Justice: Virtue, Fairness & Morality

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Justice

• Social Equality
Introduction

• **Justice** is the concept of moral rightness based on ethics, rationality, law, natural law, religion, fairness, or equity, along with the punishment of the breach of said ethics.
Law

Don't worry, I know how to handle 'em!

Tea Party Wing Nut

Riding the Tiger
Justice as Virtue

• When we speak of justice as a virtue, we are usually referring to a trait of individuals, even if we conceive the justice of individuals as having some (grounding) reference to social justice. But Rawls and others regard justice as “the first virtue of social institutions” (1971, p. 3), so “justice as a virtue” is actually ambiguous as between individual and social applications.
In any event, there are many different conceptions of the virtue of justice, and only some of them are distinctively virtue ethical. Many non-virtue ethical approaches put forward theories of virtue, and what distinguishes them from virtue ethics is that the given theory of virtue comes later in the order of explanation, rather than itself serving as the basis for understanding (all of) morality. Rawls's conception of justice as an individual virtue is a good example of a non-virtue-ethical account of a virtue, since, as we saw, it treats individual justice as a matter of accepting and complying with independently defended moral/political principles or rules.
Fairness
Justice as Fairness

- *Justice as Fairness* comprises two main principles of Liberty and Equality; the second is subdivided into Fair Equality of Opportunity and the Difference Principle.

- Rawls arranges the principles in 'lexical priority', prioritising in the order of the Liberty Principle, Fair Equality of Opportunity and the Difference Principle. This order determines the priorities of the principles if they conflict in practice. The principles are, however, intended as a single, comprehensive conception of justice - 'Justice as Fairness' - and not to function individually.
1. The First Principle: The Liberty Principle

• The first and most important principle states that every individual has an equal right to basic liberties, Rawls claiming "that certain rights and freedoms are more important or "basic" than others".

• For example, Rawls believes that "personal property" - personal belongings, a home - constitutes a basic liberty, but an absolute right to unlimited private property is not. As basic liberties, they are inalienable: no government can amend, infringe or remove them from individuals.
Equality
2. The Second Principle: The Equality Principle

- The Equality Principle is the component of Justice as Fairness establishing distributive justice.
- Rawls presents it as follows in A Theory of Justice:
  - "Social and economic inequalities are to be arranged so that they are both:
    - (a) to the greatest benefit of the least advantaged, consistent with the just savings principle, and
    - (b) attached to offices and positions open to all under conditions of fair equality of opportunity."
- As mentioned previously, Rawls awards the Fair Equality of Opportunity Principle lexical priority over the Difference Principle: a society cannot arrange inequalities to maximise the share of the least advantaged whilst not allowing access to certain offices or positions.
2a. Fair Equality of Opportunity

- This principle maintains that "offices and positions" should be open to any individual, regardless of his or her social background, ethnicity or sex. It is stronger than 'Formal Equality of Opportunity' in that Rawls argues that an individual should not only have the right to opportunities, but should have an effective equal chance as another of similar natural ability.
2b. The Difference Principle

- The Difference Principle regulates inequalities: it only permits inequalities that work to the advantage of the worst-off. This is often misinterpreted as trickle-down economics; Rawls' argument is more accurately expressed as a system where wealth "diffuses up". By guaranteeing the worst-off in society a fair deal, Rawls compensates for naturally-occurring inequalities (talents that one is born with, such as a capacity for sport).

- Rawls justifies the Difference Principle on the basis that, since Fair Equality of Opportunity has lexical priority, the Just choice from Pareto optimal scenarios which could occur would be that benefiting the worst-off rather than the best-off.
A key component of Rawls' argument is his claim that his Principles of Justice would be chosen by parties in the original position. This is a thought experiment in which the parties select principles that will determine the basic structure of the society they will live in.

This choice is made from behind a veil of ignorance, which would deprive participants of information about their particular characteristics: his or her ethnicity, social status, gender and, crucially, Conception of the Good (an individual's idea of how to lead a good life). This forces participants to select principles impartially and rationally.
Conclusion

• Here we have discussed the conception of Justice by Rawls in details. This is just a outlook for this wide conception.

• References:

• John Rawls, Theory of Justice.
• Internet Encyclopedia of Philosophy
• BA I (Notes) USOL, PU Chandigarh, 2012-13.