**Social Justice in Accordance to Rawls: Strengths, Shortcomings, and Personal Reflections**

Ava L Strang V01053697

University of Victoria

SJS 100 A01

Dr. Simon Caroll

October 11th, 2024, 11:55 PM

**Social Justice in Accordance with Rawls: Strengths, Shortcomings, and Personal Reflections**

How can citizens aid in the perpetuation of a well-rounded society? When looking at the various inequalities today's world faces, the prevailing issue is a lack of equality and justice. The implementation of more just practices so that individuals are no longer forced to face oppression simply based upon the situations individuals were born into is one of the answers to this complex question (Powers, 2008). John Rawls, an American liberal political philosopher, presents a model that one might follow to achieve this in relation to social justice and how it, in his ideal, it relates to fairness. Rawls proposes, initially that to better conceptualize his theory, it should be imagined that individuals make decisions without conscientiously knowing the factors that separate each other such as race, sexual orientation, gender, etc. (Rawls, 1999) With this, he introduces his opinions on liberties and their relations to distributions of wealth between the classes, as well as the particularly important principle of priority. Though there are many strengths to Rawls’ ideas, there are also legitimate critiques. Rawls’ theory offers a solid framework of justice and equality, however further adaptations are required in order to apply to the complex problems within modern social justice and society, predominantly inequalities.

# Rawls’ Theory of Social Justice

In the second half of the 20th century, John Rawls emerged as a major contemporary figure. He released *A Theory of Justice* (1999 [1971]), which spoke to his opinions of social justice, a component of social structures, and whether one can identify a clear particularization of its relation to moral assessment. He suggested that social justice's principal purpose was to address inequalities, and their plausible solutions. Stating that justice was pertinent to fairness in 2001, Rawls regarded that a fundamental component of providing said solutions is partnership with social organizations. Through this he concluded several *Principles of Justice*. Firstly, according to the *Principle of Equal Basic Liberties*, liberties should be equal and remain intact always. Secondly, according to the *Fair Equality of Opportunity Principle,* there should be a reduction in inequality of opportunity caused by the morally unreasonable. *The Difference Principle* thirdly contributes that income, and wealth should be distributed to eliminate lack thereof share for the oppressed or “worst off” members of society. However, he also states that the Principle of Priority deems that the *Principle of Equal Basic Liberties* outweighs the other principles, as no one's basic liberties such as the rights to vote, speak, be protected, property, etc. should be revoked (1971). These theories have been highly regarded by many for their strengths.

## Strengths of Rawls

One of these strengths is Rawls’ *Justice as Fairness* (2001). This focus on fairness and its relevance to justice can relate to people of varying social standings as it promotes a system which provides individuals with equity. Reimer Kirkham and Browne also regard their support for Rawls as ethically impartial and the ways it avoids favoritism allow for a morally compelling universal standard of justice (2006). Because the foundation of his framework lies in equality for everyone, people who may have been previously oppressed and lacked opportunities based on systemic injustice might receive more opportunity under the employment of Rawlsian social justice, and his distribution principles. Social welfare programs, like progressive taxation, for example, have made improvements to financial equality in parts of Europe and North America (Titus, 2018). Nevertheless, when acknowledging these strengths, to give a fair judgement, shortcomings must also be identified.

### Critics of Rawls

Though the Rawlsian approach to social justice is often applauded, he has many critiques as well. One of his more well-known opposers being American philosopher Robert Nozick, writer of *Anarchy State and Utopia* (1974). Nozick states that if individuals have rights, it should be wrong for a person to be injured or their properties taken away, unless it is for the purpose of protecting someone else. He afterwards questions whether a state that respects this principle is possible, as most states claim a monopoly through practices such as taxation. Nozick acknowledges that in having a fully anarchist state, that things would go into disarray and instead proposes a “Night-Watchman State”. This means that the state may not tax, and holdings, such as property, can only justly be given through gift, not through taking from someone else (Nozick, 1974). To this Rawls responds that it is impossible to say what fairness is in voluntary transactions (Powers, 2006). However, Nozick no better evades critics than Rawls, as people often have to make decisions on others’ behalf’s in “desperate times”. Aside from Nozick, other critics regard Rawls relies too much on the technical aspects. From the right it is argued there are more important focuses than just the oppressed, such as culture, and from the left, that this is nothing more than a “bourgeois liberal view” (Dworkin, 1977).

Conclusion

 In closing, it can be understood that Rawls’ *Principles of Justice* outline two basic things, firstly, that people's basic liberties hold foundational value, and secondly, that the lowest off members of a community should be benefited, even if that means that others loose out to this. He emphasizes that for this to work justly, the first principle must always be of higher importance and outweigh the second (1971). This belief has varying strengths, but its main one is that it lifts the worst-off individual up, so that they might escape the oppressive situation that they were simply born into, completely against their will or due to underlying conditional situations, seen in examples such as progressive taxation. In opposition to Rawls, we see figures such as Nozick who believe in a Night-watchman state in which individuals can only justly be given property, such as wealth, through gift, and not through taking away and the taxation of another individual (Nozick, 1974). Both sides have valid arguments, however I believe more in Rawls as I see his strengths to outweigh his shortcomings. Though some people in the upper-class system may dislike his theory, it benefits the worsest off individuals who often end up in these horrible situations against their own will. This reduces inequality of wealth, which is a substantial issue in relation to social justice. To solve the oppressional issues we are surrounded by today, it is important to put oneself in the position of the lowest class, and try to gage an understanding of how difficult that might be of a circumstance.

# **References**

Mack, E. (2014). *Robert Nozick’s Political Philosophy (Stanford Encyclopedia of Philosophy)*. Stanford.edu. <https://plato.stanford.edu/entries/nozick-political/>

Nozick. (1993). *Anarchy, State, and Utopia ...*

Philosophy Overdose. (2021). Rawls vs Nozick. In *YouTube*. <https://www.youtube.com/watch?v=T6QvkLCCNN0>

Powers, M. (2008). *Social Justice*.

Powers, Madison, and Ruth Faden. 2006. Social Justice: The Moral Foundations of Public Health and Health Policy. Oxford and New York: Oxford University Press.

Rawls, John, 1999a (1971). A Theory of Justice. Cambridge, MA: Harvard University Press.

Rawls, John. 1999b. The Law of Peoples. Cambridge, MA: Harvard University Press.

Rawls, John. 2001. Justice as Fairness: A Restatement. Cambridge, MA: Harvard University Press.

Reimer-Kirkham, S., & Browne, A. (2006). Toward a critical theoretical interpretation of social justice discourses in nursing. *ANS. Advances in Nursing Science*, *29*, 324–339. <https://doi.org/10.1097/00012272-200610000-00006>

Titus, R. (2018). Enabling Social Justice through Progressive Taxation in “Discriminated” Societies. *International Letters of Social and Humanistic Sciences*, *05*, 45–54. <https://www.ceeol.com/search/article-detail?id=193592>

Vallentyne, P. (2006). *Robert nozick: Anarchy, state, and utopia* (J. Shand, Ed.; pp. 86–103). Acumen Publishing.

Wenar, L. (2021). *John Rawls*. Stanford Encyclopedia of Philosophy. <https://plato.stanford.edu/entries/rawls/>

1. Racialization

Racialization is the cultural and social processes in which race or ethnicity is associated and tied to societal meanings and perceptions. These perceived meanings frequently lead to discriminatory and exclusionary events and a lack of inequality. Racialization therefore identifies race as not biological but rather a social construct integrated and developed through historical contexts, power structures, and cultural perceptions (Omi & Winant, 1986). The recognition of how race is categorized allows for the analysis of consistent racially based systemic injustices and inequalities rooted in society, proving the relationship between social justice and racialization. The multifaceted natures of oppression lie within multiple categories, such as class and gender (Bhambra, 2014). In relation to social justice, racialization plays a critical role in the identification of the ways in which systems such as capitalism perpetuate hierarchal social practices (Bhambra, 2016). Fighting against systemic racism and instead for advocacy means that the complexities of marginalized communities are being recognized. Lastly, the understanding of racialization means that social structures may also be better understood, and actions towards a more equitable society may be taken as a result; the basis of social justice.

2. Basic structure of society

The basic structure of society is defined through customs such as political constitutions, organized market, family, and “social practices” (Rawls, 1999, 48). The focal point of social justice entails the analysis of the basic structure of society (Powers, 2008). This is because of its profound effects and presence from initiation. Effects range in respect to “life prospects” in accordance with the extents to what one can achieve and become. Having a strict criterion for this basic structure can have its consequences, however, as it factors into the availability of prized opportunities. This is because moral components of an individual's life may not always be limited by simply the administration of resources or economic possibilities.

3. Distribution

Distribution can be defined as the systems employed within a society to administer portions of wealth or income. One method of distribution in accordance with Rawls, sourced from the difference principle says that income and wealth should be distributed to individuals within the society who are “worst off” so that social arrangements might further benefit every “cooperative citizen”, in order for each citizen to be judged in a just demeanor. Within this perception of distribution, citizens have rights to claim justice against one another, and shared responsibility is essential to fairness and cooperation. It is important to note that distribution may only be employed so long as people's liberties remain intact. Therefore, if liberties are threatened, but the worst-off group may be lifted up, then one should not risk liberties; as seen in the principle of priority (Powers, 2008, Rawls, 1999). Though this may be seen as too technical a view for a realm of social justice, its main aim lies in the elimination of oppressive power structures, wherein social justice's goal lies.

4. Recognition and the politics of difference

Recognition and the politics of difference refers to the notion of which diverse perspectives of individuals within groups, chiefly, ones which are often oppressed, are acknowledged. Recognition, it is argued, is fundamental to human needs, where individuals seek acknowledgement of their uniqueness in a positive manner, as well as respect and equal basic rights and liberties (Taylor, 1994). In 1963 King reports from Birmingham jail, regarding that the injustices that African Americans face in Birmingham, such as his own circumstance, which reflected a broader pattern of systemic racism effecting the entire nation. This is an example of lack of recognition for these marginalized groups. Recognition and the politics of difference play a crucial to social justice as it not only addresses economic issues, but also marginalization and socio-cultural ones. Without this, there can be systemic oppression, which limits true social justice greatly.

5. Human rights

The exact definition of human rights differentiates itself based on association of the four schools of thought, as Dembour identifies. Natural school states that human rights are naturally possessed by being a human, therefore entitlement is based on nature, sometimes referred to as divine power or God. Individuals within this school identify human rights law as proof of their beliefs. Secondly, protest school which focuses on benefiting the poor, oppressed, and underprivileged. Unlike the natural school, they do not deem human rights as entitlement, instead making efforts to challenge norms in favor of the lesser off members of a society. They use historical developments and traditions as evidence of this. Thirdly, discourse school, which relies on societal agreement, suggests that human rights only exist because people communicate about them, and that instead emancipation should be practiced. Finally, deliberative school views human rights as a political process which liberal societies identify themselves with (2010). This relates social justice to human rights through the process in which individuals advocate for the ways in which they believe resources should be distributed, so that human rights may be upheld.

References

Dembour, M.-B. (2010). What Are Human Rights? Four Schools of Thought. *Human Rights Quarterly*, *32*(1), 1–20. <https://www.jstor.org/stable/40390000>

King, Martin Luther Jr. "Letter from the Birmingham jail." In Why We Can't Wait, ed. Martin Luther King, Jr., 77-100, 1963.

Mack, E. (2014). *Robert Nozick’s Political Philosophy (Stanford Encyclopedia of Philosophy)*. Stanford.edu. <https://plato.stanford.edu/entries/nozick-political/>

Nozick. (1993). *Anarchy, State, and Utopia ...*

Philosophy Overdose. (2021). Rawls vs Nozick. In *YouTube*. <https://www.youtube.com/watch?v=T6QvkLCCNN0>

Powers, M. (2008). *Social Justice*.

Powers, Madison, and Ruth Faden. 2006. Social Justice: The Moral Foundations of Public Health and Health Policy. Oxford and New York: Oxford University Press.

Rawls, John, 1999a (1971). A Theory of Justice. Cambridge, MA: Harvard University Press.

Rawls, John. 1999b. The Law of Peoples. Cambridge, MA: Harvard University Press.

Rawls, John. 2001. Justice as Fairness: A Restatement. Cambridge, MA: Harvard University Press.

Reimer-Kirkham, S., & Browne, A. (2006). Toward a critical theoretical interpretation of social justice discourses in nursing. *ANS. Advances in Nursing Science*, *29*, 324–339. <https://doi.org/10.1097/00012272-200610000-00006>

Taylor, C. (1994). *Multiculturalism: Examining the Politics of Recognition*. Princeton University Press.