IS A CONCEPT OF JUSTICE COMPATIBLE WITH MARXISM?

John Rawls has outlined one of the most detailed conceptions of the importance of justice in his book: 'The Theory of Justice'. (1) Rawls does accept that most types of society will be based on the principle of self-interest, but this does not mean that society will be an expression of 'survival of the fittest' if this situation is moderated by the contrasting approach of social cooperation which is based on the importance of the concept of justice. Hence he is suggesting that what he defines as a well-ordered society can be influenced by the importance of the role of ethics which has the form of justice. In other words what is considered as justice expresses the character of the rights and duties we have within society, and in this manner influences the role of the rewards that result from the role of productive activity. Rawls contends that: “Then, although a society is a co-operative venture for mutual advantage, it is typically marked by a conflict as well as an identity of interests. There is an identity of interests since social cooperation makes possible a better life for all than any would have if each were to live solely by his own efforts. There is a conflict of interests since persons are not indifferent as to how the greater benefits produced by their collaboration are distributed, for in order to pursue their ends they each prefer a larger to a lesser share. A set of principles is required for choosing among the various social arrangements which determine this distribution of advantages and for underwriting an agreement on the proper distributive shares. These principles are the principles of social justice: they provide a way of assigning rights and duties in the basic institutions of society and they define the appropriate distribution of the benefits and burdens of social cooperation.”(2)

The obvious objection of a Marxist to this perspective is to suggest that Rawls’ viewpoint does not recognise that a capitalist society is based on the acceptance of exploitation, and so the connected situation of inequality means that it is not possible to realise social justice. However, whilst it could be argued that Rawls does not consider that there is any contradiction between capitalism and the possibility of justice, we could argue that in order for it to be credible his understanding of justice is an integral aspect of many forms of capitalism. In other words whilst exploitation is the primary aspect that explains the economic character of the system, this situation does not deny the importance of justice. Hence justice is how the relations between people in terms of their general social relations are expressed and realised. It would not be possible to develop forms of communication and friendships if they did not correspond to the principles of justice. Therefore it could be argued that the primary character of society in terms of its major economic and political aspects conflict with the expression of justice in terms of the relations between people. It would not be possible to sustain families and friendships if they did not in general correspond to the principles of justice. Consequently there is a contradiction between the dominant character of the social relations and the unofficial character of the connections between people in their private and public situations. It would not be possible to develop the economy if it was not based on the situation of co-operation which must in some sense represent the expression of justice.

In contrast to this view Rawls considers that capitalism can be a well-ordered society in which the role of justice is realised. This is why he contends: “Now let us say that a society is well-ordered when it not only designed to advance the good of its members but when it is also effectively regulated by a public conception of justice. That is a society in which (1) everyone accepts and knows that others accept the same principles of justice, and (2) the basic social institutions generally satisfy and are generally known to satisfy these principles.”(3) Hence to Rawls the major problem is that individuals will be tempted to deny the importance of justice because of the possibility of advancing their self -interest, but what ensures that justice is generally realised will be the character of its institutions. In contrast a Marxist would claim that the economic and political institutions of capitalism are what undermines the potential for the aim of justice to be realised. These institutions are based on the understanding that inequality and not social justice should define human behaviour. In this manner the influence of these institutions is detrimental to the ability to realise justice in the relations between people. Hence justice is an expression of the unofficial character of the process of connections between people. Without justice it would not be possible to establish a well-ordered society. But this aspect cannot be acknowledged by the ideology of the institutions of capitalism because they are based on the systematic denial of the role of the importance of justice in terms of upholding the interests of the various elites that determine the character of society. Hence there is a contradiction between a spontaneous generation of justice in terms of the relations between individuals which contrasts with the privileged character of the institutions which preside over society. How is this contradiction justified? It is upheld by the role of ideology which suggests that the rule of a powerful capitalist class and the influence of the leaders of political parties, is the natural manner in which society is governed. This contradiction is seldom resolved because in a deferential manner the subordinated classes accept their domination by the elites and so do not consider that the promotion of justice in their everyday situation should become the basis for the organisation of a genuinely well-ordered society.

But Rawls contends that it is the character of a well-ordered society which ensures that it’s institutions act in accordance with the principles of justice: “Those who hold different conceptions of justice can, then, still agree that the institutions are just when no arbitrary distinctions are made between persons in the assigning of basic rights and duties and when the rules determine a proper balance between competing claims to the advantages of social life.”(4) It is assumed that the general character of everyday circumstances is based on the requirements of self-interest and gaining advantages at the expense of others, but that the institutions of society can provide the rules and moral influence necessity to ensure that the principles of social co-operation and justice are upheld. A Marxist would presumably deny that this is an accurate assessment of the situation and that instead the actual role of institutions is to promote the importance of the ideology of self-interest and to deny the necessity for justice. Or, it could be suggested that only a limited form of justice is appropriate to the extent that it consolidates the overall injustice of society. Hence in this manner the expression of justice at the level of the relations between people becomes an unintended expression of the generation of the injustice of the institutions presiding over society. For example, the sacrifice of the nation is vital in order to promote the wars of the government of a given country. But the expression of justice represented by the mutual cooperation of strikers is criticised as being an example of militancy that is against the interests of the country. The point is that Rawls considers that his conception of a well ordered society based on the principle of justice is ideologically uncontested. But in actuality it is a controversial conception that uneasily relates to the actual social contradictions of society. Hence there are antagonistic conceptions of justice which Rawls cannot accept. Instead he seems to suggest that his 'impartial' conception of justice is beyond dispute and is an expression of rationality. He assumes that his conception of justice represents the rationality of both individuals and institutions, and so will be realised because of this dynamic. Thus he cannot accept that it may be rational for the interests of the privileged to deny the principles of justice because of their self-interest.

Thus what he argues is that if people do not agree about what is expressed by justice, the result will be conflict between people and the effective disintegration of society: “In the absence of a certain measure of agreement on what is just and unjust, it is clearly difficult for individuals to coordinate their plans efficiently in order to ensure that mutually beneficial arrangements are maintained. Distrust and resentment corrode the ties of civility, and suspicion and hostility tempt men to act in ways they would otherwise avoid.”(5) This is perceptive comment about what would occur if justice did not motivate and express the relations between people in their everyday situations, but it does not explain why justice should also be promoted by the role of institutions. Instead the role of the organs of power within capitalism is to reconcile people to the necessity of the contradiction between official injustice and the contrasting generation of justice in the circumstances of the relations between people. In a sense, the injustice upheld by the institutions of society is based on accommodating to the importance of justice in everyday society. Rawls attempts to overcome this contradiction by making the claim that social justice has been realised in the major capitalist societies of the 1970's. The assumption that he is making is that there is something about capitalism which means that social justice can be realised. This point is not outlined in empirical detail, but instead it is a theoretical assumption. We would contest this view, but accept that at certain point is time the welfare state has been created which has realised limited forms of social justice. The point being made is that Rawls is ultimately an uncritical supporter of capitalism in order to uphold his standpoint.

An important aspect of the approach of Rawls is that he assumes that the possibility to realise the principle of justice is based on the practical ability to apply the rational capacities of individuals. They can utilise their rationality in order to ensure that justice is being realised within society. Hence the co-operation of humans because they are rational beings means that the aims of justice is being promoted. This point could be said to relate to the role of individuals who we can suggest are able to act in a rational and reasonable manner with each other. But this understanding does not account for the role of institutions which have an inability to realise justice in a consistent manner. In other words, in accordance with the interests of capitalism as a society that upholds inequality, and the interests of the few as against the many, it is perfectly reasonable that such a situation means that institutional justice is not realised within society. Instead of this understanding, Rawls assumes that the possibility to establish relations of justice between rational human beings is what is also realised within society. Hence: “Since all are similarly situated and no one is able to design principles to favour his particular condition, the principles of justice are the result of a fair agreement or bargain. For given the circumstances of the original position, the symmetry of everyone's relations to each other, this initial situation is fair between individuals as moral persons, that is as rational beings with their own ends and capable, I shall assume, of a sense of justice.”(6) But this situation would only be realised in a society which was based on the aims and principles of justice instead of the enhancement of economic and political power for a few privileged individuals and institutions. It is true that rational action and behaviour can informally express the sense of justice in an informal manner within the connections of individuals and families in what is actually an unjust society, but this means that the realisation of justice as the aim of society itself still has to be realised. The well-ordered society that Rawls assumes capitalism to be, or the expression of the rationality of justice, is still an illusion. It is vital that the contradiction between informal justice and institutionalised injustice be overcome. Only in this manner can the truly well-ordered society be realised.

Instead of acknowledging the limitations of contemporary society, Rawls assumes that individuals have an inherent ability to establish the principles of justice at the level of its institutions: “Justice as farness begins, as I have said, with one of the most general of all choices which persons might make together, namely with the choice of first principles of a conception of justice which is to regulate all subsequent criticism and reform of institutions. Then having chosen a conception of justice, we can suppose that they are to choose a constitution and a legislature to enact laws, and so on, all in accordance with the principles of justice initially agreed upon.”(7) This understanding may be theoretical and so is not based upon empirical accuracy, but the actual problem is that its premises are flawed. The role of the people is not to implement a form of society based on the aims of justice. Instead they have to accept the injustices of the institutions of the social system in the name of efficiency and the possibility of realising material welfare. In such a situation the struggle for social justice has not yet been realised. Therefore society will have to become more participatory, accountable and democratic, if the actual norms of justice, as expressed by the actions of rational human beings, is to be consistently realised. Hence the following condition that Rawls outlines as a criteria of social justice can only be brought about by conscious action and not merely by a passive acceptance that society is just: “Yet a society satisfying the principles of justice as fairness comes as close as a society can to being a voluntary scheme, for it meets the principles which free and equal persons would ascent to under circumstances that are fair. In this sense its members are autonomous and the obligations they recognize self-imposed.”(8) Unfortunately this situation is not realistic. Instead the spontaneous sense of justice in the informal actions of people is distorted and undermined by the unjust institutions of society. Thus people cannot freely associate in terms of creating just institutions, instead they have to act in accordance with the privileged aspirations of the domination of the elites over society. This situation is upheld by the consent given by the majority to the unjust economic and political supremacy of the privileged. However this contradiction does not mean that justice is a false aspiration. Instead it should be an objective of the exploited and oppressed to attempt to realise the sense of justice that is already apparent in their spontaneous social actions.

Rawls explains the just character of a society based on economic inequality in the following terms: “I shall maintain instead that the persons....would choose two rather different principles: the first requires equality in the assignment of basic rights and duties, while the second holds that social and economic inequalities, for example inequalities of wealth and authority, are just only if they result in compensating benefits for everyone, and in particular for the least advantaged members of society....It may be expedient but it is not just that some should have less in order that others may prosper. But there is no injustice in the greater benefits earned by a few provided that the situation of others less fortunate is thereby improved. The intuitive idea is that since everyone's well-being depends upon a scheme of co-operation without which no one could have a satisfactory life, the division of advantages should be such as to draw forth the willing co-operation of everyone taking part in it, including those less well situated.”(9) This view is particularly naïve. The most disadvantaged can only obtain gains in their economic wellbeing by means of struggle, and often against the opposition of the economically powerful. Furthermore, the formation of the welfare state was realised by the action of the various reformist movements and against the bitter hostility of the privileged forces within society. Hence there is no mechanism or sentiment by which the principles of justice have been realised within a capitalist society in terms of the role of rationality. Instead only class struggle has been able to ensure that a situation of improvement for the most disadvantaged is realised. Hence it is a myth to believe that capitalism can generate the principles of justice or fairness without the necessity of mobilisation in favour of these aims. Furthermore, when the labour movement has been weak the ruling class has acted to ensure that the situation of injustice is upheld and reinforced. This has meant the period in which capitalism was able to promote the interests of the most disadvantaged has been temporary, and has come to an end. The welfare state that has advanced justice and fairness has been tremendously weakened in the recent period. Thus if justice for the most disadvantaged is to be upheld it is necessary that the process of class struggle achieves victories, and is able to overcome the opposition of the ruling class to the claims for justice made by the poorest sections of society.

Rawls defends his position by contending that: “Thus it seems reasonable and generally acceptable that no one should be advantaged or disadvantaged by natural fortune or circumstances in the choice of principles.....For example, if a man know that he was wealthy, he might find it rational to advance the principle that various taxes for welfare measures be counted as unjust; if he knew that he was poor, he would most likely propose the contrary principle.....One excludes the knowledge of those contingencies which set men at odds with each other and allows them to be guided by their prejudices.”(10) In other words, Rawls contends that a rich person acting to oppose taxes that favour redistribution is an expression of self-interest and against the rational character of justice. But we could argue that this objection is actually rational in terms of the defence of economic privilege. Thus Rawls naively admits that it is only possible to establish justice by trying to ignore the most obvious manifestations of injustice within society. Developing rational conclusions means that the actual inequalities of society should be ignored, and as a result it is possible to establish decisions based on justice! But actually these very inequalities are an integral aspect of society, and often define the political opinions of people. The ruling class tries to justify these inequalities by claiming that they are in accordance with the concept of justice. This view is denied by the reformists and trade unions. The point being made is that class position influences our conception of what is rational and just. As a result of class antagonisms it is not possible to establish a universal and impartial conception of justice which is able to satisfy everyone within society. Indeed the ruling class unashamedly defends privilege as being in the interests of all members of society. Rawls adopts to this position because he effectively argues that a situation of economic inequality can still be in the interests of the most disadvantaged within society. It is possible to satisfy the interests of both the very rich and the most disadvantaged simultaneously. He is effectively suggesting that capitalism is in the interests of the poorest sections of society. But in actuality the ability to satisfy the most disadvantaged within society is not because of the principle of justice, and instead is an expression of the balance of class forces within society.

In contrast, Rawls’ approach is based on an extreme rationalism. The people within an economically unequal society are actually equal because all of them is capable of making rational decisions based on the principle of justice. This standpoint ignores the fact that if we are the most disadvantaged within society we have less ability to make choices and to determine the ability to make effective decisions about how we act and promote our interests. The only manner in which this situation can be changed is to create militant and collective organisations that can uphold the interests of the working poor as against those of the rich. In contrast, Rawls seems to deny the importance of the class antagonisms within society. Instead to him it is rational judgement and reflection that will enable us to establish what is just and fair. This point is not invalid, but the point is that if rational assessment is to be made effective it must become a form of action. The most appropriate type of practice in this regard is to unite all those who share the grievance about the injustices of society. Only a mass movement can transform rational reflection from theory into practice that is able to realise its aims. Instead of this class struggles perspective, Rawls seems to advocate class compromise. In this manner it is implied that when the various individuals agree within society they are able to establish an accepted conception of justice. (11) What this approach ignores is that society is composed of different classes, often with rival and contending conceptions of justice. What becomes the established understanding of justice is decided by the balance of power, or is based on the relations between the contending classes. Rawls denies this standpoint because he implies that it is possible to establish an impartial and agreed conception of justice: “Each member of society is thought to have an inviolability founded on justice, or as some say, on natural right, which even the welfare of everyone else cannot override. Justice denies that the loss of freedom for some is made right by a greater good shared by others.....Therefore in a just society the basic liberties are taken for granted and the rights secured by justice are not subject to political bargaining or to the calculus of social interests.”(12)

But this conception of an impartial understanding of justice is what is lacking in a society based on class antagonisms. Instead in a spontaneous manner each class tries to impose its conception of justice, and so make this view the basis for the activity of society. Generally the ruling class will be able to impose its conception of what is justice. In this context the possibility to establish a genuinely universal and impartial understanding of justice is an illusion. But this does not mean that the standpoint of justice is merely illusory or reduced to partisan imperatives. Instead in a suppressed manner society will attempt to establish what is meant by justice, and in this manner try to overcome the limitations imposed by the bias of class. Within the context of the suppression of justice within capitalism, Rawls is not being unrealistic to claim that the following conception of justice is possible and feasible because it challenges the very limitations of a situation that is not just: “A just social system defines the scope within which individuals must develop their aims, and it provides a framework of rights and opportunities and the means of satisfaction within and by the use of which these ends may be equitably pursued. The priority of justice is accounted for, in part by holding that the interests requiring the violation of justice have no value. Having no merit in the first place, they cannot override its claims.”(13) Thus because justice is at the pinnacle of the claims of morality we can suggest that the class with the most reason to uphold the standpoint of justice is making an important ethical claim as to why society should realise its aspiration for justice. But the dilemma of this situation is that the realisation of justice in this situation is reliant on more than the application of rational argument, what is also required is the utilisation of class power. The problem is that the ruling class will not accept the ethical validity of the aspiration for justice that is being made by the subordinated class. Hence in order that justice is realised requires a practical strategy of action.

How does this standpoint relate to Rawls conception of the well-ordered society which is defined in the following manner: “In the one we think of a well ordered society as a scheme of cooperation for reciprocal advantage regulated by principles which persons would choose in an initial situation that is fair, in the other as the efficient administration of social resources to maximize the satisfaction of the system of desire constructed by the impartial spectator from the many individual systems of desire accepted as given.”(14) This comment implies that the generation of justice in the relations between individuals is connected to the economic system and the role of the market for the realisation of fair rewards. But in practice the informal justice developed between individuals is not expressed in the economic system which is based on the justification of inequality and the importance of centres of domination by big companies. In order that the expression of justice that is developed within society is also manifested in the economy requires collective political action and the imposition of a different type of economy based on the ideals of socialism. Rawls denies this view because he considers that capitalism is a superior economic system that is able to realise the aims of justice via the role of the market. However, this view can be rejected if we instead connect the importance of the market to the diminution of economic power in terms of the ending of the role of large companies and the connected rejection of an emphasis on the process of capital accumulation.

Rawls denies the possibility that capitalism can be unjust because he conceives that social and economic inequalities can be to everyone's advantage. But this point is outlined in terms of what is considered to be just rather than the logic of the economic system. But most importantly he does not explain that it is only by the result of collective action that the inequalities of the present economic system are to some extent overcome. Instead of the recognition of the difficulties involved in trying to establish economic equality and justice, he instead assumes that the political institutions of society because they are democratic and based on the principle of freedom are also receptive to the realisation of justice in economic terms. Hence he upholds the following unrealistic conception of a capitalist society: “All social values – liberty and opportunity, income and wealth, and the bases of self-respect – are to be distributed equally unless an unequal distribution of any, or all of these values is to everyone's advantage.”(15) This ideal view does not explain that the ideology of the capitalist system is to uphold the view that inequality is the most effective and dynamic manner in which economic growth and productivity can be promoted. The argument against equality is that it is detrimental to the interests of the aim of capital accumulation. Hence those that strive for equality have a different view of the priorities of the economy, such as the promotion of the creation of a welfare state.

Rawls tries to gloss over the importance of these differences and instead attempts to reconcile the bourgeois and socialist views about equality: “Imagine, then a hypothetical initial arrangement in which all the social primary goods are equally distributed: everyone has similar rights and duties, and income and wealth are evenly shared. This state of affairs provides a benchmark for judging improvements. If certain inequalities of wealth and organizational powers would make everyone better off than in this hypothetical starting situation, then they would accord with the general conception.”(16) But the issue of what approach should be implemented is not decided by how justice should be realised. Instead the level of equality within a capitalist society is determined by the importance of the role of power. A strong labour movement means that greater equality can be realised, but if the trade unions are weak then the capitalist class can enforce a situation of inequality. Instead of the importance of the class struggle, Rawls naively suggests that people can make a free choice between the possibility of upholding a form of inequality which is still is to the benefit of the most disadvantaged, or instead adhering to a more strict form of egalitarianism for all. In actuality which choice is adopted depends on the role of the class struggle. Instead he assumes that the economic mechanism can automatically operate in a manner in which the benefits to the most advantaged also are in the interests of the most disadvantaged. He defines this approach as expressing the principle of efficiency. (17) Hence: “A distribution of goods or a scheme of production is inefficient when there are ways of doing still better for some individuals without doing any worse for others.”(18) In actuality this principle can only be adhered to if the economic system makes a profit, combined with the pressure of the trade unions. The point is that the principle of efficiency does not provide any guarantee that Rawls’ definition of justice will be automatically realised. Rawls justifies his view by arguing that it is not efficient for a few people to have the majority of goods as the basis of distribution, but this situation is often the result of the dynamics of capitalist production. Such a development is not modified by the supposed application of the efficiency principle. He contends that: “Free market arrangements must be set within a framework of political and legal institutions which regulates the overall trends of economic events and preserves the social conditions necessary for fair equality of opportunity.”(19) But this situation will not be established by the political institutions which generally impose the requirements of the economic system. Instead an effective movement for reform will be required if a situation comparable to the requirements of equality is to be established. The problem with the approach of Rawls is that he abstracts out the importance of the role of the struggle of contending social forces from his analysis. For example, he defines the principles of democratic equality in terms of the situation in which the accumulation of wealth is to the advantage of the most poor within society. But the point is how is such a principle realised? He does not explain. Instead it is sufficient to outline the premises of the principle, which seems to have an autonomous ability to become realised. Hence it is argued that a rational person is more able to realise their plans with more social goods. (20)

This means it is argued that on the basis of the application of rationality, the most disadvantaged person is able to realise their social plans: “Justice as fairness....does not look behind the uses to which the persons makes of the rights and opportunities available to them in order to measure, much less to maximize, the satisfaction they achieve. Nor does it try to evaluate the relative merits of the different conceptions of the good. Instead, it is assumed that the members of society are rational persons able to adjust their conceptions of the good to their situation. There is no necessity to compare the worth of the conceptions of different persons once it is supposed that they are compatible with the principles of justice. Everyone is assured an equal liberty to pursue whatever plan of life he pleases so long as it does not violate what justice demands.”(21) But what this assumes is that people will be in a situation of autonomy and favourable social circumstances in which they will be able to realise their rationality in terms of the principle of justice. Rawls assumes that people make rational decisions in the context of expressing social justice, but this is often not the actual situation. Instead decisions are often made in adverse circumstances, and this means that the application of rationality is difficult to realise. Instead it could be argued that the ability to realise the role of rationality requires the collective activity of people so that the aim of social justice is realised. In this context people can apply rationality on an individual level in order to promote the aim of improvement and advancement, but this is not necessarily the same as the realisation of social justice. Generally the role of rationality cannot go beyond the limits imposed by society, and this means that equality is often difficult to realise. But we can realise rationality in terms of the ability to improve our social status by means of individual initiative. The problem with the approach of Rawls is that he often imposes what is possible at the level of the individual onto the character of society.

Rawls argues that nobody should gain an unfair advantage from particular circumstances such as in relation to the necessity to either impose tariffs or to practice free trade. (22) But this is a view that is unrealistic. The point that is being avoided is that the capitalist will always be in an advantageous situation in a system that is based on the aims of capital accumulation. In this context the worker will be in an unjust situation because of the application of exploitation. Hence only class struggle can establish some semblance of equality and justice. But Rawls contends that application of the difference principle, in that those who are different but disadvantaged can benefit from good education which would mean that the rewards of society are not merely distributed in terms of economic efficiency. He argues that the application of the difference principle means: “It transforms the aims of the basic structure so that the total scheme of institutions no longer emphasizes social efficiency and technocratic values. We see then that the difference principle represents, in effect, an agreement to regard the distribution of natural talents as a common asset and to share in the benefits whatever they turn out to be.”(23) The aim is to promote the interests of those that are naturally gifted. The emphasis on this aim has often led to social mobility within capitalist society, but it has only modified but not changed the continuation of structural inequality. The point is that a society based on the principle of hierarchy cannot overcome the inequality generated as a result. Rawls contends that the social order is not unchangeable and that action can be taken in order to improve the ability of these institutions to cater for the interests of the gifted but socially disadvantaged. This is true, and advances have been made, or can be made in these terms. Rawls is aware of the problems that hinder the realisation of the advance of the less advantaged, but he considers it in terms of the problems of social mobility and not in relation to the character of society. What is not explained is that the elite have an inherent interest in limiting the advance of those from disadvantaged backgrounds because they want to retain the importance of privilege. But Rawls cannot systematically discuss this point because he is ultimately a supporter of the capitalist system. Hence only in a limited manner can he uphold the principle of social mobility.

Rawls basically believes that existing forms of society are both fair and just. This means: “From the standpoint of justice as fairness, a fundamental natural duty is the duty of justice. This duty requires us to support and comply with just institutions that apply to us....Thus if the basic structure of society is just, or as just as is reasonable to expect in the circumstances, everyone has a natural duty to do his part in the existing scheme. Each is bound to these institutions independent of his voluntary acts, performative or otherwise.”(24) Hence change is limited to what we do as an individual such as promote social mobility. But it would be unjust to try and change the character of society because it is basically just as expressed by the role of its institutions. This also implies that the economic system is just, because it is based on the principle of distribution in terms of the role of the market. This view suggests that the system is also fair, and so it is against the moral principles of justice and fairness to attempt to transform this situation, which would presumable mean that a more detrimental or unjust situation could be created. Hence it is being argued that socialism is unethical despite the promise of emancipation and the promotion of the interests of the most disadvantaged. Rawls is implying that there are limits to what is possible in terms of the role of human activity. It would be regressive to try and establish a more egalitarian society if the present situation can be described as just and fair. Hence he is rejecting the view that revolutionary practice can establish a more just society. Instead it is implicit in his view that just institutions are simultaneously present with the free market economy. Thus the issue is to improve this society in terms of a more consistent application of fairness and justice.

Rawls defends his standpoint by maintaining that it is possible to reconcile the apparently conflicting principles of social co-operation and self-interest. This is because the conditions of moderate scarcity mean that economic arrangements can be developed in terms of the principles of justice. In this context it is possible to reconcile the interests of the self with those of others. (25) The problem with this standpoint is that it presents an idealised view of capitalism. The point is that even in situations of advanced economic development, the character of the economy is defined by intense competition. The ability to make profits is connected to the decline of rival businesses. In this situation the importance of egoism is an integral aspect of the economy. This means it is difficult to establish the practicality of the principle of social cooperation. Instead this principle is limited to the role of labour and its collective efforts in the process of production. Social cooperation, and its connection to justice, is not present in the economy, but is part of the wider forms of society. However, Rawls cannot admit to the importance of egoism within society because he accepts that it does not express morality.(26) Thus his ethical principles do not explain the character of capitalism and instead refer to an idealised and abstract conception of society. It is true that social cooperation is an important aspect of society, but this point does not refer to the behaviour of the capitalist class.

Rawls outlines that a society that is best able to realise the principles of justice is one based on the role of a constitutional democracy: “The first principle of equal liberty is the primary standard for the constitutional convention. Its main requirements are that the fundamental liberties of the person and liberty of conscience and freedom of thought be protected and that the political process as a whole be a just procedure. Thus the constitution establishes a secure common status of equal citizenship and realizes political justice. The second principle...dictates that social and economic policies be aimed at maximising the long-term expectations of the least advantaged under conditions of fair equality of opportunity, subject to the equal liberties being maintained.”(27) This viewpoint implies that there is an impartial collection of legislators who are devoted to the public interest and the realisation of both justice and equality. But, in practice the role of the parliamentary institutions are influenced by the importance of ideology and the balance of class forces. For example, the development of neoliberal ideology meant that conservative politicians have rejected the aim of equality as being detrimental to the interests of the economy. But in the period of the welfare state, and the influence of reformism, the aim of equality was considered to be an integral aspect of the policies of the parliamentary institutions. In contrast, Rawls ignores this complicated history and instead simplifies the situation and contends that social cooperation is an inherent aim of a just constitution and connected institutions. However, he is more accurate when describing the political institutions in terms of the principles of liberty such as the freedom of speech. The problem is that this view is extended to suggest that the aim of the parliamentary regime is also that of social justice. Hence he does not accept that this aim is only realised under what are often exceptional circumstances. What Rawls is assuming is that a situation of freedom of conscience will also promote the possibility to realise social justice. But, in contrast, historical experience has indicated that this connection is often more problematical to establish. It can be argued, as Rawls does, that a just constitution provides for the possibility of equal participation in the realm of politics, but the point is that the same prospect does not imply to the sphere of economics. Instead the private monopoly ownership of production by the capitalists means that economic activity is administered in terms of the principles of autocracy and not the expression of justice in terms of cooperative participation. So whilst it can be argued that political institutions express justice in terms of the role of democracy, equal citizenship, the right to vote, and majority rule, the same point cannot be made about the character of the economy.

Rawls outlines how the political process is based on the role of parties which are accountable to the electorate, and so elections are a method by which the opinions of voters are established. But Rawls also accepts that distortions to this development can arise. He comments that: “Moreover, the effects of injustices in the political system are much more grave and long lasting than market imperfections. Political power rapidly accumulates and becomes unequal; and making use of the coercive apparatus of state and its law, those who gain advantage can often assure themselves of a favoured position.”(28) But he does not really explain why this situation should arise. This is because he does not connect the projection of the limitations of the economic system onto the role of the political. The political sphere can become the basis to uphold and reinforce the development of domination of the economy by a few privileged people. Furthermore, Rawls seems to suggest that this situation of the distortion of political principles can be overcome if people and parties adhere to the principles of a just constitution. This view does not address the issue of the basic distortions introduced by the influence of the character of the economy over the role of the political. Instead of this recognition, Rawls contends that the proper participation of people in political affairs, possibly reinforced by a bill of rights, should be sufficient to overcome the problem of the misuse of power.

Rawls outlines how the role of law is connected to the concept of justice. He comments: “A legal system is a coercive order of public rules addressed to rational persons for the purpose of regulating their conduct and providing the framework for social cooperation. When these rules are just they establish a basis for legitimate expectations. They constitute grounds upon which persons can rely on one another and rightly object when their expectations are not fulfilled.”(29) The legal system represents a system of public rules for conduct, and so the misuse of these rules represents the degeneration of society into a dictatorship based on arbitrary power. Hence the ability to enact the law is based on a political situation of liberty, and so the enforcement of law is in order to uphold the principle of social cooperation between individuals. Sanctions are only imposed when people do not obey the rules expressed by the law. Upholding the law should not be at the expense of the liberties of the citizen. Rawls has provided an important summary of the importance of the law. What he has ignored is the fact that under the capitalist economic system the law can be biased in terms of the interests of the employers, as with the introduction of legal measures that undermine the ability of the unions to carry out militant action. But this does aspect does not undermine the fact that the necessity to have a sound legal system is the expression of what Rawls has defined as a well ordered society. Without the rule of the law there can only be an arbitrary form of dictatorship which is omnipotent because it is not restrained by the application of an effective legal system.

The essence of the position of Rawls is expressed by the following comment: “Properly understood, then, the desire to act justly derives from in part from the desire to express most fully what we are or can be, namely free and equal rational beings with a liberty to choose.”(30) This comment would have to be true if a more equal society is to be considered to be more than a utopian project. In other words only if people are rational will they act in accordance with the principles of justice, and so be motivated to create a society based on realisation of these moral aims in terms of the expression of social equality. If people are not inherently rational then they are more likely to act merely in terms of egoism and the formation of society will be nothing more than a collection of competing forms of self-interest. In contrast the role of rationality means that self-interest can be mediated and modified in terms of the application of collective aims, and in this manner it will be possible to establish justice as the major moral expression of society. In this sense the realisation of justice becomes the means to promote the aim of social equality. However, it has to be noted that the role of ideology can act to distort the expression of rationality. Thus the influence of ideology can convince people that we do not have a rational capacity and instead we are motivated by irrational aims which can only result in a regime based on the rule of the most powerful dictator. This is why all forms of dictatorship appeal to the emotions and reject the application of the role of thought and perception. However, the problem with the approach of Rawls is that he considers that capitalism is the highest form of rationality, and so capable of realising social justice. Instead of this illusion we should make the argument that a type of socialism aligned to the principles of justice is the most progressive type of society that is possible. In contrast, Rawls defends a conception of capitalism as the expression of justice. This type of society does not generally correspond with the limitations of social reality. However, it could also be argued that socialism with justice has also not be developed. Instead the claim to be socialism is generally associated with the role of a party bureaucracy. But the importance of law and justice, which has been articulated by Rawls provides us with reasons as to why socialism can be developed which is not based on arbitrary dictatorship.

What it is necessary to elaborate is that whilst Rawls defence of a capitalist economy could be considered to be naïve and illusory, this does not mean that such a flaw undermines his conception of justice. Instead we still have to outline why his support for justice is vital. Consequently, what is problematical is the equation of a well ordered society based on justice with capitalism. Instead we have to establish that what is flawed is the uncritical view of capitalism that represents an ideal that has little relationship to empirical reality. Rawls projects the fact that all economies must to some extent satisfy wants and needs with the expression of social justice. This results in the illusion that capitalism must to some extent express the interests of the most disadvantaged within society. If a capitalist society is able to meet this criteria it is not because of any benevolent or just aspect of the economic system, but is instead because of the pressure and action of the subordinated class. In contrast, Rawls considers that capitalism will be inherently just because this represents the primary motivation of the members of society. Hence economic aspirations must not contradict the aim of upholding justice: “Thus the requirement of stability and the criterion of discouraging desires that conflict with the principles of justice put further constraints on institutions. They must not only be just but framed so as to encourage the virtue of justice in those who take part in them. In this sense, the principles of justice define a partial ideal of the person which social and economic arrangements must respect.”(31)

In other words, Rawls implies that the impetus to promote political institutions based on justice in terms of the character of the political institutions will be expressed in relation to the economy. The role of the political, as it is defined by the aim of justice, is expressed in terms of the role of the market within society. He does not accept that the actual situation is the opposite of his view. The importance of the economy means that the role of the political is subordinated to it, and so this means that the domination of large companies is what characterises the situation. In this context it is difficult to establish the principle of justice. Hence what has occurred is that whilst the political institutions have an element of justice in terms of the principle of free elections, and the right to form political parties, the economy is based on the elite capitalists becoming the basis of the system. Rawls defines the character of the capitalist system in terms of the role of markets: “Under certain conditions competitive prices select the goods to be produced and allocate resources to their production in such a manner that that there is no way to improve upon either the choice of productive methods by firms, or the distribution of goods that arises from the purchases of households.....The theory of general equilibrium, explains how, given the appropriate conditions, the information supplied by prices leads economic agents to act in ways that sum up to achieve this outcome. Perfect competition is a perfect procedure with respect to efficiency.”(32) In other words capitalism is not described in terms of the relations of production and the unequal situation between capitalist and worker. Instead the ability of the consumer to obtain goods in terms of the role of the price mechanism is what characterises capitalism. This situation could be described as one of justice because the consumer is able to utilise their demand and obtain the necessary goods in terms of the role of price. Hence it is logical for Rawls to suggest that the influence of the market means that the character of economic power is decentralised: “Moreover, a system of markets decentralizes the exercise of economic power. Whatever the internal nature of the firms, whether they are privately or state owned, or whether they are run by entrepreneurs or by managers elected by workers, they take the prices of outputs and inputs as given and draw up their plans accordingly. When markets are truly competitive, firms do not engage in price wars or other contests for market power. In conformity with political decisions reached democratically, the government regulates the economic climate by adjusting certain elements under its control........There is no necessity for comprehensive direct planning. Individual households and firms are free to make their decisions independently, subject to the general conditions of the economy.”(33)

Thus the description that is being made of the economy is that it is based on the importance of the actions of the individual in terms of the application of the price mechanism. The actual power of the capitalist is not mentioned as being important, and instead the role of the government is to ensure that this system is organised effectively, and so is able to ensure that the principles of social justice are realised. The government can utilise public expenditure in order to ensure that the most disadvantaged within society are helped to improve their situation, and so the system of private enterprise is not opposed to the goals of justice and equality. A Marxist would contend that this view of capitalism is very impressionistic. The major basis of inequality in the system is ensured by the accumulation of capital and wealth by the entrepreneur and the related pressure to ensure that low wages are paid. The role of governments can modify this situation in terms of tax credits to help the poorest workers, and introducing the minimum wage, but the tendency will be to enforce this situation of inequality. Only collective pressures by the trade unions and reformist governments can modify this situation. Rawls would dispute this perspective because his standpoint is based on the understanding that the role of governments is to ensure that justice and equality is realised, and so overcomes any limitations in the system of private enterprise. The role of constitutional government which is based on justice is to facilitate a situation in which fair legislation is enacted. The government promotes the principle of equality of opportunity in terms of the prospects of employment and also facilitates the development of a welfare state. However the problem with this view is that governments which support the capitalist system do not act in accordance with the aims of justice and instead are primarily influenced by what they consider to be the economic situation. If the prospects are not good they may be influenced to end any generous benefits and to also support the employers in enacting low wages. Only if the situation improves will they be inclined to become more generous. The point being made is that it is not the principles of justice which primarily motivate the actions of governments and employers. Instead it is the balance of class forces. The main principle which dictates economic activity is that of the interests of profit making. What is constantly suggested by the supporters of the system is whether the demands of the workers can be afforded. Only in the context of the interests of profit is the aims of the welfare state and the related sense of justice realised.

In contrast, Rawls contends that the economic system is primarily organised in accordance with the aims of justice. Thus: “Competitive markets properly regulated secure free choice of occupation and lead to an efficient use of resources and allocation of commodities to households.”(34) In actuality such a situation only applies to periods of boom of the capitalist system, there is no inherent dynamic based on justice that would allocate resources and goods in an equitable manner. Instead the more reliable indicator of the possibility of affluence within the system is provided by the role of the trade unions and whether they are strong enough and determined to obtain material concessions from the employers. In contrast, Rawls makes no mention of the role of the trade unions and instead only suggests that the government acting in terms of the motives of justice can provide for an equitable allocation of resources. To some extent this view had relevance in the past, but the history of the last forty years has indicated that many capitalist governments are determined to uphold the interests of the employers which is to the detriment of the workforce. Rawls disputes the possibility that socialism is a credible alternative to capitalism because market socialism is untested, and historical experience has led to the formation of control by a state bureaucracy. This point has some validity, but it ignores the fact that class struggle against the limitations of capitalism could continue to pose the possibility of a socialist alternative.

But possibly the most problematical of the views of Rawls is his illusory view of the merits of capitalism. Hence he contends that: “To be sure a competitive system is impersonal and automatic in the details of its operation; its particular results do not express the conscious decisions of individuals. But in many respects this is a virtue of the arrangement; and the use of the market system does not imply a lack of reasonable human autonomy. A democratic society may choose to reply on prices in view of the advantages of doing so, and then to maintain the background institutions which justice requires. This political decision, as well as the regulation of their surrounding arrangements, can be perfectly reasoned and free.”(35) Hence it is assumed that the political institutions based on the principles of justice can ensure that the economic system is organised on similar criteria, and that the relations between individuals within the economy are also based on the price mechanism which is considered just and equitable. But this standpoint would be contested by Marxists who would maintain that the economy influences the actions of the political structure and so in this manner there is bias rather than the consistent application of justice. Instead the impetus for justice is an expression of the informal relations of the citizens of society, and they attempt to influence the government in this manner. However, the government is possibly more likely to act in accordance with the elitist aims of the multi-national companies, and in this manner the justice that is promoted by society may be thwarted. Thus one of the major aims of socialists should be to try to consistently realise the values of justice within society, but this means that the continued domination of capitalism must be questioned. However, this task does not mean that the price mechanism should be rejected because it has ensured that goods are distributed to people in an efficient and fair manner.

Rawls assumes that any limitations within society that represent injustice and inequality can be overcome by increasing public expenditure.(36) The problem with this view is that in the recent period various governments in capitalist countries have preferred to act in accordance with the precepts of stringent financial responsibility, and so public expenditure has been decreased. The only manner in which public expenditure can be increased is by the election of a government that is expressly dedicated to this aim. In other words, the principle of justice, in its material form of the promotion of public expenditure, is not likely to be realised in the present situation of austerity. What has become more important than any sense of social justice has been the issue of whether increased public expenditure can be afforded in what has become considered to be an adverse economic climate. The result of this situation is that public expenditure has decreased and instead the situation is characterised by reluctance to increase taxes or to promote the welfare state. This issue cannot be resolved by what would be an empty appeal to the sense of justice of the government, but instead by militant struggle in order to change the priorities of the economic policy of elected administrations.

Rawls considers that in an economic system based on the role of the market people will generally be rewarded in terms of their just deserts in relation to their level of productivity and skill. The role of the government is to enable the least rewarded to improve their position via the role of the welfare state. Hence: “It is more important that a competitive scheme gives scope for the principles of free association and individual choice of occupation against a background of fair equality of opportunity, and that it allows the decisions of households to regulate the items to be produced for private purposes. A basic prerequisite is the compatibility of economic arrangements with the institutions of liberty and free association.”(37) Thus the assumption being made is that the economic system enables people to generally be rewarded justly for their level of effort in terms of the application of skill and resulting productivity. Hence the market system has the automatic capacity to enable just reward for work to be realised, and any limitations will be overcome by the application of justice by the constitutional system. But in practice the possibility to obtain something like a fair wage is based on the strength of the appropriate trade union. If the union is weak or led by people with a non-militant disposition this possibility may not be realised. The point is that the balance of forces decides the level of wages.

Rawls admits that people do not receive a level of distribution based on their specific moral worth within society, but he assumes that the rewards for labour are fair and based on the levels of skill and effort. In other words, he is assuming that the remuneration of labour is effectively based on what could still be defined as a principle of justice: “Variations in wages and income and the prerequisites of position are simply to influence those choices so that the end result accords with efficiency and justice.”(38) So it is being assumed that the economic system in terms of its distribution of rewards for effort is just, in that the process of distribution whilst not being based on a sense of moral worth is still defined by a fair approach that can be agreed on by the participants in the economy as just. However, what is omitted is that this possibility of economic justice is often dependent on the pressure of the trade unions in order to ensure that levels of work effort are rewarded in accordance with what can then be agreed to be a just level of remuneration.

Rawls repeats his view that the concept of justice within what is a democratic and well-ordered society is based on upholding the interests of the most disadvantaged. (39) This point may have had validity at a certain moment in history, such as the creation of the welfare state by the 1945 Labour government. But what has seemed to be the imperatives of economic necessity has undermined consistent adherence to this principle. Instead different aims and motives have been adopted in order to defend the priorities of economic policy. It has been considered to be impractical to maintain any primary commitment to the approach of Rawls, who would defend a taxation system based on the interests of the most disadvantaged. This standpoint has been rejected in favour of more regressive types of taxation and a decrease of public expenditure. The point is that Rawls standpoint has credibility in terms of the principle of justice, but it has been rendered impractical by what are considered to be the priorities of many governments in the major capitalist countries.

Rawls considers that the major obligation of the citizen is to uphold a constitutional situation based on justice. This prospect would be principled and could result in the formation of what could be considered to be an equitable society. The problem is that the apparent imperatives of what is considered to be economic necessity has undermined the realisation of this aim of Rawls. He does consider the possibility of civil disobedience and conscientious objection if society becomes unjust, but this aspect is connected to the development of any limitations to the political system. In contrast, he makes the assumption that the economy is just and will have outcomes that are in accordance with the principles of justice. But in terms of what has happened in the recent period it could be argued that the influence of the economy has provided ideological justification for the denial of justice, as defined in the terms of the standpoint of Rawls. He implicitly suggests that this situation should not be tolerated because people should not accept: 'unjust social arrangements'. (40) But what this means is not outlined in more detailed terms. He contends that people should accept the constitution and the laws on property, because it is implied that these institutions are just. We are also duty bound to uphold laws that can be considered to be just. But he also implies that under certain circumstances it would be appropriate to oppose unjust laws. For example: “In other cases, though, as when a society is regulated by principles favouring narrow class interests, one may have no recourse but to oppose the prevailing conception and the institutions it justifies in such ways as to promise success.”(41) The assumption is that in this situation the political system will have become unjust because of its increasing class bias, and so militant opposition is then justified. This perspective would seem to defend the role of militant trade union action in order to oppose the actions of the neoliberal governments in the recent period. However, this stance is probably not one that Rawls would defend!

Rawls would also contend that when a system is generally just, but has some unjust laws, it should still be accepted and not militantly opposed. It is this situation which he would generally consider was the basis of the character of contemporary capitalist society. He would argue that most major societies still correspond to what could be defined as 'well ordered' and so are generally just and morally worthy: “Nevertheless, our natural duty to uphold just institutions binds us to comply with unjust laws and policies, or at least not to oppose them by illegal means as long as they do not exceed certain limits of injustice. Being required to support a just constitution, we must go along with one of its essential principles; that of majority rule. In a state of near justice, then we normally have a duty to comply with unjust laws in virtue of our duty to support a just constitution.”(42) It could be argued that this situation generally characterises politics in many major countries. We have to accept what we may consider to be unjust laws because the majority of people have voted in favour of the party that has implemented them. However, this does not mean that we support them, and we are still justified to organise opposition and to try and create a situation in which the given unjust law can be rejected. In other words acceptance of a given unjust situation does not imply resignation and a refusal to oppose the particular law. Furthermore, the bias of the government could be the reason why it has introduced a given decree and so this would also motivate opposition. So when Rawls argues that the opposition to a given law should 'comply' with it this is a questionable point of view if it implies that we should not even accept the possibility of organising against it. Instead it should be morally justifiable to organise against the law within the accepted limitations of the democratic process. However, Rawls probably outlines what is a credible code of conduct in relation to opposition to a law: “Instead we submit our conduct to democratic authority only to the extent necessary to share equitably in the inevitable imperfections of a constitutional system. Accepting these hardships is simply recognizing and being willing to work within the limits imposed by the circumstances of human life. In view of this, we have a natural duty of civility not to invoke the faults of social arrangements as a too ready excuse for not complying with them, nor to exploit inevitable loopholes in the rules to advance our interests. The duty of civility imposes a due acceptance of the defects of certain institutions and a certain restraint in taking advantage of them.”(43) Thus there are certain limitations in our opposition to unjust laws. The present acceptance of laws because of the role of democratic implementation means that there are moral restrictions on the character of opposition. Primarily, we agree to conduct opposition in terms of these restraints of the role of law and the related need for peaceful protest. But this does not mean that unjust laws are being accommodated to. Instead we accept that they are the law, but we do not support them. We agree to obey these laws only with reluctance.

Thus Rawls seems to be correct to outline the following distinction in terms of our critical attitude towards laws that we do not support: “It suffices to note that while citizens normally submit their conduct to democratic authority, that is recognize the outcome of a vote as establishing a binding rule, other things equal they do not submit their judgement to it.”(44) Thus whilst we may accept that a given law is supported by the majority, and that we accept this situation as an expression of the democratic will, this does not mean that we agree with it or become adherents to the law that we reject as being an expression of justice. Thus our conception of what is just or fair still has precedence over the results of majority rule. In other words we do not undermine the role of conscience if we reluctantly accept that most people disagree with our repudiation of the morality of the given law. In this context we also have the freedom to articulate why we disagree with the given law, and so support an alternative. Hence we try to establish that the controversial law would not have been implemented under conditions in which the principles of a just constitution had been applied in consistent terms. However, it is also necessary to accept that if a just constitutional procedure has been carried out then it could be maintained that this means the law is just in terms of majority rule, even if we disagree with it. This indicates the importance of discussion within the parliamentary institution because that means it is more likely that the representatives will establish a law that corresponds to what people consider is just.

In other words, Rawls is suggesting that the procedures of a constitutional process are inclined to make laws that are based on considered deliberation and so can arrive at a just result. Hence even if we disagree with these laws we are still likely to accept their validity as the expression of majority rule. This point has validity because we cannot dispute the connection of the role of democracy and the possibility of establishing just results accordingly. But this does not mean that peaceful and collective opposition to what is perceived as unjust laws is not valid. On the one hand the opposition has to accept the conclusions of Parliament as having democratic legitimacy, but on the other hand it is also possible to establish a contrasting consensus for change in terms of the role of protest. Indeed this situation is made problematical when it is possible to also contend that the majority of the people do not support a given law or policy. For example, did people vote in favour of mass unemployment in the 1980's or the strict adherence to austerity instead of public expenditure on vital services? Most people would approve of extra resources for the National Health Services, and yet this does not occur because of Conservative government limitations on expenditure. Nor have people voted in favour of a 'hard BREXIT', or No Deal, but this may happen because of the difficulties of negotiations in this context. Hence the only manner in which an authentic and popular conception of justice can be realised in this context is by militant and collective pressure. The point is that extra-Parliamentary methods can express effectively a conception of justice. This perspective is sometimes denied by Rawls because he equates the character of justice with parliamentary procedure. The point he does not acknowledge is that people often vote for a party into government and yet do not support its policy, and so in this situation what is justice is expressed most effectively by mass agitation.

But Rawls also makes a surprising admission. He accepts that the character of the capitalist economy has nothing to do with justice: “Thus granting that the classical assumptions for perfect competition hold, and that there are no external economies or diseconomies, and the like, an efficient economic configuration results. The ideal market is perfect procedure with respect to efficiency. A peculiarity of the ideal market process, as distinct from the ideal political process conducted by rational and impartial legislators, is that the market achieves an efficient outcome even if everyone pursues his own advantage. Indeed the presumption is that this is how economic agents normally behave. In buying and selling to maximise satisfaction or profits, households and firms are not giving a judgment as to what is from a social point of view the most efficient economic configuration, given the initial distribution of assets. Rather they are advancing their ends as the rules allow and any judgment they make is from their own point of view. It is the system as a whole, so to speak, that makes the judgment of efficiency, this judgement being derived from the many separate sources of information provided by the activities of the firms and households.”(45) It is admitted that the economic system has no mechanism or imperative that realises just results in terms of the distribution of resources or rewards. Instead it is the interaction of the various forms of self-interest which result in the allocation of economic wealth. Hence if this economic system is to be just in the terms that Rawls has described it relies on the political role of the constitutional procedures in order to ensure that the most disadvantaged are able to obtain a just remuneration. But in most periods of history, the ideology of self-interest which has resulted from the character of the economic system has influenced the activity of Parliament. Only on rare occasions do political policies based on justice directly influence the role of the economic. In contrast, generally the ideology of self-interest, which as Rawls outlines is the outcome of the character of the capitalist economy, has a direct importance in influencing the legislation of Parliament. In this context the ability to realise justice is dependent on the role of the trade unions, or the election of determined reformist parties.

Indeed, Rawls accepts that the only possibility to ensure that the legislation of a parliament is just is that it should not be influenced by the economic imperatives of efficiency based on self-interest. But he also accepts that there are many occasions in which the attempt to introduce legislation is unjust, which means he is implying that the legislative procedure is being distorted by the role of the economic, among other unwanted influences: “Thus despite certain resemblances between markets and elections, the ideal market process and the ideal legislative procedure are different in crucial respects. They are designed to achieve distinct ends, the first leading to efficiency, the latter if possible to justice and while the ideal market is a perfect process with regard to its objective, even the ideal legislature is an imperfect procedure. There seems to be no way to characterize a feasible procedure guaranteed to lead to just legislation. One consequence of this fact is that whereas a citizen may be bound to comply to the policies enacted, other things equal, he is not required to think that these policies are just, and it would be mistaken of him to submit his judgment to the vote. But in a perfect market system, an economic agent, so far as he has any opinion at all, must suppose that the resulting outcome is indeed efficient. Although the household or firm has gotten everything that it wanted, it must concede that, given the initial distribution, an efficient situation has been attained. But the parallel recognition of the outcome of the legislative process concerning questions of justice cannot be demanded, for although, of course, actual constitutions should be designed as far as possible to make the same determinations as the ideal legislative procedure, they are bound in practice to fall short of what is just. This is not only because, as existing markets do, they fail to conform to their ideal counterpart, but also because this ideal counterpart is that of an imperfect procedure. A just constitution must rely to some extent on citizens and legislators adopting a wider view and exercising good judgement in applying the principles of justice. There seems to be no way of allowing them to take a narrow or group interested standpoint and then regulating the process so that it leads to a just outcome. So far at least there does not exist a theory of just constitutions as procedures leading to just legislation which corresponds to the theory of competitive markets as procedures resulting in efficiency. And this would seem to imply that the application of economic theory to the actual constitutional process has grave limitations insofar as political conduct is affected by man's sense of justice, as it must be in any viable society, and just social legislation is the primary social end.”(46)

It was necessary to outline this comment of Rawls in detail because it expresses one of his central dilemmas. What is being admitted is that the emphasis on justice in the political spheres does not have an influence on the conduct of the economic. Hence, the economic sphere is defined by the role and objective of efficiency, in this sense the possibility of justice can only be an unintended and often unwelcome outcome. Thus the dynamics of the economy are different to and distinct from the emphasis on justice in the political. But whereas efficiency should be the end result of the activity of the economy, it is not certain that justice will be the expression of the political procedures because of limitations and flaws in the constitutional process. Hence what is being implicitly suggested is that an often failing political system, which is often unable to consistently uphold the principle of justice, is therefore unsuitable to correct the flaws of an economic system based on the automatic expression of efficiency. Indeed it could be argued that the combination of the imperatives of efficiency and self-interest which are often manifested in the economy act to influence the role of the political, and in that manner undermine the realisation of the principle of justice. In this situation of a flawed constitutional procedure, the aim of justice can only be expressed and possibly realised by a mass movement that originates outside of Parliament. The problem with Rawls’ approach is that whilst he defines the distinct character of the economic and political in cogent terms, he does not outline how they interact. Precisely, he does not establish the influence of the economic on the role of the political. But if it is accepted that the political is often flawed, and so unable to consistently realise justice, this would seem an ideal situation in which the more powerful economic sphere can impose its imperatives of efficiency and so in this manner undermine the importance of the contrasting principle of justice. Also, he does not seem to accept that one of the reasons why the politicians are unable to be just is because they accept as being more important are the aims of the economy which attempts to be efficient. This means the interests of making profits is considered by politicians to take precedence over the competing aim of being just. Indeed, at its extremes, the very conception of justice is defined as undermining the importance of economic efficiency. Rawls has no answer to this problem because in an implicit sense he also accommodates, even if he does not support, the view that economic imperatives are primary. This means that he defines the conception of justice in terms that are considered acceptable to the interests of economic efficiency. However, this view could be considered to be unfair because it could be argued that Rawls does not explicitly outline what should be the relations between the economic and political, except to suggest that the interests of the most disadvantaged must be taken into account. But, in reply to this criticism, it could also be argued that in terms of his description of the character of economic activity, Rawls seems to suggest that a market based capitalism is the superior and most credible system. This means that he effectively outlines the justification for the subordination of the political to the role of the economic. Unfortunately, he does not recognise that this uncritical attitude towards the economic is the major reason why his conception of justice could be undermined, or reduced to the restrictions imposed by the self-interested activity that is the basis of the role of the economic. In order to liberate his conception of justice from these limitations would require the elaboration of a different form of political economy. This task would mean outlining how the exploitation of labour by capital undermines the possibility to realise justice in economic terms. Furthermore, this situation is what also mean that the political process is flawed, and so likely to result in difficulties in realising justice. In his defence, Rawls would argue that capitalism is compatible with a democratic system that is able to realise justice. The ideological result of Stalinism means that this view has some credibility. Only the development of emancipatory possibilities to the class struggle can mean in practice that justice is compatible with a democratic form of socialism.

Rawls considers the role of civil disobedience within what could be considered to be democratic forms of society. He defines this activity in the following terms: “I shall begin by defining civil disobedience as a public, nonviolent, conscientious yet political act contrary to the law usually done with the aim of bringing about a change in the law or policies of the government. By acting in this way one addresses the sense of justice of the majority of the community and declares that in one's considered opinion the principles of social cooperation between free and equal men are not being respected.”(47) Hence the supporters of civil disobedience are appealing to a sense of justice which they believe is being undermined by a law, or a rejection of the application of the law by a powerful group that practices discrimination. In a sense the protestors are using nonviolent means by which to indicate that the sense of justice of the democratic community has been undermined either by its neglect in terms of the failure to apply the law in an equal manner, or by the unjust limitations of the law itself.

Thus the view that is being outlined by Rawls is that the generation of civil disobedience is not because the given society has become unjust, but is instead because what is effectively a just society has for a specific reason also started to perpetuate an unjust situation. In this context people are justified to engage in civil disobedience. What he is suggesting is that it would not require revolutionary type action in order to improve the situation. Instead it will only be necessary to put pressure on the existing constitutional authorities in order to achieve the aims of the protestors. In other words the perspective of a revolutionary type approach would only be justified in a society that was not based on the premises of justice. For example, in a society without any expression of democracy. Hence the assumption is that in a society with an essentially just constitution the role of public pressure should be sufficient to realise the resolution of the grievance. Rawls's approach would seem to be valid given the history of the civil rights movement in the USA. But how does his approach relate to the most unjust expression of domination and subordination within capitalist society which connects to the issue of the domination of capital over labour. To some extent militant action can modify the worst aspects of this relationship, but economic inequality still remains. The only manner in which this injustice represented by the domination of capital over labour can be overcome is to transform this situation in terms of the definitive victory of labour over capital. But Rawls would not support this perspective because in his opinion it would mean that socialism would be realised which may take the form of a regime based on a political dictatorship. Hence he supports capitalism because he considers that the alternative may be more unjust. Indeed the very fact that civil disobedience is possible within a liberal democracy is an expression of the fact that injustices can be overcome in terms of the reform of the existing system.

Conscientious refusal is generally a private act in which a person refuses to obey the aims of the state for religious or political reasons. For example, rejecting involvement in the process of conscription into the army. However, it is possible that this objection can be modified by accepting that the person becomes involved in the non-military role of the army. In the opinion of Rawls this action is not justified if the war can be considered to be just, as in relation to upholding the defence of national security. But he does accept that people should not be forced to act against their religious or political conscience. Hence what should be promoted should be a form of compromise that is able to satisfy both of the contending parties. The interests of the constitutional state should be reconciled with the aspirations of those that attempt to uphold their conscientious refusal to support the state. Marxists have a similar understanding of the importance of what could be defined as a pragmatic compromise. They oppose wars that have an imperialist character, and yet would not support an attempt to avoid conscription into the army. But once in the army they would attempt to generate support for their anti-war standpoint. However, Marxists would not actively oppose the war effort, and instead would reconcile their political objectives with the role of the imperialist army. In this manner they promote their views but are not engaging in an act of conscientious refusal to join the army because of their beliefs. But a Marxist would disagree with Rawls that a major capitalist country can carry out a just war. Instead they would define the war as unjust, such as upholding the oppression of other nations, but would not promote the tactic of conscientious refusal as the expression of opposition to the war.

Rawls argues that civil disobedience is justified if: “The injustice one protests is a clear violation of the liberties of equal citizenship, or of equality of opportunity, this violation having been more or less deliberate over an extended period of time in the face of normal political opposition.....There is still, of course, the question of whether it is wise or prudent to exercise this right.....We may be acting within our rights but nevertheless unwisely if our conduct only serves to provoke the harsh retaliation of the majority. To be sure, in a state of near justice, vindictive repression of legitimate dissent is unlikely, but it is important that the action be properly designed to make an effective appeal to the wider community. Since civil disobedience is a mode of address taking place in the public forum care must be taken to see that it is understood. Thus the exercise of the right to civil disobedience should, like any other right, be rationally framed to advance one's ends, or the ends of those one wishes to assist.”(48) Thus there are tactical considerations of political astuteness that are related to the ability to make the campaign of civil disobedience a success. The point being made is that the campaigners should listen to public opinion and attempt to mobilise maximum support for their aims. But it is also assumed that if the constitution is fair it is likely that the cause will achieve success: “In general, free association under a just constitution gives rise to obligations provided that the ends of the group are legitimate and its arrangements fair.”(49) Thus it is likely that the contradiction between a just constitution and an unjust situation can be resolved in favour of the group claiming to be unjustly treated.

However this situation has become complicated by the proliferation of groups that have resorted to the methods of civil disobedience in the recent period. They cannot necessarily claim to be unjustly treated, but instead they argue that the environment is being neglected, or that the aim to realise global justice is being ignored. Thus it could be argued that different criteria has to be developed in order to evaluate the claims of these groups. For example scientific knowledge has become important in terms of assessing the view as to the ecological claims of environmental groups. Hence it is not possible to reduce the validity of their views to the question of justice and the role of ethics. Instead what has become important is the question of the relation between nature and society, or about how the rich countries should support the poorer nations. The point being made is that it is necessary to develop a sense of political priorities if the aim of justice is to be elaborated and refined. For example, what represents global justice, and can it be realised? In contrast, Rawls adopts a national centred approach and studies what he calls a well ordered society. But contemporary activists have challenged this standpoint and instead outlined a more internationalist conception of justice. This has meant it is questionable to what extent the rich nations can become principled supporters of the interests of the less developed nations. In other words, what is global justice has become a controversial issue and requires further elaboration and study.

Rawls studies the issue of conscientious refusal in terms of the issue of war. H contends that a just war is when a national goes to war in order to support the aim of defence, and that its military methods are restrained and the aim of war is to realise a just peace. The role of its just institutions will not be undermined by the conduct of this type of war. Consequently: “It is not moved by the desire for world power or national glory; nor does it wage war for purposes of economic gain or the acquisition of territory.”(50) It could be argued that this definition of a just war is very stringent to the extent that most wars would be characterised as being unjust. He also contends that a soldier would be justified in opposing military acts that were in contradiction with the principles of a just war. He argues that conscription is only vindicated when it is in the interests of national security and the related need to uphold just institutions: “A person may conscientiously refuse to comply with his duty to enter the armed forces during a particular war on the ground that the aims of the conflict are unjust. It may be that the objective sought by the war is economic advantage or national power. The basic liberty of citizens cannot be interfered with to achieve these ends. And, of course, it is unjust and contrary to the law of nations to attack the liberty of other societies for these reasons. Therefore a just cause for war does not exist, and this may be sufficiently evident that a citizen is justified in refusing to discharge his legal duty.”(51)

The problem with this view is that it could be suggested that it is an unjust act to decline the obligations of military service which have been accepted by fellow citizens. Hence the moral dilemma of the conscientious objector is that he is claiming preferential treatment – the possibility not to go to war – in the name of political or religious reasons. Hence it would seem more principled to accept the obligations of conscription whilst being against the war. Or, at the very least, the conscientious objector could compromise and accept the duty to become part of the non-military services such as the medical staff. The problem with the approach of Rawls is that his view is rigidly moral and possibly impractical. For example, he suggests that a soldier may have a moral duty to disobey commands: “Actually, if the aims of the conflict are sufficiently dubious and the likelihood of receiving flagrantly unjust commands is sufficiently great, one may have the duty and not only a right to refuse.”(52) Rawls seems to ignore the fact that the penalty for disobeying an order could be very serious, and so many soldiers would not resort to such a serious measure even if they disagreed with the order. In other words, the view of Rawls seems to be that opposition to an unjust war is both necessary and principled: “What is needed, then, is not a general pacifism but a discriminating conscientious refusal to engage in war in certain circumstances....For such a refusal is an affront to the government's pretensions, and when it is becomes widespread, the continuation of an unjust war may prove impossible. Given the often predatory aims of state power, and the tendency of men to defer to the government's decision to wage war, a general willingness to resist the states claims is all the more necessary.”(53)

This approach would seem to be tactically wrong. It would be more effective and morally principled to try and develop a mass anti-war movement before war has occurred. For example, the consolidation of an effective opposition to war could have undermined the development of the First World War. Success in realising the avoidance of war itself would mean that the moral and political dilemmas caused by conscription could be avoided. The realisation of a just peace is always the preferable alternative to the consequences of war, and a powerful peace movement could then become the basis to strive to realise a more just society. In contrast, conscientious refusal or objection is a morally contradictory act and is not likely to obtain popular support. Those who engage in such actions are likely to be considered to be cowardly shirkers who have opposed their national duty. Hence it is not possible to promote the formation of a mass movement based on the role of conscientious refusal or objection. Instead if a an unjust war is declared, it will be necessary for its opponents to accept this situation, such as not defying conscription, but also refusing to politically support such a war. In that context, it will still be necessary to develop a mass movement for peace in what has become more unfavourable circumstances. Such an aim will become increasingly popular if the war continues and pressure will develop on the politicians to end the war. In these circumstances it will also be possible to make propaganda in favour of socialism. In contrast, Rawls effectively justifies individual objection as the only moral tactic to oppose war. Hence he neglects the necessity to develop a strategy based on collective action in order to end war and bring about peace.

Rawls re-elaborates what he means by a well ordered society. He defines it in the following terms: “Now a well ordered society is also regulated by its public conception of justice. This fact implies that its members have a strong and normally effective desire to act as the principles of justice require. Since a well ordered society endures over time, its conception of justice is presumably stable: that is when institutions are just....those taking part in these arrangements acquire the corresponding sense of justice and decide to do their part in maintaining them. One conception of justice is more stable then another if the sense of justice that it tends to generate is stronger and more likely to override disruptive inclinations and if the institutions it allows foster weaker impulses and temptations to act unjustly.”(54) Hence the understanding of a well ordered society is based on the apparent connection of justice and stability. This would seem to dogmatically rule out the possibility that a situation of injustice could also be stable. It is being suggested that any change within society will also inherently continue to express the relation of stability to justice, or represent a condition of equilibrium. Therefore it is an assumption that the role of authority in a well ordered society is to express the condition of justice. This begins with the co-operative character of the family and this psychological situation is likely to create citizens who are dedicated to justice. The result is the generation of just institutions: “Thus we may suppose that there is a morality of association in which the members of society view each other as equals, as friends and associates, joined together in a system of cooperation known to be of advantage for all and governed by a common conception of justice. The content of this morality is characterised by the cooperative virtues: those of justice and fairness, fidelity and trust, integrity and impartiality.”(55)

The problem is that this ideal view of society is imposed onto reality. The various limitations that undermine social cooperation and justice such as the issue of self-interest connected with egoism, and alienation, are not given sufficient importance. Instead it is assumed that a well ordered society is able to realise expectations about the role of justice and equality. But what is most important is that this conception of society is not connected to a systematic and detailed understanding of the economy. Instead it is assumed that because the political institutions are considered to be just that the same point can be made about the economy. Indeed it is assumed that because people have strong sense of justice that this must mean that society is defined in that manner. Thus the character of consciousness as an expression of justice is also projected onto the role of institutions. What is not considered is that there could be a contradiction between what people think society should be like and the actuality. From everyday situations to the most complex of institutions it is assumed by Rawls that what defines both activity, rules, and the character of organisations, is the role of justice. Indeed our very motive for actions is defined by the imperative of justice. Thus justice is understood as the ontological condition of humanity. Hence it is not surprising that this apparent essence of what makes us human is manifested in the well-ordered society. Thus it is logical that Rawls concludes that: “Put another way, one who lacks a sense of justice lacks fundamental attitudes and capacities included under the notion of humanity.........by understanding what it would be like not to have a sense of justice – that it would be to lack part of our humanity too – we are led to accept our having this sentiment.”(56) This view means that it is logical for Rawls to conclude that the role of the family is based on justice and that this aspect is then manifested in our institutions. In other words, we cannot essentially act in a manner that is not based on justice.

But Rawls approach must be flawed because it cannot explain the character of history which has generally been based on the domination of elites that have often ruled in an arbitrary and repressive manner. Nor can he explain that the economy of the supposed well ordered society is generally based on the premises of self-interest and the accumulation of capital. Therefore his generalisations are unable to explain specific societies and the relationship of the economic to the political. The result is that his approach ignores the class struggle because his standpoint must assume basic equilibrium to society despite the occasional problem of dissent and controversy. He contends that the fact that the rational plan of individuals is based on their sense of justice creates the conditions for stability within society: “To insure stability men must have a sense of justice or a concern for those who would be disadvantaged by their defection....When these sentiments are sufficiently strong to overrule the temptations to violate the rules, just schemes are stable. Meeting one's duties and obligations is now regarded by each person as the correct answer to the actions of others. His rational plan of life regulated by his sense of justice leads to this conclusion.”(57) Rawls admits that not everyone in society is motivated by a strong sense of justice, but presumably the dynamics of the rational plans of individuals means that justice is the dominant theme within society. Ultimately, he is indicating that the very psychology and motivations of people is based on the principles of justice, and so society must have the correspondingly similar character. What is very problematical about this perspective is that it ignores the uncomfortable fact that the ideology of society is not primarily based on justice and instead upholds the contrasting principle of self-interest. This is because such an ideology expresses the character of the economy. Indeed, Rawls would not necessarily deny this point, even if he glosses over its importance. Ultimately his approach relies on the elaboration of an idealised view of the political structures of society, which in turn are considered the dominant aspects of society. Thus he cannot as a result accept that primary importance of the role of the economic. Instead by outlining the supposed virtues of the political institutions, which are the heritage of the role of the Greek city states, he can uphold his conclusion that the only credible and possible result is that major societies are just. But most Marxists would contest this view because of the understanding that the role of the economic must interact with the political.

Rawls contends that the capacity to be moral persons means that people should be entitled to equal justice. But the problem with this view is that whilst it can be established as a principle for social conduct it may be difficult to realise because of important expressions of inequality within society. There is a contradiction between what can be expressed in terms of morality on the one hand and the limitations represented by the various flaws within society. We can agree with Rawls that there is no major reason why rational persons should not conduct there relations in terms of the principles of equal justice. However, it may not be possible to realise this aim because of the various structural inequalities within society, such as the issue of the divide between those who are privileged and those who are not. Rawls makes the assumption that having a moral personality is sufficient in order to establish the possibility of equal justice, but in actuality the claims of morality are not realised because of the various processes that express the situation of inequality. There is a contradiction between what can be justified in terms of morality and the actual situation. In contrast, Rawls seems to imply that this contradiction is resolved, or is not important. Instead he argues in what could be a complacent manner that: “It should be stressed that the sufficient condition for equal justice, the capacity for moral personality, is not at all stringent.... There is no race or recognized group of human beings that lacks this attribute...Furthermore, while individuals presumably have varying capacities for a sense of justice, this fact is not a reason for depriving those with a lesser capacity of the full protection of justice. Once a certain minimum is met, a person is entitled to equal liberty on a par with everyone else.”(58) The problem with this view is that it is implied that there is some impartial mediator who ensures that equal justice is realised within society. In actuality this assumption is an illusion. Whilst we can maintain that the everyday conduct of people does conform to the premises of justice, the same cannot be said about the various institutions which are often based upon enforcing structural inequalities. There is no overall authority which assesses what is meant by moral personality and therefore tries to realise this principle within society. Instead it could be argued that the premises of moral personality are established despite the flaws of the institutions of society. There is a contradiction which has to be resolved between the expression of informal morality and justice and the fact that the major organisations act to undermine this aspect of social reality. But Rawls would maintain that this criticism relies on procedural reasons for the ability to realise equal justice. Instead he would suggest that what is important is the validity of the principle itself. The moral superiority of the concept of equal justice means that it will be realised in what is defined as a well ordered society.

Thus Rawls seems to be suggesting that the capacity that all humans have for moral principles in terms of rational reasoning and an inherent sense of justice is generally sufficient to realise this possibility: “The minimum capacity for the sense of justice insures that everyone has equal rights. The claims of all are to be adjudicated by the principles of justice......Nor does equality presuppose an assessment of the intrinsic worth of persons, or a comparative evaluations of their conceptions of the good. Those who can give justice are owed justice.”(59) This comment would seem to suggest that the very influence of justice within the conduct of individuals, and in society in general, means that the importance of this situation is projected onto the possibility to also realise equality. There is an inevitable logic between the significance of justice and its related manifestation as equality. To some extent this point could be said to be manifested in the individual relations within society, but what is not explained are the features that act in an opposite manner. Hence Rawls does not explain the dynamics of the contradiction between the impetus for justice and its opposite within society. Instead he can only contemplate the significance of justice and equality and glosses over the importance of opposing tendencies. Thus he argues: “The only contingency which is decisive is that of having or not having the capacity for a sense of justice. By giving justice to those who can give justice in return, the principle of reciprocity is fulfilled at the highest level” (60) But there is no inherent dynamic for justice in this manner in terms of the character of society. It is true that individuals may have a capacity for justice, but this may not be realised because of various structural limitations within society.

Rawls emphasises the significance of mutual respect because of the ability of humans to act as moral persons. This is a very important point. If humans could not establish these aspects in terms of their interaction it would represent fact that the character of all aspects of society could not go beyond the influence of self-interest. Instead of this prospect it is the capacity of humans to relate to each other in terms of social cooperation that means that this expresses the influence of morality which is primarily defined in the importance of a sense of justice. But why does this essentially human condition not manifested itself in terms of the character of society? Why is the importance of justice subordinated to other imperatives? The answer to this question is that the well-ordered society is also capitalist. This means the priorities of the economy are dominant. Hence justice is a secondary aspect of the relations between individuals, and has some influence on the political institutions, but it is not primary in terms of the character of the economy. Instead the imperative of the accumulation of capital means that what is important is the role of self-interest in terms of the making of profit. In this context justice is realised in a secondary sense in terms of the co-operative character of labour. But this point is not outlined by Rawls because he does not recognise the primary importance of political economy, and so he cannot acknowledge any distortions to his conception of justice. Instead he implies that justice is the primary aspect of society: “The conception of justice, should it be truly effective and publicly recognized as such, seems more likely than its rivals to transform our perspective on the social world and to reconcile us to the dispositions of the natural order and the conditions of human life.”(61) But this contention is presented in dogmatic terms, and is not connected to a reflective understanding of all aspects of society. The point is Rawls can only make his claim about the primary aspect of justice in terms of effectively ignoring the significance of the role of the economy. Or, it could be said that his understanding of the character of the economy does not undermine his recognition of the primary role of justice within society. Thus his conception of the economy makes no mention of the importance of exploitation and instead is based on the role of market mechanisms. Hence his approach is based on the primary importance of the political and the projection of this view onto the conclusion that justice is manifested within a well ordered society.

An important view of Rawls is that: 'just institutions provide for the unity of the self and enable human beings to express their nature as free and equal moral persons'. (62) But he also contends that this situation is not the result of the application of the role of ideology or the influence of authority: “Thus no one's moral convictions are the result of coercive indoctrination. Instruction is throughout as reasoned as the development of understanding permits, just as the natural duty of mutual respect requires. None of the ideals, principles, and precepts upheld in society takes unfair advantage of human weakness. A person's sense of justice is not a compulsive psychological mechanism cleverly installed by those in authority in order to insure his unswerving compliance with rules designed to advance their interests. Nor is the process of education simply a causal sequence intended to bring about as an end result the appropriate moral sentiments. As far as possible each stage foreshadows in its teaching and explanations the conception of right and justice in which it aims and by reference to which we will later recognize that the moral standards presented to us are justified.”(63) In other words it is assumed that because the influence of the principle of justice is so inherent within the norms of society, this means that the various forms of education and official views do not express an ideological influence that would distort peoples understanding of what is meant by morality. This seems to be a naïve view because it is the very unjust character of society which means it has to be justified in terms of the role of ideology. It could be argued that this ideology is not deliberately being promoted within education and other institutions, but the ultimate effect of these organisations, combined with the role of the media, is to promote a deferential view of society that is favourable towards the establishment. The point is that society is based on the importance of hierarchy and so it is necessary to promote certain ideas which uphold its continuation and perpetuation. In this context, people's sense of what constitutes morality can be distorted in favour of the interests of the ruling elite.

Hence instead of the distortions introduced by the role of ideology, which could mean that the defence of the establishment becomes a primary aim that undermines a sense of justice, Rawls contrasts this view with the importance of human agency being defined in autonomous terms: “Thus acting autonomously is acting from principles that we would consent to as free and equal rational beings, and that we are to understand in this way. Also, these principles are objective. They are the principles that we would want everyone (including ourselves) to follow were we to take up together the appropriate general point of view........We do not look at the social order from our situation but take up a point of view that everyone can adopt on an equal footing. In this sense we look at our society and our place in it objectively: we share a common standpoint along with others and do not make our judgement from a personal slant.”(64) Hence more important than the ideological influences within society, according to Rawls, is the impetus for acting in an autonomous manner in order to establish the importance of justice. We rationally reflect that justice is the principle that both ourselves and society should adopt as the basis of conduct and inter-relations. To some extent this point must be true given that the possibility for social cooperation has to be based on its connection to the principle of justice. But what is also vital to recognise is that this sense of justice that arises from rational reflection and practice is distorted by the ideological bias of society.

In contrast, Rawls implies that the common communication of humans will result in a consensus that promotes the aim of justice: “One consequence of trying to be objective, of attempting to frame our moral conceptions and judgements from a shared point of view, is that we are more likely to reach agreement.....It is partly for this reason that we accept the constraints of a common standpoint, since we cannot reasonably expect our views to fall into line when they are affected by the contingencies of our different circumstances. But of course our judgments will not coincide on all questions, and in fact many if not most social issues may still be insoluble if viewed in their full complexity. This is why the numerous simplifications of justice as fairness are acknowledged.”(65) In other words, Rawls admits that people's different place in the social relations may influence their conception of justice, but that what we have in common in this regard will still be dominant. The overall view is that the ability of humans to act in a rational manner will generate consensus about justice despite having different social positions. This standpoint would be disputed by many Marxists. They might suggest that different interpretations of justice may arise precisely because of the importance of specific social locations for individuals. Rawls hopes that consensus can be realised in terms of the inherent ability of people to act as rational beings. This point must have some validity because it explains the importance of social cooperation within society, but it cannot explain how class differences could result in terms of contested views about what constitutes justice. Rawls would suggest that this standpoint represents a pessimistic perspective about the possibility for humans to develop a common conception of justice. Thus: “But unless there existed a common perspective, the assumption of which narrowed differences of opinion, reasoning and argument would be pointless and we would have no rational grounds for believing the soundness of our convictions.”(66) But in actuality, the logic of a lack of a common conception of justice is not to regress into subjective idealism but instead this situation is expressed in terms of party politics. For example, the Conservative Party would contend that justice is the outcome of the role of market economics and wise political leadership, whilst the Labour party would contend that modifications to the free market are vital if justice is to be realised. Which conception of justice is dominant would seem to depend on the electoral success of the given party.

In contrast, Rawls insists that it is possible to develop a credible and accountable understanding of justice based on the application of rational reasoning: “The essential point here is that the principles that best conform to our nature as free and equal rational beings themselves establish their accountability. Otherwise autonomy is likely to lead to a mere collision of self-righteous wills, and objectivity to the adherence to a consistent and yet idiosyncratic system.”(67) In contrast, to what he considers to be an untenable situation, Rawls concludes that justice is generally realised in a well ordered society: “In conclusion then a well ordered society affirms the autonomy of persons and encourages the objectivity of their considered judgements of justice.”(68) We can agree that this situation characterises many of the relations of a society based on democracy and the role of constitutional institutions. But what is omitted is the significance of the influence of the importance of political economy which distorts the capacity to consistently realise justice. To put it bluntly, the interests of capital mean that justice cannot be realised in the economic sphere and this has an obvious effect on the role of the political. In formal terms the character of the constitutional institutions are based on the principle of justice, as Rawls has described, but the domination of the economic means that this approach is distorted and undermined. Hence society becomes an uneasy compromise between the contrasting principles of justice and privilege. Indeed it is the obligation of the ideologues of the system to contend that justice is not being undermined in this situation. It could be argued that Rawls is one of these ideologues. However, to some extent this would be an unfair assessment because the major aim of Rawls is to establish the importance of the principle of justice for society. In this context he considers the role of political economy to be irrelevant. Thus he comprehends the economic and the political to be two distinct and autonomous spheres of society. The former is defined by the importance of efficiency whilst the latter is connected to the standpoint of justice. But we would argue that the economic has the ability to undermine the consistent ability to realise the principle of justice in a capitalist society.

This criticism does not mean that we should reject the importance of justice as being merely an ineffective expression of bourgeois political economy. Instead we should try to establish the primary role of justice within a socialist society. In this context, Rawls has outlined the reasons why justice is able to define the principles of a well ordered society. In this context it has the ability to realise the rational motives of a person able to engage in acts of social cooperation. It is not possible to maintain social relations without people being able to relate to each other in terms of the principle of justice. If this possibility was to for some reason, such as self-interest, not able to be expressed, the connections between people based on fairness and equality, which are an integral aspect of justice, could not be realised. Hence any type of society that was aiming to be well ordered would make justice one of its major aims. This point could be related to socialism. Indeed it could be argued that the Soviet Union was unable to realise socialism because it lacked justice. Instead its social relations were based on the arbitrary and increasingly despotic policies of a bureaucratic regime that ruled in terms of the emphasis on repression and the rejection of any conception of justice and social cooperation between people. The very conception of ethics was defined as being bourgeois and irrelevant for the interests of workers and peasants. Ultimately what explained this type of society was the self-interest of the dictator. Justice, as expressed in a functioning legal system, and genuine relations of social cooperation, could have ensured that the process of bureaucratic degeneration was morally contested. Obviously moral principles could not have provided an alternative to the objective necessity to build socialism via the development of the productive forces and the advance of world revolution, but it could have upheld the ethical integrity of a workers state in unfavourable economic and political circumstances. Hence the role of the ethical indicated that there was an alternative to Stalinism in the situation of the isolation of the Bolshevik regime. In other words, one of the characteristics of Stalinism was its contempt for moral principles and the rejection of justice as a principle for the organisation of society. In this context Stalinism was inferior to many democratic capitalist societies which in a limited manner did express some semblance of justice.

Rawls does in a limited sense accept the importance of the relation between the political and economic: “As a final comment, I should note that a well ordered society does not do away with the division of labour in the most general sense. To be sure, the worst aspects of this division can be surmounted: no one need be servilely dependant on others and made to choose between monotonous and routine occupations which are deadening to human thought and sensibility. Each can be offered a variety of tasks so that the different elements of his nature find a suitable expression. But even when work is meaningful for all, we cannot overcome, nor should we wish to, our dependence on others. In a fully just society persons seek their good in ways peculiar to themselves, and they rely on their associates to do things they could not have done, as well as things that they might have done but did not.”(69) The problem with this view is that it is based on imposing a given moral view of a good society onto reality. In practice people often have little choice about what employment they accept because of the limited character concerning the choice of jobs. Hence their work can be alienating and exploitative because of the unequal conditions between employers and labour. Therefore Rawls view that a good society must not disappoint expectations of its members can be optimistic given the unequal conditions between the employers and labour. Indeed it could be argued that the economic system is only able to function because many people reluctantly accept the necessity of alienating work in order to obtain a means of subsistence.

In other words, the emphasis of Rawls is not about people being motivated to improve their economic situation, which could imply the importance of antagonism between capital and labour, but instead he outlines that self-esteem is based on the possibility to realise justice in the realm of the political: “But in a well ordered society the need for status is met by public recognition of just institutions, together with the full and diverse internal life of the many free communities of interests that equal liberty allows. The basis for self-esteem in a just society is not then one's income share but the publicly affirmed distribution of fundamental rights and liberties. And this distribution being equal, everyone has a similar and secure status when they met to conduct the common affairs of the wider society. No one is inclined to look beyond the constitutional affirmation of equality for further political ways of securing his status.”(70) This view represents an idealised understanding of the ability of the political to realise the aim of justice. What is ignored is the role of the economic in terms of its expression of the tension between justice and injustice. The trade unions were created because workers considered they did not obtain a fair remuneration for the labour expended in production. In contrast, Rawls does not consider the realm of the economic as promoting social tensions when compared to issues of realising equality in constitutional terms. In actuality, the issue of equality and justice has been a contested issue in both economic and political terms. The inability of Rawls to explain the importance of the role of the economic indicates that he cannot establish how it is part of the rational plan of people and the related motive to promote justice. Instead in an uncertain manner he seems to consider the economic in terms of self-interest, or the aim of the redistribution of wealth. It would seem that the economic is almost an expression of the irrational, even if it is defined in terms of the end of efficiency. For example, his definition of an egoist is connected to the role of the economic: “An egoist is someone committed to the point of view of his own interests. His final ends are related to himself: his wealth and position, his pleasures and social prestige, and so on.”(71) In other words, only in the political sphere can a person consistently act in accordance with the premises of justice. This view would seem to imply that a different economic system that does not encourage egoism is called for, but Rawls does not make this conclusion. Instead because the economy has efficient ends it would seem that it is justified despite the apparent acceptance of egoism. In this context, the fact that the political sphere is based on justice would seem to overcome the problem of egoism caused by the character of the economic. But this point underestimates the influence of the economic in terms of the role of the political.

Ultimately the standpoint of Rawls is based on the perspective that in a well ordered society the reconciliation of self-interest with a sense of justice can be realised: “We can say first that, in a well ordered society, being a good person ( and in particular having an effective sense of justice) is indeed good for that person; and second that this form of society is a good society.....Thus a well ordered society satisfies the principles of justice.... and from the standpoint of the individual, the desire to affirm the public conception of justice as regulative of one's plan for life accords with the principles of rational choice.”(72) Hence an individual recognises that he/she can reconcile their own interest with justice in terms of the implementation of a rational plan. The inherent rationality of humanity means that the aim of justice can be affirmed and realised. This viewpoint can be outlined in terms of the emphasis on rationality resulting in the necessary result of a given conclusion which is that a well ordered society based on justice can be realised. The problem is that this standpoint is the result of the application of formal logic. The outline of a particular condition will generate a given outcome. However, the historical character of society has not been defined in these terms. Instead what society is at any given moment in time is defined by the balance of class forces. In this context it could be argued that in the recent period the principle of justice has been undermined because the self-interest of employers has defined the aims of society. Self-interest and egoism has expressed the increasingly important principles of society in general. However, despite this criticism the standpoint of Rawls is not thereby invalidated. In other words, we should aspire to realise justice as the expression of the highest levels of the rational capacity of humanity. Justice in terms of equality, goodness and fairness, is something that should be an integral aspect of the socialist system that we are aspiring to create. Thus our criticisms of Rawls is not because we believe that justice is an expression of ethics that has no relationship to the aims of socialism. Instead it is a neglected and yet integral aspect of how we should conceive the character of a socialist society. One of the unfortunate aspects of the legacy of Marx was that ethics become derided as being an expression of bourgeois morality. Thus we should be thankful to Rawls for outlining why we should consider that ethics in general, and justice in particular, is an important aspect of social reality. Hence in a critical manner we should critically absorb the views of Rawls into the arguments we make in favour of socialism.

In other words we should outline that in order to consistently realise the aim of social justice and equality it is necessary to strive for a socialist society. It would be completely illogical if socialism did not have these aims and principles. Within capitalism the structural limitations of this system means that the rational impetus of humans to realise justice is only realised in an inconsistent and flawed manner. Rawls has outlined how these principles can be realised in what he terms as a well ordered society. We would contend that this type of society is not yet a reality because of the limitations of capitalism. But a well ordered society can be established with the onset of socialism. This would mean that people will have acquired the effective power to promote a society based on justice because exploitation has been ended and the political institutions are just and accountable to the voters. Rawls can only outline the importance of justice in terms of effectively ignoring the importance of capitalism. We can reject this one-sidedness and instead indicate that capitalism is based on injustice. The political result of this view is to strive to realise socialism, the only form of justice.

FOOTNOTES:

(1)John Rawls The Theory of Justice, Harvard University Press, 1971

(2) ibid p4

(3) ibid p4-5

(4) ibid p5

(5) ibid p6

(6) ibid p12

(7) ibid p13

(8) ibid p13

(9) ibid p14-15

(10) ibid p18-19

(11) ibid p23-24

(12) ibid p28

(13) ibid p31

(14) ibid p33

(15) ibid p62

(16) ibid p62

(17) ibid p67

(18) ibid p67

(19) ibid p73

(20Ibid p93-94

(21) ibid p94

(22) ibid p99

(23) ibid p101

(24) ibid p115

(25) ibid p128-129

(26) ibid p136

(27) ibid p199

(28) ibid p226

(29) ibid p235

(30) ibid -

(31) ibid p261

(32) ibid p271-272

(33) ibid p272-273

(34) ibid p276

(35) ibid p281

(36) ibid p282

(37) ibid p310

(38) ibid p315

(39) ibid p317

(40) ibid p343

(41) ibid p353

(42) ibid p354

(43) ibid p355

(44) ibid p357

(45) ibid p359

(46) ibid p360-361

(47) ibid p364

(48) ibid p375-376

(49) ibid p377

(50) ibid p379

(51) ibid p381

(52) ibid p381

(53) ibid p382

(54) ibid p454

(55) ibid p472

(56) ibid p488-489

(57) ibid p497

(58) ibid p506

(59) ibid p510

(60) ibid p511

(61)Ibid p512

(62) ibid p513

(63) ibid p515

(64) ibid p516-517

(65) ibid p517

(66) ibid p517-518

(67) ibid p519

(68) ibid p520

(69) ibid p528

(70) ibid p544

(71) ibid p568

(72) ibid p577