

# justice as fairness a restatement

**justice as fairness a restatement** offers a profound exploration of John Rawls' seminal work, delving into the core principles that underpin a just and equitable society. This article provides a comprehensive overview of Rawls' theory, examining its foundational concepts, key arguments, and enduring significance in political philosophy and public discourse. We will unpack the original position and the veil of ignorance, understand the two principles of justice, and explore the implications of justice as fairness for contemporary issues. Furthermore, we will consider criticisms and further developments of this influential framework, making it an indispensable resource for anyone seeking to grasp the complexities of Rawls' vision for a fair social contract.

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## **Understanding Justice as Fairness: A Comprehensive Overview**

John Rawls' theory of "justice as fairness" is a cornerstone of modern political philosophy, aiming to establish principles for a just and stable society. It offers a sophisticated framework for determining the basic structure of a well-ordered society, emphasizing fairness and impartiality in the distribution of rights, duties, and social and economic advantages. This influential theory, first articulated in Rawls' groundbreaking work, "A Theory of Justice," and later refined in subsequent writings like "Political Liberalism" and "Justice as Fairness: A Restatement," seeks to provide a moral foundation for liberal democratic institutions.

The core idea behind justice as fairness is that the principles of justice are those that would be agreed upon by free and rational persons in an initial state of equality. This hypothetical agreement serves as a thought experiment to derive principles that are fair to all members of society, regardless of their social status, natural talents, or conception of the good. The theory aims to reconcile liberty and equality, providing a robust defense of basic liberties and arguing for a just distribution of social and economic inequalities.

## **The Philosophical Foundation: Original Position and Veil of Ignorance**

At the heart of justice as fairness lies the concept of the "original position," a hypothetical scenario designed to ensure impartiality in the selection of principles of justice. This thought experiment is crucial for understanding how Rawls arrives at his foundational principles.

### **Defining the Original Position**

The original position is a state of equal representation where all individuals are considered to be free, rational, and equal. It is a device for modeling the conditions under which the parties to a social contract would choose principles to govern the basic structure of their society. Rawls emphasizes that this is not a historical event but a conceptual tool for establishing a fair starting point for deliberation about justice.

In this original position, individuals are tasked with choosing the fundamental principles that will organize society's institutions. They are not motivated by self-interest in the narrow sense but are assumed to be rational and to desire a just society. The goal is to select principles that everyone would rationally accept as fair, ensuring that no one is unfairly advantaged or disadvantaged by the arbitrary facts of their birth or social circumstances.

## **The Role of the Veil of Ignorance**

Central to the original position is the "veil of ignorance." This crucial element ensures impartiality by preventing the parties from knowing specific facts about themselves or their society. Ignorance of one's social class, race, gender, natural abilities, intelligence, wealth, religious beliefs, or conception of the good is imposed.

By shrouding the parties in the veil of ignorance, Rawls eliminates the possibility of self-serving bias. Individuals cannot tailor principles to favor their particular circumstances because they do not know what those circumstances are. This forces them to consider principles that would be acceptable to anyone, regardless of their position in society, thereby promoting a truly fair selection process.

The veil of ignorance compels the deliberators to adopt a perspective that is universally applicable. It ensures that principles of justice are not chosen based on prejudice or preferential treatment, but on a reasoned understanding of what constitutes a just society for all its members. This abstract device is key to deriving principles that are unbiased and broadly acceptable.

## **The Two Principles of Justice**

Based on the deliberative process in the original position, Rawls proposes two fundamental principles of justice that should govern the basic structure of a well-ordered society. These principles are designed to ensure both individual liberty and a fair distribution of social and economic goods.

### **The Liberty Principle**

The first principle, often referred to as the "liberty principle" or the "equal basic liberties principle," states that each person is to have an equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberties for others. This principle asserts the primacy of basic liberties, such as freedom of speech, conscience, assembly, and the right to vote.

Rawls argues that these liberties are fundamental to human dignity and autonomy. They must be equally distributed to all members of society. Any infringement on these basic liberties is only permissible if it serves to enhance the liberties of others, ensuring that a greater overall scheme of equal liberty is maintained. This principle establishes a strong commitment to political and civil freedoms.

## **The Difference Principle**

The second principle addresses social and economic inequalities. It is composed of two parts, but the more significant and controversial aspect is the "difference principle." This principle states that social and economic inequalities are to be arranged so that they are both: (a) to the greatest benefit of the least advantaged, and (b) attached to offices and positions open to all under conditions of fair equality of opportunity.

The difference principle does not aim for strict equality of outcome but allows for inequalities, provided they work to the advantage of those who are worst off. This means that disparities in wealth or income are only justified if they improve the condition of the poorest members of society. For example, higher salaries for certain professions might be acceptable if they incentivize individuals to fill roles that benefit society as a whole, including the less fortunate.

The condition of fair equality of opportunity is also crucial. It means that not only should positions be open to all, but individuals with similar talents and motivation should have similar life prospects, regardless of their social background. This aims to mitigate the impact of arbitrary social contingencies on life chances.

## **The Justification of the Principles**

Rawls provides several arguments to support why rational individuals in the original position would choose his two principles of justice. These justifications highlight the strategic advantage and moral appeal of his proposed principles.

### **Maximin Strategy**

One of the key justifications for the difference principle is the "maximin" strategy. This is a decision-making rule where one chooses the option that maximizes the minimum possible outcome. In the context of the original position, parties would aim to secure the best possible position for themselves in the worst-case scenario, given the veil of ignorance.

Since individuals do not know their eventual position in society, they must consider the possibility of being among the least advantaged. The maximin strategy leads them to choose principles that ensure a decent minimum standard of living and the greatest possible benefits for those at the bottom of the social hierarchy. This approach avoids the risk of catastrophic disadvantage, making it a rational choice under conditions of uncertainty.

### **Reflective Equilibrium**

Another method of justification is "reflective equilibrium." This involves a process of adjusting our considered judgments about justice with the principles derived from the original position until a state

of coherence is reached. Our considered judgments are our intuitions about justice in specific cases and general principles.

Rawls suggests that we move back and forth between our considered judgments and the principles of justice, revising either as needed. If the principles derived from the original position conflict with our deeply held convictions about justice, we scrutinize both. This iterative process helps to refine our understanding of justice, ensuring that the principles are consistent with our moral intuitions and vice versa.

## **Justice as Fairness in Practice**

The theoretical framework of justice as fairness has significant implications for how a society should be structured and governed, particularly concerning economic arrangements and the role of its institutions.

## **Social and Economic Inequalities**

Justice as fairness addresses the perennial problem of social and economic inequalities. While not advocating for absolute equality, it posits that such disparities are only justifiable if they serve the interests of the least advantaged and are accompanied by fair opportunities for all. This means that policies aimed at reducing extreme poverty, providing universal access to education and healthcare, and ensuring fair labor practices are central to a just society under Rawls' theory.

The theory provides a moral basis for progressive taxation, social safety nets, and affirmative action programs, as long as these measures contribute to the well-being of the least well-off and uphold fair equality of opportunity. It challenges laissez-faire approaches that permit vast disparities without regard for their impact on the most vulnerable segments of the population.

## **The Role of Institutions**

The principles of justice as fairness are intended to guide the "basic structure" of society, which includes its major political and economic institutions. Rawls argues that these institutions—such as the constitution, the legal system, the family, and the economic system—must be arranged to satisfy the two principles of justice.

This means that the design of laws, policies, and social arrangements should be evaluated based on their contribution to liberty, fair opportunity, and the welfare of the least advantaged. The state, therefore, has a crucial role in establishing and maintaining institutions that embody these principles, ensuring that the "rules of the game" are fair for everyone.

# Criticisms and Counterarguments

While highly influential, Rawls' justice as fairness has faced significant criticism from various philosophical traditions. These critiques often target the assumptions of the original position, the content of the principles, or the feasibility of the theory.

## Critiques from Libertarianism

Libertarians, such as Robert Nozick, argue that justice as fairness is too intrusive and infringes upon individual rights. They emphasize entitlement theory, which holds that holdings are just if they are acquired justly through initial appropriation or voluntary transfer. Libertarians contend that any redistribution beyond what is necessary to prevent force or fraud is unjust.

They criticize the difference principle for violating individuals' rights to their justly acquired property and talents. For libertarians, the "least advantaged" do not have a claim on the resources or talents of the more advantaged, and enforced redistribution is a form of coercion.

## Critiques from Communitarianism

Communitarians, including Michael Sandel and Charles Taylor, critique Rawls' focus on the abstract, unencumbered individual in the original position. They argue that this conception of the self neglects the social and historical embeddedness of individuals and their identities.

Communitarians emphasize the importance of shared values, traditions, and community ties in shaping moral and political understanding. They question whether principles derived from an ahistorical, abstract standpoint can adequately address the complexities of moral life and social solidarity within a specific community.

## Critiques from Feminist Philosophy

Feminist philosophers, such as Susan Moller Okin, have raised concerns about how justice as fairness addresses issues of gender and the family. Okin, for instance, argued that Rawls' theory fails to adequately challenge patriarchal structures and the inequalities that arise within the family, which is often considered outside the basic structure of society.

While Rawls later acknowledged the importance of the family as part of the basic structure, critics argue that the theory's emphasis on individual rights and abstract principles might not fully capture the unique dynamics of gender inequality and the specific injustices faced by women.

# **The Enduring Legacy of Justice as Fairness**

Despite the criticisms, John Rawls' justice as fairness remains a profoundly influential framework for understanding and debating justice in contemporary society. Its rigorous argumentation, emphasis on fairness and impartiality, and comprehensive scope have shaped political philosophy and policy debates for decades.

The theory continues to provide a powerful moral justification for the welfare state, civil liberties, and efforts to mitigate social and economic inequalities. It has spurred extensive discussion and development in political theory, influencing subsequent work on social justice, liberalism, and democratic theory. The enduring relevance of justice as fairness lies in its ability to offer a compelling vision of a society that is both free and equal for all its members.

## **Frequently Asked Questions**

### **What is the core idea behind Rawls' 'Justice as Fairness' in his restatement?**

Rawls' core idea in 'Justice as Fairness: A Restatement' is to refine and clarify his earlier conceptions of justice, particularly focusing on the principles of equal basic liberties and the difference principle, as the most reasonable basis for a just and stable democratic society.

### **How does the restatement address the challenge of stability in a just society?**

The restatement emphasizes that a just society must be stable for the right reasons, meaning citizens must be motivated to uphold its principles due to a sense of justice and an understanding of its fairness, rather than mere self-interest or coercion.

### **What role do the 'original position' and 'veil of ignorance' play in the restatement's argument?**

These thought experiments remain central. The original position, under a veil of ignorance, represents a fair and impartial procedure to arrive at principles of justice, ensuring that individuals choose principles without knowing their own social position, talents, or conceptions of the good.

### **How does the restatement clarify the relationship between the two principles of justice?**

The restatement explicitly prioritizes the first principle (equal basic liberties) over the second (fair equality of opportunity and the difference principle). This lexical priority means that basic liberties cannot be sacrificed for economic or social advantages.

## **What does Rawls mean by 'primary goods' in the context of justice as fairness?**

Primary goods are those things that rational individuals are assumed to want whatever else they might want. Rawls identifies them as rights and liberties, freedom of movement and choice of occupation, powers and prerogatives of office, income and wealth, and the social bases of self-respect. These are what the principles of justice aim to distribute fairly.

## **How does the restatement connect justice as fairness to political liberalism?**

The restatement explicitly links justice as fairness to political liberalism, arguing that its principles can be the basis of an overlapping consensus among citizens who hold different comprehensive doctrines (religious, philosophical, moral) in a pluralistic society.

## **What is the significance of the 'well-ordered society' in the restatement?**

A well-ordered society is a society where everyone accepts and knows that others accept the same principles of justice, and where the basic institutions satisfy these principles. The restatement explores the conditions and reasons for such a society's stability and feasibility.

## **How does the restatement refine the 'difference principle'?**

The restatement clarifies that the difference principle, which allows social and economic inequalities only if they benefit the least advantaged members of society, is intended to regulate background institutions and not specific transactions. It aims to create a fair system within which inequalities can arise.

## **Additional Resources**

Here are 9 book titles related to "Justice as Fairness: A Restatement," with short descriptions:

### **1. *The Law of Peoples: Including "Address to the Society of Philosophy and Public Affairs" and "The Idea of Public Reason Revisited"***

This foundational work by John Rawls expands his theory of justice to the international realm. It outlines principles for a just and stable world order, proposing a "law of peoples" that guides how societies should interact. Rawls argues for a pluralistic international society where peoples respect each other's basic rights and institutions, fostering peace and cooperation.

### **2. *Political Liberalism***

In this preceding work, John Rawls lays the groundwork for his theory of justice as fairness, particularly its application in a democratic society. He introduces the concept of "overlapping consensus," suggesting that a just political order can be supported by various comprehensive moral and religious doctrines. The book explores how citizens can rationally agree on principles of justice even with fundamental disagreements about ultimate truths.



### 3. *Lectures on the History of Moral Philosophy*

This collection of lectures by John Rawls offers insightful interpretations of major figures in moral philosophy, including Kant, Hume, and Locke. While not directly about justice as fairness, these lectures illuminate the intellectual heritage that informed Rawls's own thinking. Understanding these historical debates provides a deeper appreciation for the philosophical underpinnings of his later work.

### 4. *The Cambridge Companion to Rawls*

This edited volume provides a comprehensive overview and critical engagement with the philosophical contributions of John Rawls, with a significant focus on justice as fairness. It features essays by leading scholars exploring various aspects of his theories, including his conceptions of the original position, reflective equilibrium, and the structure of a just society. The book serves as an excellent resource for understanding both the nuances and broader implications of Rawls's work.

### 5. *Justice, Liberty and Law: Themes of Contemporary Political Philosophy*

This book examines key concepts in contemporary political philosophy, including those central to Rawls's theory of justice as fairness. It delves into the relationship between justice, individual liberty, and the role of law in modern societies. The discussions provide context for how Rawls's ideas have shaped and continue to influence debates about the ethical foundations of political institutions.

### 6. *Rawls and the Critical Tradition*

This work critically analyzes John Rawls's theories of justice, including justice as fairness, from various critical perspectives. It engages with critiques from feminist, Marxist, and multiculturalist standpoints, highlighting potential limitations and areas for development. The book offers a nuanced understanding of the ongoing scholarly debates surrounding Rawls's influential contributions.

### 7. *The Idea of Political Community: Justice as Fairness and Its Critics*

This book specifically focuses on the concept of political community as understood through the lens of justice as fairness, while also engaging with prominent critiques. It explores how Rawls's principles of justice aim to foster a stable and cohesive political society. The authors examine the challenges and possibilities of realizing such a community in practice.

### 8. *Understanding Rawls: A Reconstruction and Critique of A Theory of Justice*

This seminal work by Robert Nozick offers a detailed and influential critique of John Rawls's *A Theory of Justice*, the precursor to *Justice as Fairness: A Restatement*. Nozick presents his own libertarian theory of justice, directly challenging Rawls's principles of distributive justice and his conception of the state. It is essential reading for anyone seeking to understand the major philosophical exchanges surrounding Rawls.

### 9. *The Basic Structure of Society: Reflections on Justice as Fairness*

This book offers in-depth reflections on the central concept of the "basic structure of society" within Rawls's justice as fairness. It examines how the fundamental political and economic institutions shape the lives of citizens and influence the attainment of justice. The contributors explore the implications and application of this core idea for contemporary social and political arrangements.

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