**RAWLS’S THEORY OF JUSTICE**

**The Notion of Original Position**

− This is also known as the argument of original position which Rawls has used in his book A

Theory of Justice in order to arrive at conclusions about fairness and justice.

− If you were given the opportunity to choose the principles which should govern the best

possible society you might be biased in various ways towards your own class, profession,

gender, religion, ethnicity and so on.

− Rawls here proposes a kind of thought experiment, a hypothetical situation in which all

the facts about your self are kept hidden from you behind a veil of ignorance.

− You have to imagine not knowing whether or not you have a job, what sex you are,

whether you own a family, where you live, how intelligent you are, whether you are an

optimist, a pessimist, a drug addict.

− At the same time, you have a good understanding of politics and economics, the basis of

social organization and laws of human psychology.

− You are also aware of some basic goods which are required for almost any lifestyle, and

these include certain freedoms, opportunity, income and self-respect.

− Rawls calls this situation of ignorance about your own place in society ‘the original

position’.

− In this hypothetical state of the original position which principles would it be rational for

someone to adopt for the society?

− The idea of asking this question is to eliminate all the non-relevant features of our actual

lives, which otherwise tend to intrude in our assessment of what sort of society there

should be.

− Rawls assumes that principles of rationally chosen under the conditions of the original

position would have a special claim to being just once, and that, other things being equal,

we should adopt them.

**Two basic principles**

− Rawls is in search of basic principles which shall guide our state/society so that there

should be no difference between any individuals, because in the original position all the

elements that distinguish us one from another are already been removed.

− The principles then, should be ones on which the participants would agree.

− Through this thought experiment, Rawls comes up with two basic principles, one is

concerning with liberty, the other with the just distribution of goods.

− These principles hold his basic political conclusions which are liberal and egalitarian.

**1. The liberty principle**

− The liberty principle states that a rational person would want that everyone in the society

is entitled to have the same right to basic liberties as anyone else, otherwise that person

might end up a victim of discrimination.

− What are these basic liberties?

− These are liberty of conscience, freedom to entertain whatever religions or secular beliefs

you may find convincing are the examples.

− The basic freedoms a state is not justified in curtailing.

− State may intervene only when one’s liberty is threatened by another.

− The rule of law is necessary to guarantee the various liberties which each member of a

society has a right to.

**2. Just distribution of goods**

− Principle of just distribution of goods consists of two other principles — a) the fair

equality of opportunity principle and b) the difference principle.

− a) The fair equality of opportunity principle states that social or economic inequalities

associated with particular offices or jobs can only exist if these offices or jobs are open to

everyone under condition of fair equality of opportunity.

− No one should be excluded from, for instance, the best-paid jobs, on non-relevant

grounds such as sexual orientation or race.

− This principle of equality of opportunity includes provision of education to allow all

people to develop their talent.

− b) The difference principle insists that any social or economic inequalities should only be

tolerated on condition that they bring greatest benefits to the most disadvantaged

members of the society.

− This is an implementation of a strategy known as ‘maximin’.

− Maximin means ‘maxmise the minumum’ which explains that choose the option which

gives the best deal for the worst case.

− Consider the example of fair wages in a just society.

− Imagine two situations:

− In the first situation, most people earn a high wage, but ten percent of the population can

barely earn enough to survive.

− In the second situation, although the average standard of living is far lower, the worst off

ten percent of the population have a reasonable standard of living.

− Rawls claims that the second of the two situations is preferable because it guarantees

that everyone in the society will be achieving a reasonable standard of living, the worst

off are not that badly off.

− In the first situation, however, although there is a good chance of ending up quite well

off, there is also a significant risk of being on a wage that barely allows you to survive.

− Adopting the maximin strategy, we should minimize the worst risks, and should opt for

the second situation.

**Difference Principle**

The principle chosen by rational people from behind the veil of ‘ignorance’, is explained

in Rawls’s A Theory of Justice. Rawls holds that due to the veil of ignorance no one knows

the identity of the person and in this situation everyone is equal. The principle requires that

social benefits and burdens are allocated in such a way as to make the position of the least

well-off as good as it can be.

**Distributive Justice**

The problem is to lay down principles specifying the just distribution of benefits and

burdens; the outcome of which everyone receives their due. A common basis is that

persons should be treated equally unless reasons for inequality exist; after that the

problems include the kind of reasons that justify departing from equality, the role of the

state in rectifying inequality and the link between a distributive system and the

maximization of well-being.

**Retributive (rectificatory) justice**

This is the idea of seeking to balance an injustice by rectifying the situation, or by regaining

an equality that the injustice overturned. It is most simply summed up in the principle of

‘an eye for an eye, and a tooth for a tooth’. Rectification suggests taking from the offender

and giving to the injured party, whereas retribution acknowledges that this is sometimes

impossible (e.g. if the victim is dead), but embodies the idea that an office may ‘cry out’ for

punishment, and that the moral order is out of balance until this is administered.

Retributive justice could provide the safeguard in the sense that not only the violators are

identified following a fair process but also that they are punished accordingly and the harm

is repaired.