



Postgraduate/Distance Learning Assignment Coversheet & Feedback Form

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Student Name: Nicholas Spurry

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Module tutor: Dr Rebekah Humphreys

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Name: Nicholas Spurry

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Self and Society
CSPH7041

Assignment 1
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Rawls and Contemporary
Social Justice Discourse

Nicholas Spurry
1708644

Rawls and Contemporary Social Justice Discourse

Rawls's theory presents itself as egalitarian, although [...] it comes equipped with a catch so large that it seems unsurprising that the real political effect of the theory has been close to zero.

– Raymond Geuss¹

Rawls's immense contribution to moral and political philosophy in the publication of *A Theory Of Justice* in 1971 is unarguable. One need not search too far to find descriptions of Rawls's work as 'path-breaking'² and Rawls' himself labelled as 'the most important political philosopher of the twentieth century'³. Despite approaching the 50th anniversary of its first publication, the academic literature continues to be filled with responses to his seminal work.

As a work primarily concerned with distributive justice, one could be forgiven for assuming that contemporary⁴ social justice discourse owes much to *A Theory Of Justice*. In some sense, of course, a great debt is owed. The sheer

¹ Raymond Geuss, 'Neither History Nor Praxis', in *Outside Ethics* (Princeton University Press, 2005), p. 33.

² Amartya Sen, *The Idea of Justice* (The Belknap Press, 2009), p. 52.

³ Henry S. Richardson, 'John Rawls (1921–2002)', *The Internet Encyclopedia of Philosophy* <<https://www.iep.utm.edu/rawls/>> [accessed 11 August 2019].

⁴ For this work, I take 'contemporary' to refer to the period after the first publication of *A Theory Of Justice*, nominally 1971.

volume of literature produced attests to the influence that Rawls's work has had in numerous fields and disciplines. Though no doubt, such a line of enquiry would make for an entirely uninteresting and brief analysis. A far more fruitful avenue for discussion is the relationship of Rawls's *A Theory Of Justice* to the moral justification of approaches to social justice discourse. Despite the clear application of Rawls's work to social justice, it's not so clear that contemporary social justice discourse owes much at all to Rawls's regarding the moral justification of its approach.

I Contemporary Social Justice Discourse

Social justice discourse is an elusive beast. Numerous agents in disparate fields contribute across mediums and in different forms. The blogger, activist, journalist, social worker, politician, economist and philosopher all discuss social justice with varying degrees of rigour and sincerity whilst situated differently in relation to theory and practice.

There is no single homogeneous body to which one can turn to locate an agreed set of social justice principles or approaches. Even so, the United Nations Department of Economic and Social Affairs concluded a three-year project in 2004, called the *International Forum for Social Development*, that involved a series of forums discussing various facets of distributive justice with a broad array of invitees. The 2006 publication of the project's discussions and findings, *Social Justice in an Open World*⁵, provides a snapshot from around that time of broadly agreeable social justice concepts⁶.

The forum identified three priority domains of "equality and equity"⁷:

1. Equity of rights
2. Equality of opportunity
3. Equity in living conditions

⁵ The International Forum for Social Development, *Social Justice in an Open World: The Role of the United Nations* (New York: United Nations, 2006).

⁶ For the purposes of this work, I assume that this document is roughly indicative of the state of contemporary social justice discourse.

⁷ The International Forum for Social Development, pp. 15–17.

These were further broken down into six important areas of distributive inequality⁸:

1. Inequalities in the distribution of income
2. Inequalities in the distribution of assets
3. Inequalities in the distribution of opportunities for work and remunerated employment
4. Inequalities in the distribution of access to knowledge.
5. Inequalities in the distribution of health services, social security and the provision of a safe environment.
6. Inequalities in the distribution of opportunities for civic and political participation

These areas of distributive inequality are primarily ‘vertical’ inequalities, deriving from the division of an entire population. The forum noted that ‘horizontal’ inequalities deriving from divisions between segments of a population (e.g. gender, race etc) are also significant but felt that they were not well positioned to address them⁹.

II What is Owed to Rawls?

There seems to be broad agreement in the social justice discourse that there ought to be equality in the distribution of social goods. Of course, this concept is not restricted to the contemporary era. They may not have been framed in terms of social justice at the time, however, the 19th and 20th centuries saw major social changes, such as the abolition of slavery and universal suffrage¹⁰, long before the development of contemporary social justice theories.

These movements extended the distribution of rights to segments of a population that had previously been disenfranchised with inadequate justification. In so doing, these movements recognised the unfair distribution

⁸ The International Forum for Social Development, pp. 17–19.

⁹ The International Forum for Social Development, p. 20.

¹⁰ For simplicity, no distinction between universal and women’s suffrage is made.

of rights as a form of injustice. Marx recognised the inequitable distribution of wealth as another form of injustice. Having been exposed to the worst excesses of what Fulcher calls anarchic capitalism¹¹, Marx identified the capitalist mode of production as a major contributor to inequality. He advocated for an economic system controlled by the state and the abolition of social classes in order to bring about a society with a fair distribution of social goods.

It is easy to jump to the conclusion that Marx advocated for a radical form of equality or egalitarianism in which the distribution of all social goods must be equal. He did, after all, advocate for some social measures broadly considered egalitarian, such as “a graduated progressive income tax, abolition of the right of inheritance, equal liability of all to labor, and universal free public education”¹². This would be a common misinterpretation.

As Wood points out, Marx interpreted equality, conceived of as equality between social classes, as a purely political value that acts as “a vehicle for bourgeois class oppression”¹³. Equality in these terms requires the preservation of social classes and therefore the capitalist mode of production through which the bourgeois can continue its oppression of the proletariat. For Marx, real equality is a natural outcome of the abolition of oppression rather than an end in itself.

Marx laid out a comprehensive social and political philosophy not only for the proper distribution of social goods, but also the means by which to bring it about. Nothing short of democratic revolution, in Marx’s view, could abolish the social classes and end the capitalist mode of production.

Rawls, on the other hand, was relatively silent on the means by which his comprehensive theory of social justice should be implemented. Noticeable in

¹¹ James Fulcher, *Capitalism: A Very Short Introduction* (New York: Oxford University Press), pp. 38–41.

¹² Allen W. Wood, ‘Marx on Equality’, in *The Free Development of Each: Studies on Freedom, Right, and Ethics in Classical German Philosophy* (New York: Oxford University Press, 2014), pp. 252–73 (p. 253).

¹³ Allen W. Wood, p. 253.

Rawls compared to Marx, however, is a relative lack of disdain for capitalism¹⁴. Having partially lived through the period Fulcher calls managed capitalism¹⁵, Rawls had the advantage over Marx of witnessing the social improvements possible in a regulated capitalist economy.

Whilst there are undoubtedly advocates for social justice in the current day promoting revolution and the overthrow of capitalism as the only means to realise social justice, this approach does not appear to be accepted in the mainstream. Rather, a regulated capitalist economy is seen as a tool through which improvements to social justice can be implemented. A burgeoning capitalist economy can generate significant taxes which a state can use to fund any number of public programs such as health and education, for example.

An understanding that social justice can be aimed at without overthrowing the capitalist mode of production is owed largely to Rawls, who saw his political philosophy as resolving the long-standing tension between liberty and equality¹⁶. Prior to *A Theory of Justice*, moves towards social justice in the form of the welfare state were open to the conservative critique of loss of liberty. Similarly, liberal democracy and the free-market capitalism it is founded on were open to the socialist critique of social inequality. Liberty, considered a fundamental value by many, seems necessarily to result in extreme and undesirable social inequality, yet, any attempts to ameliorate social inequality seem to entail the violation of individual liberty.

Whilst few today probably agree that Rawls resolved this tension once and for all, his work did suggest that it is potentially resolvable¹⁷. *A Theory of Justice* provides a moral framework that embraces both liberty and social equality whilst placing morally justified limits on them. The Principle of Equal Liberty requires that a basic minimum set of rights be equally distributed while the Difference Principle requires that any social or

¹⁴ Although Rawls was critical of capitalism at times.

¹⁵ Fulcher, pp. 41–47.

¹⁶ Leif Wenar, 'John Rawls', *Stanford Encyclopedia of Philosophy*, 2017.

¹⁷ Whilst there is a significant body of literature in response to Rawls, much of it, if not the majority, finds fault with his work.

economic inequality be explainable in terms of equality of opportunity and benefit to the least advantaged.

Rawls's principles are recognisable in contemporary social justice discourse. The equity of rights, equality of opportunity and equity in living conditions identified by the *International Forum for Social Development* strongly resemble them. Similarly, Rawls's account of primary goods closely match the areas of distributive inequality the forum identified.

It might seem reasonable to conclude that contemporary social justice discourse is distinctly Rawlsian, and indeed, *Social Justice in an Open World* does mention Rawls directly at least eight times. Nevertheless, Rawls's theory operates at a high level and, in a similar manner to utilitarianism, suffers difficulties in practical realisation. Geuss argues that the fatal flaw in Rawls is that the correct evaluation of unequal distribution against the difference principle is unclear¹⁸. The accurate calculation of benefit and to whom is nearly impossible in all but the most contrived examples. As a result, contemporary social discourse does not attempt to justify its position in these terms.

Further, the difference principle appears to justify what some might consider extreme means in the end of delivering benefits to the least advantaged. Large scale and explicit wealth redistribution is the most obvious example. While we do see some moves in this direction, such as the up to 60% inheritance tax in France¹⁹, *Social Justice in an Open World* primarily advocates for redistribution achieved through economic cooperation.

III Conclusion

Rawls's theory could be interpreted to support the construction of a society having radically different structure to what we see in the world today.

¹⁸ Geuss, p. 33.

¹⁹ Notaires de France, 'Droits de Succession : Ordres Des Héritiers et Barème Des Droits de Succession', *Notaires.Fr*, 2019 <<https://www.notaires.fr/fr/donation-succession/succession/droits-de-succession-ordres-des-h%C3%A9ritiers-et-bar%C3%A8me-des-droits-de-succession>> [accessed 15 August 2019].

Contemporary social justice discourse, however, doesn't follow Rawls particularly far down that path.

Contemporary social justice discourse does strike a passing resemblance to Rawls. The language of equality of opportunity, equity of rights and assisting the needy sounds like it could have been lifted directly from the Rawls's principles. Noticeable too is a distinct lack of Marxist talk of revolution and overthrow of the capitalist mode of production.

Undoubtedly, something is owed to Rawls's *A Theory of Justice*. If nothing else, Rawls brought the concept of justice to the forefront of political philosophy, leaving behind an environment in which significant social justice discourse could take place. From a practical standpoint, however, there is little, if anything, in the discourse appealing to Rawls for its moral justification.

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