreement**. They are the principles that **free and rational persons** concerned to further their own interests would accept in an **initial position of equality** as defining the fundamental terms of their association.” (Rawls)

- **Justice as Fairness**
 - **Impartiality and Justice**
- **The Original/initial Position of Equality**
 - **Hypothetical Situation**
- **Veil of ignorance**

The Original Position of Equality

- Among the essential features of this situation is that no one knows his place in society, his class position or social status, nor does any one know his fortune in the distribution of natural assets and abilities, his intelligence, strength, and the like. I shall even assume that the parties do not know their conceptions of the good or their special psychological propensities. The principles of justice are chosen behind a **veil of ignorance**. (Rawls)

The Two Principles of Justice

1st Principle

1. Each person has an equal right to a fully adequate scheme of equal basic liberties which is compatible with a similar scheme of liberties for all.
 - Each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others.

1) Freedom of thought

2) Liberty of conscience

- He later explains liberty of conscience as "liberty as applied to religious, philosophical, and moral view of our relation to the world."

3) Political liberties

- These liberties would require representative democratic institutions, freedom of speech and the press, and freedom of assembly.

4) Freedom of association

5) Freedoms specified by the liberty and integrity of the person

- He later elaborates these as including freedom from slavery and freedom of movement and choice regarding occupation.

6) Rights and liberties covered by the rule of law

2nd Principles of Justice

2. Social and economic inequalities are to satisfy two conditions.
 - (a) First, they must be attached to offices and positions open to all under conditions of fair equality of opportunity
 - (b) second, they must be to the greatest benefit of the least advantaged members of society.
- 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.

Amartya Sen's Idea of Justice

- Two ways or modes of thinking about/reasoning about the idea of justice
- Transcendental institutionalism
 - concentrates on identifying just institutional arrangements for a society
 - identify an idea of perfect justice and perfect just society
- Realization-focused-comparison
 - focus on the actual social realizations and the actual behavior of the individuals and actual interactions of the individuals or actual institutions
- **Arrangement-focused** view of justice
- **Realization-focused** understanding of justice

- Rawls' theory of Justice, gives an undue importance for the ideal theory which is expected to be applicable universally or in all contexts and everywhere.
 - Universal applicability is doubtful. Since the idea of justice might vary from culture to culture or society to society.
- **The story of Three Children and Flute**
 - It is just to give the flute to Anne, because she is the only one who knows how to play flute.
 - It is just to give the flute to Bob, because among the three he is the only one who is so poor.
 - It is just to give the flute to Carla, because she has been working diligently for many months to make the flute.

- Priority to the Equal personal liberty over the demands of the second principle.
 - The basic liberties that all can enjoy cannot be violated on grounds of the betterment of wealth or for a better distribution of economic resources among the people.
- Rawls assumes that those who have access to primary goods can access the opportunities.
 - Rawls' assumption excludes consideration of the variability in individuals' actual abilities to convert resources into valuable outcomes.
 - Sen strongly argues that an equal access to primary goods will not ensure equal opportunity to income and wealth.

***Niti* (principles of Justice) and *Nyaya* (delivering Justice on the ground)**

- *Niti* stands for organizational propriety and behavioural codes of conduct.
- *Nyaya* represents actual social realization, transcending the bar of organizational rules and norms.
- *Nyaya*, the realization of justice is not judging the institutions and their rules rather than assessing the society itself.
- The realization-focused view of Justice can see the injustice around the world more easily. Identifying the injustice in society is also one of the major roles of justice.