

# The Political Conception of a Person and Original Position in Rawls' Theory of Justice

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**Abstract – John Rawls' Theory of Justice is a great work in political and moral philosophy. It revives the political philosophy from dying and gives liberalism a new shape. His theory is full of justification and argument. The only purpose is to establish just social order. Just social order needs some principles. In deriving these principles Rawls used some concepts –original position and political conception of the person. The aim of these concepts was to make unbiased principles. Original position is a hypothetical situation where everyone is free and equal. That free and equal status will be under veil of ignorance. In this situation, they are to represent each of their particular conception of the good. In Rawls' Theory of Justice, the political conception of the person is enable them to have the capacity of two moral powers-capacity to take reasonable conception of justice and capacity to choose particular conception of the good.**

**In writing my paper, I have used the descriptive and analytical method. The sole aim of my paper is to show the cause of the Rawls' usage of these two conception. The cause is to derive unbiased principles of justice. Amartya Sen and others criticise his original position as it does not deal with actual societies and actual condition of the people. Just social order is itself not actual. So, what is not actual that is the present society, to make it ideal we may need the hypothetical situation.**

**Keywords: Original Position, Veil of Ignorance, Political Conception of the Person.**

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## INTRODUCTION

John Rawls' Theory of Justice is one of the path breaking book in the liberal tradition. Rawls in his book tries to answer- what is just social order and how it can be made? His theory of justice is an alternative to Utilitarianism as it sacrifices rights and liberties of some for the greater benefit of the society. He derived two principles of justice from hypothetical situation known as original position- first principles protects the equal basic rights and liberties of the individual and seconds principles deals with two things one is about fair equality of opportunity and another one deals with that kind of inequality which takes the benefit of the least advantaged. The title of my paper is concept of person and his original position. So, in this paper, I shall try to highlight the role of the specific concepts of person which Rawls initiates and his original position which helps in deducing the two principles of justice.

Rawls proposed his theory of justice to meet the drawback of the theories, prevalent in his time mainly of utilitarianism, perfectionism and intuitionism. To quote Rawls, "My guiding aim is to work out a theory of justice that is viable alternative to these doctrines which have long dominated our philosophical

tradition".<sup>1</sup> For this, in every step he tries to control the condition in order to formulate the desired conception. Rawls' whole method is not to enter an actual social condition. He thinks that actual situation of society or institutions may not be helpful all the time to find out the ideal framework for the theory of justice. Ideal in the sense that we are not talking what is there in the societies, its loopholes etc. Rather, we are concentrating on the conditions of just society. How are to reach just institutions. Therefore, imaginative condition is sometime best procedure which will help to formulate the principles of justice.

## THE POLITICAL CONCEPTION OF A PERSON

Rawls introduces hypothetical situation in his theory of justice named as original position. The purpose of introducing this hypothetical situation is to deduce unbiased principles of justice. In the original position, citizen under veil of ignorance unanimously derive two principles of justice. These principles are to determine nature and

<sup>1</sup> Rawls, John, (1999), *A Theory of Justice*, Massachusetts: Harvard University Press, p. 3

characteristics of basic structure of society. Veil of ignorance is a curtain which maintains rationality and impartiality of the original position. Veil of ignorance restrict people to know particular conception of good which may lead them to make biased decision. Along with these concepts Rawls also assumes certain specific conception of the person which is known as political and moral conception of the citizen. Political conception of the person means citizen are represented as free and equal as they possess two powers of moral personality-the capacity to be reasonable and capacity to be rationale. The capacity for a sense of justice is to cope up with principles of justice. It is the moral power that enables persons to be reasonable. And the capacity for conception of the good enables individual to make his particular rational plan of life. According to Rawls, these powers develop the sense of fair terms of cooperation and idea of each individual rational advantage that people in the just institution incorporate. Rawls says, "These powers we associated with the two main elements of the idea of cooperation, the idea of the fair terms of cooperation, and the idea of each participant's rational advantage, or good."<sup>2</sup> Without these two moral capacity, individual will not be considered as moral person and if they are not considered as moral person they will not be free and as a consequent of it representatives of original position will be unable to derive unbiased principles of justice for the basic structure of society.

### THE ROLE OF ORIGINAL POSITION IN RAWLS' THEORY:

Rawlsian conception of the original position is not a unique in the history of political philosophy. Rather, Rawls' original position and the principles of justice take clue from the work of Aristotle, Locke, Kant and Mill. But taking clue from them, it took different shape and make its own image. But Rawls wants to transcend all of them by his idea of the "original position" which provides an Abstract sphere for the 'consociational'<sup>3</sup> agreement regarding the basic principles of justice. Rawls' original position is the remodelled form of the "state of nature" of contractarian theorist. But the fact of being hypothetical nature of original position differs from traditional contractarian. According to traditional contractarian, original position is an actual historical state. In Rawls' language, "This original position is not, of course, thought of as an actual state historical state of affairs..."<sup>4</sup> The Abstraction of the fair principles of justice is the sole objective of the original agreement. It is a hypothetical contract situation or a bargain place for free, rational and equally self-interested individuals. The contractors in the original position decide rationally, "once and for

all what is to count among them just and unjust".<sup>5</sup>

Original position allows such kind of knowledge which validates the objectivity and neutrality of the selected rules. And the veil of ignorance facilitates that selection possible. The veil of ignorance "blocks out knowledge of the who they are, their place in history, their talents, skills and their individual's "plans of life..."<sup>6</sup> The selective information available in the original position are:

- a) People know the general facts about human nature in the original position.
- b) "Self-interested" would be motivating factor in the original position to act in the certain way. It is assumed that the contractors are to maximise their own self-interest that is particular conception of good and welfare in society. To quote Rawls, "... in drawing up the conception of right the parties take their interests into account as best they can".<sup>7</sup>
- c) The contractors in original position act and choice rationally.
- d) The original position is a bargaining position for mutually dis-interested and rational contractors.

The original agreement provides the basis of a public conception of justice. Public conception of justice in the sense that they are equal and free to decide which conception of justice is to play in the just institution. According to Rawls, socio-economic status of an individual play a significant role and decides individual "choice of good." The socio-economic conditions also give meaning to one's life. Individual may have different conception of the good and none of these good is trivial. There is no hierarchy in their choices. So, individual own conception of good and their specific social status must not play a role in deriving the principles of justice. Rawls states, "...particular inclinations and aspirations, and person's conception of their good do not affect the principles adopted."<sup>8</sup>

The reason for restricting contractors having knowledge of their particular conception of good is to make room for justice. As individuals' knowledge of their situation is the cause of injustice. The individual's knowledge of their situation influences his choice of the principles of justice. So, Rawls believes that fair bargaining is possible only in the

<sup>2</sup> Rawls, John, (1993), *Political Liberalism*, New York: Harvard University Press, p. 34.

<sup>3</sup> A political system formed by the cooperation of different social groups on the basis of shared power

<sup>4</sup> Rawls, John, *A Theory of Justice*, p.11.

<sup>5</sup> Rawls, John, (1980), "Justice as Rational choice behind the Veil of Ignorance" In *Justice: Alternative Political Perspective* by J. P. Sterba, California: words worth publishing company, p.127

<sup>6</sup> Norman, Denial, (1989), *Reading Rawls, A Critical Studies on Rawls Theory of Justice*, California: Stanford University Press, p. XIV.

<sup>7</sup> Rawls, John, *A Theory of Justice*, p.135.

<sup>8</sup> Ibid, pp.16-17.

situation where people are kept aside from their particularities. So, Rawls claims, that "the principles of justice are the result of a fair agreement or bargain".<sup>9</sup>

The veil of ignorance restricts contingencies of one's life to play role in one's life. As the contingencies like social positions and other things make hindrances in determining one's life prospects and affects the choice of the people to make fair bargain. The reason for introducing such constraint as veil of ignorance is to nullify the people's chances to use contingencies in their own favour. In original position the choice of the principles must be "rational". Rawls assumes that the representatives in the original position are rational. They took the most effective and efficient mean to actualise their specific end. Economic theories advocate this kind of rationality. Rawls interpreted rationality in this narrow sense in his theory of justice. Rawls states "the concept of rationality must be interpreted as far as possible in the narrow sense, standard in economic theory, of taking the most effective means to given ends".<sup>10</sup> Rawls has given justification behind his assumption that individual follow rational act in original position is that the contractors in "choosing between principles each tries as best he can to advance his interest."<sup>11</sup>

Here, we should keep in mind that conception of justice is not an alien conception assumed by the parties which role out public conception of justice. The important fact is that the contractors are committed to the agreement they have made in original position. That agreement is the condition of rationality. Rawls assumes that individuals being rational members of the agreement they "will not enter into agreement they know, they cannot keep, or can do so only with great difficulty".<sup>12</sup>

## CONCLUSION:

Original position is not a new thing but the way Rawls used it in his theory of justice is unique. The political concept of person and original position has an important place in deducing unbiased principles of justice. Though some object that these are not actual but utopian concept, but the question is without these hypothetical concepts how do we can make unbiased principles? If we have the desire to live in a just society, we should have the criterion to live in ideal society and that criterion is called free and equal conception of a person.

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<sup>9</sup> Ibid, p. 11.

<sup>10</sup> Ibid, p.12

<sup>11</sup> Ibid., p. 142.

<sup>12</sup> Ibid, p.126