

**Rawls's *A Theory of Justice*: Addressing the Criticisms of
Okin and Pateman
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It is crucial when thinking about how one can best achieve justice to appeal to human nature so that the means may be accomplished. What distinguishes philosophical arguments of social and political theory is that human nature must be appealed to in order to justify our institutions. Because this is how philosophy approaches the morality of institutions it gives a moral component to the concept of justice. Without these arguments about human nature there would be one single component of justice, the law. Arguably, the very foundation and purpose of the law and the motive in accomplishing justice is the component of morality which can only be achieved through arguments about human nature. When considering these arguments about human nature we must ask what is good for human nature, because if a solution is found that is good, then we can deduce that it is a just institution. What is good for human nature is that they are given liberty and freedom in pursuing their interests as long as there is no harm being caused. If this is qualified by fairness and satisfied by equality, then that is the best way to accomplish happiness. If happiness is accomplished we have done what is good for human nature and in return created a just institution.

John Rawls in *A Theory of Justice* argues for the original social contract and its rules in order to meet his system of justice, which he feels is most fair. Rawls's argument starts with an explanation of the original position and the "veil of ignorance," then proceeds to use those concepts and his two principles of justice to argue for his system that he calls "justice as fairness." Finally, he argues for democratic equality by discussing his two principles and why they eliminate the other three competing systems. He uses deductive logic to structure his arguments. First, I will explain what Rawls meant by the "original position" and the "veil of ignorance."

The original position is a situation of complete equality where hypothetically no one knows: 1) his or her place in society; 2) his or her class position or social status; 3) what abilities or handicaps he or she will have; and 4) His or her conception of the good or psychological tendencies. Rawls believes that the contract or

agreement should be something we would agree to if we were in the original position and only in that position can we determine that our principles of justice are most fair. Also, the veil of ignorance is a part in Rawls's model of justice as fairness. The veil of ignorance is the product of your state of mind resulting from the original position. This means that to be in the original position is to be behind a veil of ignorance that doesn't let you realize what you are and bias your state of mind from what is most fair to what would most benefit your situation. Preventing this bias is another source that Rawls believes will lead to justice as fairness. While behind this veil of ignorance we can agree on the principles of justice that will govern society.

Rawls generated two principles of justice from his model that are to be used to gauge the justness of society. These two principles do not allow the rich to sit around and keep their status nor do they hinder or handicap the poor from working hard and improving their status. Basically, it allows people to make their own opportunities and awards productivity. The first principle makes it so each person has an equal right to basic liberties. This establishes things that we know as our Bill of Rights, like the right to free speech and to peaceably assemble. The second principle requires that social and economic equalities are to everyone's advantage and offices or positions are available to anyone. This applies to things like the distribution of wealth and makes it so political offices and organizations are not exclusive as to their leadership. When we combine the two principles of justice with the actual conditions influencing a political state we can provide a synthesis. It is important to keep in mind that the principles are general and, being of general nature, are capable of being interpreted differently by different states depending on the conditions of the state. For example, a prosperous First World nation is going to interpret these principles radically different from a desolate Third World country. Though it is the mental state caused by the situation they are in that would cause the people of each state to interpret it differently. Because of this, it ought to be just to say that different states may interpret differently what is just based on the factors or conditions of the state. However, these factors have to be a result of the state, not the individuals of the state. There are four systems that can be created determining how the principles are interpreted. Rawls argues for one, democratic equality.

Democratic equality is favored by Rawls because it does not directly block the means or mobility within society. Rawls focuses on the Heads of Family in his model. This system agrees with his standpoint that the distribution of income and wealth must not

always be equal as long as it is to everyone's advantage. Also equality of wealth distribution among the heads of the family is just as long as the position of authority as the head of the family is accessible to all. Because democratic equality compensates for this ideology, Rawls argues for it to be recognized as the most just of systems. The three competing systems are systems of natural ability, liberal equality, and natural aristocracy. Rawls goes down the list and, using deductive logic, shows how all the systems except democratic equality are defective. Therefore, with all three competing systems falling short of Rawls's requirements he claims that we have no choice in the interest of justice but to choose the system of democratic equality. Susan Moller Okin gives a criticism of Rawls's three psychological factors and why they don't quite achieve justice as fairness.

In part three of John Rawls's book *A Theory of Justice* he refers to three psychological factors: morality of authority, morality of association and morality of principles. Rawls claims that this society can sustain itself only if its members have a sense of justice. These three psychological factors refer to the development of this sense of justice. Okin's criticism is how Rawls assumes the family is just through these psychological factors. He does not recognize the possibility that the family is not just and if they are not just how one individual is supposed to develop a sense of justice. The morality of authority is the first stage in moral development. In this stage Rawls assumes that teaching morals to children is a condition of human life. Okin would argue that this is an assumption and people often do not believe they have the duty or condition to teach morals. Children are not of the ability to challenge the precepts or principles of their parents, this is something acquired at a later stage of moral development. Rawls continues to say that the principles taught by the parents are justified, that they are part of assumed familial duties and that the parents love the child. Rawls says given these assumptions the children will come to love and trust their parents, and this happens only if the psychological principle is there. The first psychological factor is that the child will love the parents on the condition that they first love and trust him and give him guidance (Rawls 1971, p. 406).

The second state of moral development is the morality of association. In this stage the family is still the most important association yet the child's precepts have been extended to the associations or groups the child affiliates with. The associations change in the course of a life, yet the associations and morality thereof is influenced constantly, just the associations change. The psychological factor learned in this second stage assumes that an

association is just in its workings, and that ensures that all members who honor their obligations and duties are benefiting from the group and its activities and is seen as good will which in turn creates feeling of friendship and trust between the members (Rawls 1971, pp. 409-412).

The morality of principles is the next stage and is a more advanced form of the second stage. This stage is about the equal member of society that has the moral understanding of the principles of justice. This means being able to interpret a law or rule not only in the best way for you or your immediate affiliations but for another person and being able to select a just compromise. The third psychological law states that after one has established love, trust and mutual confidence with their parents, other people and associations, then the person will feel a desire to make sure that those with which we feel love, trust and confidence are benefiting from a system of justice. Once we see how a system of justice can promote the well-being of society and those groups or people who participate in the human cooperation we want to further the expansion system and the ideals that result from it (Rawls 1971, pp. 414-415). Rawls says it best when he claims that "the sense of justice is continuous with the love of mankind" (Okin 1989, p. 98).

The main criticism Okin makes of Rawls's psychological laws of moral development is that he does not explain or justify the grounds for his assumption that families are just. She gives the example of the hierarchical family where sex roles are different and unequal how is one child supposed to learn a balanced understanding of justice when it is not prevalent in the child's own home. How is the child supposed to learn how to be able to imagine what it is like to be in someone else's shoes when he can not see his parents trying to do it to achieve justice? Also, what if the family is not extensively connected to just associations where there is an exchange of sympathy for other people outside the family? How is the child supposed to recognize the importance of this and do it later in life if the child can not observe or understand it? Rawls claims this is required and vital to the practice of justice but Okin criticizes him for not giving explanation to the exceptions of a "just" family (Okin 1989, pp. 99-100). Okin also criticizes him for the lack of gender neutral terms when Rawls always refers to the child as "he."

Carol Pateman argues against Rawls's concept of creating a contract among heads of households because they are subordinate to women. She criticizes Rawls's argument that the institution of marriage ought to be a privatized contract between couples. She claims that if this is accomplished then it gender-structured marriages will further eliminate and control or equality on the part

of the woman (Pateman 1988). Okin defends Rawls by claiming that "Pateman gives up too easily on the potential uses of contract for feminism..." and goes on to say that "the original position can be a powerful tool for feminist criticism" (Okin 1990, p. 666). It can be inferred that Okin is arguing that if we consider the power of Rawls's original position and how it may affect contractual negotiations there may be a just way to achieve contracts that do not oppress women. Instead, they can be turned around and used to prevent oppression and protect women's labor and liberties. However, I believe Okin agrees with Pateman that this would need to be addressed as a concern in the original position in the first place to make it effective. Women would no longer be able to be included in the private family unit that Rawls places them in. Women would have to have a separate sphere or a sphere that at least includes the family and does not assume justice.

I believe Okin makes the better point in pointing out why it is such a problem that Rawls assumes justice in the family. Because justice in the family is such an issue and is so often not prevalent it is almost a blatant disregard for the exception to a just family when it seems those families without justice hold such a strong number in society. My second reason for siding with Okin is that Rawls buries himself by placing so much importance on justice by saying that a well-ordered society is dependent on it. It is almost a direct contradiction to follow that by assuming justice. How does one assume the pivotal point in an argument for developing a well-ordered society without explaining where justice *ought* to be prevalent and giving explanation or conditions as to the creation of justice in the family? It seems to me that if Rawls had laid out some requirements that need to be met by a family in order to be considered just, then pending the family meeting those requirements, the moral development stages would stem from there. Instead, he just assumes without substantiating what appears to be the most important part of the argument. Only by addressing the above requirements could Rawls get around my judgment.

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