

3. John Rawls’ “Reflective Equilibrium” A Methodology for Testing Hypotheses

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3.1 Abstract:

John Rawls theory of justice is a work dedicated toward the re-examination of the foundation of our thought system and of social and political institutions by subjecting them to the test and standard of truth and justice. Methodologically his system of thought, especially his idea of ‘original position’ yields a rigorous thought processes for rational reflection known as ‘reflective equilibrium’. It is a method for testing principles and evaluating judgments by following certain reasonable restrictions in a hypothetical state of initial situations. Reflective equilibrium method not only exert the role of free people to their choice of principles to assigned rights, duties and benefits in social cooperation but also envision the possibility of social justice and well-ordered society through rational reflection. Rawls in the idea of ‘veil of ignorance’ aims to ensure transparency in the choice of these principles from personal inclinations and prejudices. This conceptual framework of the method of ‘reflective equilibrium’ is built-in to Rawls theory of justice.

3.2 Introduction:

John Rawls (1921-2002) theorization of justice starts as an enquiry into our basic assumption that asserts the primacy of justice and truth. His theory of justice asserts that truth and justice are uncompromising virtues in human activities and that they are inevitable for social justice and for the achievement of well-ordered society. Rawls theory of justice not only serve as an alternative to the doctrines of the classical Utilitarianism and Intuitionism conception of justice but also provide a methodical examination into our basic assumption of how we arrive to the agreement of a principles of justice in the initial situation. Rawls theory of justice basically is a work dedicated toward the re-examination of the foundation of our thought system and of social and political institutions by subjecting them to the test and standard of truth and justice. Similarly, methodologically his system of thought especially his idea of ‘original position’ yields a rigorous thought processes for rational reflection known as ‘reflective equilibrium’. It is a method of testing principles and evaluating judgments by following certain reasonable restrictions in a hypothetical state of initial situations. More precisely, reflective equilibrium involves vigorous scrutiny of known principles about justice in order to arrive at commonly acceptable underlying principles through rational reflection. Achieving this state of equilibrium by rational reflection demands a disciplined and systematic evaluation of our judgements to these principles. There is basic assumption that these principles and our judgements about them are not certainare therefore subject to revisionin cases of discrepancies. Again, central to this rational inquiry is truth and justice. They therefore set the tone and standard for his inquiry and the development of his theory of justice.

3.3 Rawls' Hypothetical Edifice: 'Original Position':

Rawls conception of justice is moral and ideal in nature. It is moral since "Like moral conceptions in general, a conception of justice enunciates a set of rules or procedures by which ethical questions are to be answered and ethical disputes resolved" (Mikhail, 2011, p. 6). Rawls theory of justice is ideal since he seek a strict compliance to the principles of justice in order to derive principles of justice that would determine a well ordered society, a society that prioritizes equality and rational inquiry (Rawls, 1971).

Before we move further it is important to get ourselves familiarize some of the terminology that will be repeated used in the discussion of Rawls theory of justice. Some of these repeatedly occurring terms in Rawls' theory of justice include 'the state of nature' of social contract theory, Rawls' 'original position', 'veil of ignorance' 'justice as fairness' and 'reflective equilibrium'.

Rawls in his theory of justice interpret what is known in the traditionalist social contract theory as 'the state of nature'. By the idea of the state of nature, social contract theory explains and even justifies the formation of state. The state of nature, the theory explains is conditioned by perennial conflicts for resources and dominations of one group over another. According to Thomas Hobbes, this state where "all is against all" came to be resolved in the formation of the state which is based on certain contractual agreement. However, Rawls proposed 'original position' represents a new form of contract produced by people in the initial situation.

While Rawls' original position is a mental set-up devoid of social prejudices in order to achieve justice in the choices we make in the society, by 'reflective equilibrium' his attempt is to test the validity of this hypothetical situation in particular situations. In this hypothetical state of affairs, free people through rational reflection can choose the entitlements and rights of a society from a veil of ignorance. We arrive at 'veil of ignorance' by excluding the knowledge of those contingencies which sets men at odds and allows them to be guided by prejudices (p.19). In the original position free and rational people choose appropriate principles of justice from the veil of ignorance. Initial status quo better known for original position or initial situation aims to ensure that the fundamental agreement reached in the state are fair. This fact therefore yields the name 'justice as fairness'.

By his theory of justice, Rawls wanted to present a generalizing conception that would transcend social contract theories of Lock, Rousseau and Kant (Rawls, 1971). Social contract theories' conception of the state of nature is concerned with the assessment of 'how society may justly proceed' (Moseley, 2016, p. 110). According to social contract theories, the injustice reeked in society is mainly in the area of just distribution of resources and of opportunities.

In such society, welfare schemes meant to uplift the plight of the less unfortunate becomes contradictory to those who adhere to the claim of the inviolability of self-ownership, private property and privilege lifestyle. Since a person's right to welfare implies that someone ought to pay for it (Moseley, 2016). In this regard, Rawls 'Original Position' offers a novel conception of social contract theory. The importance of Rawls Original position therefore, lie in extending a novel approach to a State or a government that aims to strike a balance between these groups so as to establish fair and just society.

By his veil of ignorance, Rawls recommend a state whereby judgements and choices could be made without personal preferences or prejudices (Rawls, 1971). That is, the rights and entitlements are chosen from veil of ignorance that is, without prior knowledge of others' abilities or disabilities. Rawls imagined that in such society the worst-off would be taken care of 'as any person could find themselves in such a situation' (Moseley, 2016, p. 110).

3.4 Justification of the Original Position: Principles of Social Justice:

John Rawls theory of justice is distinct from all other conceptions of justice in that his theory is uniquely characterized by what is known as the 'original position'. He conceived the concept of the original position as the most favoured interpretation of the initial choice. In the initial stage of social cooperation, men are expected to chart out rules and regulations that would provide the foundation charter to the society. It is a society where everybody are expected to contribute and share in determining the standard of what is to be known as just and unjust. This comprises the choice principles of justice which would determine social burdens and benefits to all. He delineates the process of deciding the most favoured interpretation in the shared assumption about the initial situation. The original situation is a hypothetical situation that aims to test the validity of a particular situation by rational reflection. Thus, the original contract doesn't entertain a thought of entering a particular society or of setting up a particular government. Rather what's important here is determining 'the basic principles of justice for the basic structure of society.' Formation of the principle of justice is therefore the object of the original agreement. Every free and rational person prioritise the principle of justice reached by original agreement as it provides a proper channel whereby an individual as well group interests is advanced. Therefore, Rawls recognized these principles an initial position of equality as foundational for social cooperation (Rawls, 1971).

Rawls' conception of justice is different from all other conceptions of justice in that the principles of justice proposed from an original position specified by equality of rights in choice of principles. This is aimed toward resolving existing differences in the original situation for the assignment of right and duties in the basic institutions and distribution of benefits in social co-operation. Rawls theory of justice therefore aims to organize a well-ordered society by strictly adhering to the reasonable restrictions of justice by following a unique procedure to transcend disagreements about the principles in rational reflection and in the original situation. The distinctness of Rawls conception of justice leaves an open door for interpretation in the notion of arbitrary distinction and proper balance (Rawls, 1971).

While freedom community and efficiency are political values, Will Kymlicka in his Introduction to Contemporary Political Philosophy (2002) claim that 'justice is the standard by which we weigh the importance of other values' (Kymlicka, 2005, p. 168). According to him the virtue of justice is overarching for there are no other values to appeal to when policy is unjust. The concept of Justice to a well-ordered society is important as it adds due weight to other values.

3.5 Importance of Rawls Theory of Justice:

John Rawls theory of justice is narrowed down to focus on a special problem of justice that is the problem of 'the primary concept of justice' and or 'the basic structure of justice' (Mikhail, 2011, p. 7). His theory of justice is therefore embedded in social justice.

This theory of justice claims that 'justice is the first virtue of social institutions' (Rawls, 1971). In fact, his theory of justice is an important assertion of truth and justice. For him just as truth is to the system of thought, so is justice to social institutions.

A theory however elegant and economical must be rejected or revised if it is untrue; likewise, laws and institutions no matter how efficient and well-organized must be reformed or abolished if they are unjust (p.3).

Rawls firmly posits the validity of any theory to the standards of truth. Correspondingly the validity of laws and institutions are firmly subject to the standard of justice. Hence, according to Rawls, any theory, laws and institutions are subject to the test of truth and justice.

Having established the primacy and supremacy of truth and justice, Rawlsian theory of justice asserts the inviolability of individual's rights and freedom. He is the strongest opinion that "the rights secured by justice are not subject to political bargaining or to the calculus of social interests" (p.28). To him, justification of harm done to an individual (example: 'loss of freedom') at a pretext for general good is wrong by any standard of justice. Based on his theory Rawls built a strong case for individual rights. The fact is in a truly good and just society, equality amongst citizens is strictly observed (Rawls, 1971). Perhaps for this reason Marxist strongly believes that justice is not required in a truly good community. Thus, the appropriation of justice depends on certain but not all circumstances (Kymlicka, 2005).

Rawls conception of a well-ordered society is not the absence of conflict but is the recognition of a common principle adjudicated by a public sense of justice. Rawls sees a means of resolving the existing disagreements in the idea of just institutions. In a just institution, every judgement including assigning of rights and duties is not ruled by arbitrary distinction. Similarly, proper balance between competing claims is determined according to the rules of justice and for the best advantage of social life.

However, there are important factors that need to be kept in mind if rational deliberation is to succeed. We will need to know and deliberate on the following factors: Knowing 'the beliefs and interest of the parties', their relations to one another, the availability of alternative principles of justice from which they are to choose, and the procedure involved in this decision.

According to Rawls, disagreement in the original position persists in the form of social problems that exhibits lack of coordination, efficiency and stability. Therefore, in order to achieve a viable community 'some measure of agreement in the conceptions of justice' (p.6) must be reached. This includes fitting together of individual plans, needs and activities so that they do not conflict with other legitimate expectations. These plans must be executed not only for the achievement of social ends but in conformity with the concept of justice in a manner that is efficient and for the attainment of stability. Thus, Rawls social justice aims to provide a perfect coordination of social problems with the concept of justice.

All the while Rawls in his theory of justice asserts his firm conviction about the primacy of truth and justice, under exceptional case he seems to accommodate the contingent nature of justice. According to Rawls, this exceptional case includes the need to avoid greater injustice or certain form of injustice arises in the context of just-war (Rawls, 1971).

According to Rawls, not all conceptions of justice are equal. However, his justification of his conception of the theory of justice is based on the fact of the reasonableness of the theory. Since the primacy of justice and truth is uncompromisingly asserted by Rawls in his theory, he also opens a scope for the examination of convictions or other claims that are otherwise unsound. His theory of justice serves this end. By this theory, Rawls provides a method whereby we can assess and even interpret our claims.

3.6 Procedure to Enter Original Position: Reflective Equilibrium Method:

We can enter the original position, an imaginative original situation simply by following certain procedure. That is, we can argue for the principles of justice within the confinement of these restrictions. Reasonable restrictions that can be imposed on the discussion of the most appropriate principles include the following:

- a. The reasonable restriction includes that ‘no one should be advantaged or disadvantaged by natural fortune or social circumstances in the choice of the principles’ (p.18). While the need is the choice of the principles, observance of equality in original position is a must.
- b. Another reasonable restriction includes ‘the impossibility to tailor principles’ (p.18) in order to gain advantage in one’s own case. This includes the need to insulate the choice of the principle of justice from personal self-interests, biases or prejudices, personal inclinations and aspirations. The purpose here is to rule out principles that would be irrelevant from the standpoint of justice.

Original position is characterized by equality amongst all parties. Conditions of equality thus range from equality in terms of choosing principles, making proposals and submitting reasons for acceptance. The purpose of these conditions is the assertion of ‘equality as moral beings, as creature having a conception of good and capable of a sense of justice’.

Along with these requisite conditions, and the veil of ignorance combined we have John Rawls theory of justice. In the original position, every rational person willing to advance their interests would consent on equality of all parties.

In the next sector we will be concerned with justifying how the principles so chosen match our considered convictions of justice. We will justify a particular description of the original position by applying the principles to particular instances through rational reflection. This process of rational reflected can be assessed in the following ways:

- a. **Rational Reflection Under Conditions of Assurance:** While applying these principles to particular instances it is important to consider if its application will yield the ‘same judgement about the basic structure of society’ that we use to draw intuitively. Rawls takes an instance from religious intolerance and racial discrimination in order to examine our convictions that are conclusively arrived at by rational reflection and impartial judgements. From the examination of these issues Rawls affirm that they are by dint of impartial judgements unjust. Such rational reflection that reflects impartial judgements, provisionally presume a fix points that are built in to any conception of justice.

- b. Rational Reflection Under Conditions of Doubt:** However, tainted by doubts we cannot assert the same conviction about the correct distribution of wealth and authority. Under this condition it is most viable to check an interpretation of the initial situation. So that later the capacity of its principles could accommodate our firmest convictions and to provide guidance where guidance is needed. In this regard, important to consider is the reliability of the principles to yield a resolution that can in turn be affirmed on reflection. This evaluation is particularly important when present judgements are doubted and when a resolution is given with hesitation.

The key to overcome doubts in rational reflection is by finding the most appropriate description of the initial situation. In below we find recommended steps to discover the best description of initial situation:

- a. Describing initial situation that is inclusive of our shared presumptions and weak conditions.
- b. Either checking to see if these conditions can yield a significant set of principles; or, 'we look for further premises equally reasonable to see if these principles match our considered convictions of justice' (p.19).
- c. In case of discrepancies, we can either choose to modify the account of the initial situations or we can revise our existing judgements. Rawls do not believe in the certainty of principles and of our judgements about them since judgements are a provisional fixed point that is subject to revision.

Thus, 'reflective equilibrium' is the state of affairs we finally arrive at after having subjected our popular notions and considered judgements to the vigorous scrutiny of the conditions of what Rawls term the 'original positions' which is a 'contractual circumstances conditioned by certain reasonable restrictions. The term 'equilibrium' is a state of balance achieved between principles (we arrive at) and judgements (we make about these principles). Since the judgements we make are derived from following certain precepts, to that degree it is 'reflective' (Rawls, 1971).

3.7 Conclusion:

John Rawls' method of 'reflective equilibrium' is a conceptual framework built up on his conception of justice. This in turn is postulated by 'original position'- a hypothetical state of affairs formulated to test principles in particular situations so as to arrive at a viable and commonly accepted conception of justice which in turn could be used to achieve social justice and a well ordered society.

3.8 Bibliography:

1. Kymlicka, W. (2005). Marxism. In W. Kymlicka, Contemporary Political Philosophy An Introduction (2nd ed., pp. 166-207). New Delhi: Oxford University Press.
2. Mikhail, J. (2011). Rawls Concept of Reflective Equilibrium and Its Original Function in a Theory of Justice. Washington University Jurisprudence Review, 3(2), pp. 1-30.
3. Moseley, A. (2016). An Introduction to Political Philosophy. New Delhi: Bloomsbury Publishing India.
4. Rawls, J. (1971). A Theory of Justice. England: Harvard University Press.