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**“JOHN RAWLS ARGUMENT OF AFFIRMATIVE ACTION: REVISITED”****Sooraj Kumar Maurya****Research Scholar, Department of Philosophy ,  
University of Allahabad , Allahabad.****ABSTRACT**

*John Rawls' in his book "A Theory of Justice" talks about the method of distributing the primary goods in a just society. Furthermore, he defines that the primary goods are those things associated with the rational persons' aspirations i.e. every rational person would desire to have the primary goods and in the view of John Rawls' primary goods are opportunities, liberties, rights and wealth etc. John Rawls' asserts that in veil of ignorance every rational person would do fair distribution of the primary goods. A just society would also have the need to determine how the victims of injustice ought to be compensated. A sort of the compensation is affirmative action. The main objectives of the paper are; to discuss Rawls' theory of affirmative action backed up by his argument in the favour.*



**KEY WORDS :** *Affirmative Action, Forward Looking Argument, Backward Looking Argument, Original Position, Veil of Ignorance, Primary Goods.*

To attain these objectives, the paper is divided into the following elaborations;

1. The Idea of Affirmative Action.
2. Arguments of Affirmative action.
3. John Rawls' Theory of Affirmative Action.
4. John Rawls' Argument of Affirmative Action.

**The Idea of Affirmative Action:**

Affirmative action is a kind of public policy designed to compensate the victims of injustice. In other words, Affirmative actions are those positive steps in the form of policies, laws or change in practices that is geared towards the upliftment of, development of deprived class whatsoever the bases is.

According to Taylor (2009), an affirmative action program is a spectrum consisting of at least five categories:

1. Category: Formal equality of opportunity: In this approach, an affirmative action program aims to implement a neutral policy to ensure that opportunities are open to everyone regardless of race, gender, religion, or any demographic attribute.[2009]
2. Category: Aggressive formal equality of opportunity: Instead of neutrality and non-intervention, supporters of Category 2 would aggressively use sensitivity training, external monitoring, and outreach efforts to achieve a fair outcome in admission and employment.[2009]
3. Category: Compensating support: In this approach, special training programs, financial support, mentoring, or tutoring are provided to minorities to compensate for their disadvantages.[2009]
4. Category: Soft quotas: In this method, "bonus points" are added to the selection indices of minorities in admission and employment while no explicit quota is set.[2009]

5. Category: Hard quotas: As the name implies, this approach aims to achieve a proportional representation of the population by gender and racial composition in the student body and the work force.[2009]

#### Arguments of Affirmative Action:

The arguments in favour of preferential treatment can be usefully classified as the argument assuring the personal and public interest in a state. This consideration involves that the obligation and responsibility of social engineers is to assure the total welfare of the society. For which two kinds of argument is given in support to the act of affirmative action.

**Forward Looking Argument:** The argument is teleological argument in nature. It is because the argument is based on the result of the action. If the action will be producing good result in the future, the action is desirable and this kind of action, social engineers should adopt without any reluctances to uplift the deprived class. Utilitarian's are the great admirer of the argument.

**Backward Looking Argument:** The argument doesn't look forward that's why this is called as a backward looking argument. It is because it says that social engineers should see the action and judgment of the past which was intrinsically valuable and done for its own, not by looking its good result i.e. done for duty. This argument was strongly supported by W.D. Ross. He says that the spring of action should be its intrinsic value and if it's not assuring welfare of the society, its need reparation, not the abolition of the action.

The question is here that the argument of John Rawls' comprises which one category of the argument which has been discussed above. To get the answer one's immediate need is to understand his theory of justice which is 'Justice as fairness'.

#### John Rawls' Theory of Affirmative Action:

John Rawls in his book '*A Theory of JUSTICE*' has discussed his theory of justice which 'Justice as fairness'. In his book Rawls' has presented some important ideas related to justice and by collecting these ideals, he established his own idea of justice which is 'Justice as Fairness'. The idea of 'Justice as Fairness' demands that if the procedures of justice are fair then there is justice. John Rawls' theory of justice is a result of higher level of abstraction of traditional conception of social contract or utilitarianism and intuitionism. Moreover, he considers some of the differences between these views and his own justice as fairness. That is how Rawls' definition "Justice as Fairness" is to be understood.

The principles of justice which Rawls' has expressed is nothing but a process, in this process everything is fair. Rawls' says that any person who is in the 'veil of ignorance', he must think that he is in initial or 'original position'. Here, original position means none knows his place in the society; his class, position or status; thus he can't imagine his fortune and the assets accordingly. Thus, deliberating behind veil of ignorance, men determine their rights and duties. That's why John Rawls' argues that the principles of justice are those that would be chosen by free and rational individuals in veil of ignorance as to what is their position in the society, which they might occupy.

John Rawls' asserts that the rational person, who is in *original position* in *veil of Ignorance*, would support the two principles of justice which is, for Rawls', two guiding principles; of allocating the primary goods or assuring 'Justice as fairness'.

**First Principle:** Each person has the same infeasible claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all;

**Second Principle:** Social and economic inequalities are to satisfy two conditions:

- a. They are to be attached to offices and positions open to all under conditions of *fair equality of opportunity*:[1991]

- b. They are to be to the greatest benefit of the least-advantaged members of society (the *difference principle*). [1991]

The above two rules are the root of Rawls' *affirmative action*. It is because the two conceptions of equality proposed by Rawls' together make a case for elimination of substantial inequalities, but they would not lead to elimination of all inequalities. The second part of the second principle, Rawls makes a persuasive case of a conception of justice that would improve the chances of the least advantaged members of the society. [2004] In other words, inequality is only justified if it results in the poor being better off in the social dimension. Rawls calls this the difference principle. The difference principle admits of inequalities to the extent that the well being of the worst member can be ensured to be maximized. [2009]

Thus, in Rawls' conception of justice, the affirmative actions are to be understood as being designed to secure for those who were harmed by a violation of either one of the above principles the measure of primary goods to which those principles entitle them as well as a remedy for the effects of their deprivation. They, then, require us not only to change current distributional practices so as to make them fair, but also to help those disadvantaged by past injustices become capable of utilizing the assets such a change would bring their way It's interesting to discuss here the assertion of Rawls':

"In justice as fairness," Rawls' says, "**men agree to share one another's fate**". [1991]

### John Rawls' Argument of Affirmative Action:

From the above discussion, it can be said that John Rawls' is supporting the Affirmative action, but not in the manner as a utilitarian or an intuitionist does. It is not my *blik* or insane belief. The arguments, in favour of my statement, are as follow;

Rawls' theory of Affirmative action is not thoroughly derived from the soul factor of intuitionism. It can fairly be understood by Rawls' own statement:

**'A conception of justice cannot be deduced from self-evident premises or conditions on principles; instead, its justification the matter of the mutual support of many considerations of everything fitting together into one coherent views'**. [1991]

Thus, Rawls' doesn't deduce his theory of justice from any self-evident truth but rather his theory is deduced from the all one's beliefs that are coherent to one another. But it doesn't mean that he never picked up anything from intuitionism. Its need a special reference of *Freeman* who stated as:

**'It is not simply a matter of intuitive balancing or feeling comfortable with one's judgment, but rather is explicated in part by Rawls' constructivism and the original position.'**[1991]

On the other hand, Utilitarianism is the idea that the moral worth of an action is solely determined by its contribution to overall utility in maximizing happiness or pleasure as summed among all people. It is, then, the total utility of individuals which is important here, the greatest happiness for the greatest number of people. Rawls' objects that utilitarianism ignores the separateness and distinctness of persons and does not recognize that justice is what free persons would choose as the principles to regulate their social cooperation under conditions that are fair. Rawls' treats utilitarianism as a candidate theory of justice for the regulation of major institutions. It is usually taken to be first and foremost a theory of right action. Broadly speaking, utilitarianism holds that morality should guide conduct in such a way that the outcome is best for people on the whole.

### CONCLUSION:

To sum up, it can easily be said that John Rawls' has taken the help of intuitionism to formulate his ideas of compensatory justice but he didn't try to copy the same. He did the same with utilitarianism. For instances, John Rawls' has accepted Kant's conception of free and rational being. John Rawls' says:

**'I have assumed throughout that the person is in original position are rational.'**[1991]

It denotes that persons are ends in-itself and Maxims of Morality has been a key factor to prove always individual as a 'Moral autonomy' i.e. 'freedom and liberty. The thing, which makes difference in the line, is the characteristic of making the decision coherent with public reason. It proves that Rawls' does not follow the backward looking argument. It's because he agrees to see the actions that proved intrinsically valuable but it shouldn't be followed until it's not coherent with Public- interest. Moreover, the forward looking argument does not fit for John Rawls'. It is because Rawls' never talks, in his writings, to throw the individual's freedom and liberty to in order to assure the community interests. According to Rawls', if an action is insuring the total welfare of the society i.e. its results are favourable to community welfare, this shouldn't be only factor to adopt this action in the future also but rather one should see its level of conserving the individuals' freedom and rationality. If the action is doing care upon the factors, it should be followed. Hence, each has to be count as a one and nobody for more than one.

Thus, the picture is very clear now that Rawls' argument of affirmative action can't be kept either in the forward looking argument or backward looking argument but rather it keeps the characteristics of both the arguments. So, Rawls' argument in the favour of affirmative action is a mixed argument which is far from the traditional forward looking and backward looking argument. It is because it has some qualities of teleological theory i.e. utilitarianism and intuitionism. So, Rawls' argument deserves the safe place in mixed category of argument.

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