

Liberal Justice

John Rawls, an American philosopher, proposed his theory for liberal justice. He spoke out against philosophical argument after argument, saying that we, as free-thinking and equal people, wouldn't choose any of them. Utilitarianism, the leading philosophical and political theory of the time, is that anything is just in the pursuit of overall happiness, and anything that lowers it is wrong. Libertarianism is free, unfettered markets without government intervention and the privacy of its civilians would lead to the greatest overall happiness, not the wants of the majority, as is the case in utilitarianism. John Locke believed overall happiness was achieved when private property was respected, insofar as if you mixed your labor or the paid labor of someone else with it, then it was irrevocably yours and could not be fairly taken away. Immanuel Kant believed that overall happiness was achieved when we respected one another for autonomous and reasonable thinking, which makes us uniquely human. John Rawls, as previously stated, rejected them all, citing that none of these systems would be chosen by free-thinking and equal people who are acting under the "veil of ignorance". He concludes this idea with two principles of justice, of which the second part of the second principle is controversial. However, I believe that presented properly, the two principles of justice, controversial parts included, are reasonable arguments.

The veil of ignorance was thought up by Rawls as a sort of way to attempt to remove everyone's bias. Without it, we would undoubtedly try to benefit our own beliefs and/or groups as much as possible. With the veil of ignorance, one forgets their social identity. Your sex, race, religion, socioeconomic status, and possibly even your fondness for risk-taking are all unknown, clouded by the veil of ignorance. The veil of ignorance would also remove any power an

individual has over others from their social identity. Say you're a celebrity who for whatever reason can sway public opinion on laws. Once the veil has been laid, you don't know if you're influential or wealthy, your superior bargaining tools have been taken away. Now imagine you are a black man who's catholic. If given the choice between favoring a law that would support black catholic men over the rest, or a law that maybe favors other groups, you would choose the one that benefits you most. But suppose the veil of ignorance was put over you, so now you have no idea what your social identity is, whether you're black or white, or even what your religion is. If asked to choose between supporting a law that favored blacks over whites or vice versa, you would not know which to choose as you don't know if you'll be black or white. You would instead opt to choose a law that gives equal liberties, rights, and opportunities to both races. It is at this point that Rawls lists out his two principles of justice, what he believes people would decide if under the veil of ignorance.

The first principle is on basic liberties and rights. It would be chosen under a veil of ignorance by people since we would want to guarantee them no matter where we ended up on the socioeconomic ladder. The second Principle is about equal opportunity for all, in other words, fairness. This one would also be chosen under the veil of ignorance for similar reasons as the first. You don't know who you'll be, so it's best to make sure everyone has equal opportunities to succeed. Of course, the first principle takes priority over this one, since you can't just take away one's liberties and rights to create equal opportunities. The second principle has two parts, and it's part two of the second principle, called the Difference Principle, that is controversial. This principle would also be chosen under the veil of ignorance, with the thought that you could very easily be one of the least advantaged once the veil is lifted. If that's the case, then it's better to structure society so that its least advantaged would be favored in the distribution of goods,

giving them an edge so that they might climb up the socioeconomic ladder. Yet still, the first principle and the first part of the second principle take priority over this. You can't take away someone's basic liberties and rights or create unequal opportunities to promote it. This principle has often been criticized for its undemocratic methods. To give to the less advantaged, you must forcefully take from the most advantaged property they've acquired. It's also argued that while there may be some who do not deserve their advantage, a large majority of highly advantaged people deserve their advantage, as they gained it through hard work and discipline. That would make the disparity between the two groups, at least for those who deserve it, indisputably fair. Rawls does not have a counterargument to this point, however, I will attempt to argue in its favor based on my own beliefs and knowledge. In its most bare-bones definition, part two of the second principle is about favoring the least fortunate of society so that in the event of distribution of goods, the least advantaged will have the highest advantage at that moment, to help even the playing field so to speak. So the argument that the Difference Principle is undemocratic is wrong since the argument there would be that we're giving equivocal power to the least advantaged, which is unfair and undemocratic. However, the least advantaged are not being given power, they are merely having the playing field evened out a bit more. Rather, the highly advantaged still have the most power. It is only to make sure the least advantaged aren't forever stuck at the bottom of society, that they might have a chance to climb up to the socioeconomic ladder. Nevertheless, this argument can be used to support the redistribution of goods, which violates the first principle, basic liberties and rights. I cannot argue that taking from the highly advantaged to give to the least advantaged is fair because it simply is not, especially when the property taken from the highly advantaged was earned justly. It wouldn't be right to just repossess someone's home so that someone else without a house can now have a home. Now the person you've taken

the home from has no house. This argument still stands even if all you're taking is money, because what if the money you take was the amount needed for their mortgage. You're still taking something that person needs. But I don't think this is what Rawls meant with the Difference Principle, since doing so would be a breach of basic rights to personal property. That contradicts Rawls saying the first principle holds priority over the second. So, the second part of the Second Principle cannot be used to support this argument. I do think that Rawls meant that any goods in the public domain should be structured to favor the least advantaged, say schools, jobs, and even taxes. I do not think it would be unfair to tax the least advantaged less than the highly advantaged. Say you calculate the minimum living costs for one person annually, and that anyone who annually earns below that minimum is considered the least advantaged. Let's say our tax is a fair tax set at 10%, so anyone above that minimum has to pay 10% of their annual wage, and that would also mean the more you earn, the more that 10% will represent. Anyone below the minimum would not have to pay taxes or would pay less than 10%. This would, hopefully, be to help them work their way out of poverty through saving, instead of having to pay taxes. For another example, say all schools are public schools, no private, so the government provides the money. Any child whose family's annual income is not above the minimum living costs for a family their size would not have to pay for their lunch. This is, once again, all so that the least advantage, at least in terms of economic disparity, has enough of an advantage to hopefully climb up to the socioeconomic ladder and out of poverty. This wouldn't be unfair to other citizens who do not earn below the minimum, as they could afford the lunch money and taxes, and the least advantaged would begin paying the same amount once they're above the minimum.

All in all, Rawls made it clear that his argument required an idealized form of society, but I don't believe, just like he didn't, that these principles can't be put into practice. The first principle and the first part of the second principle already exist in today's society. While not all the real-world versions of these principles may be as helpful as we'd like, it may be because we're lacking the Difference Principle. I believe, if used correctly, the Difference Principle could completely change society, and, if all goes well, it'll change for the better.