Concepts of Justice and Fairness

John Rawls expresses his concept of justice in "Justice as Fairness" as being summed up in two basic principles:

1. Each person particpating in a practice, or affected by it, has an equal right to the most extensive liberty compatible with a like liberty for all.
2. Inequalities are arbitrary unless it is reasonable to expect that they will work out for everyone's advantage, and provided the positions and offices to which they attach, or from which they may be gained, are open to all."[1]

"Equal liberty" should apply to all persons but should be in keeping with the liberty that is possessed by all who are involved in a certain practice. Rawls makes it clear that rules which are applied to the practice more or less establish the liberty to be enjoyed and that any deviation from those rules, if those rules are found to produce a "lesser liberty," would be justified, provided it is done for a greater liberty for all.

Since each person is individual and contributes to a practice according to his abilities, inequalities are acceptable regarding position, status and office. Rawls uses the example of a baseball team on which each player is given a different position. Inequalities may exist as far as positions are concerned, but each player's performance hinges on that of the other player, working to the advantage of the other. Although positions are not equal, the team members pool their skills to accomplish a common goal. Inequalities result for Rawls, when rewards are awarded unfairly, or when differences deprive persons of the opportunities which are open to others. An example of this inequality might occur when two office workers, both of identical skills and merit are considered for a promotion, and one is chosen over the other simply because of sex, race, or religion.

An equality only serves justice when it is to the advantage of all persons. If a reward were given to one and not to all, and if it were agreed upon that in rewarding one all would benefit, then inequality would work for the common good.

Rawls implies that every man has a duty to the practice in which he engages. He should consider the justice of a practice before he takes part in it. In other words, he should state his complaints before he gets involved, so that the practice will proceed fairly in his mind and provide him with the benefits and satisfaction he desires.

Rawls calls this duty "fair play". Acting unfairly, says Rawls, involves taking advantage of " . . . ambiguities in rules, availing oneself of unexpected or special circumstances which make it impossible to enforce them, insisting that rules be enforced to one's advantage when they should be suspended, and more generally, acting contrary to the intention of practice."[2] If one is going to become involved in a certain practice, then it is one's duty to abide by the rules. This involves, for Rawls, not a serving of self-interest, but a consideration of the interests of all parties involved in an activity.

In Chapter Six, Episode Fourteen, of *Lisa,* the issue of fairness comes up during a baseball game. Lisa, who is up to bat, is on Mickey's team. Realizing that his team has two outs, Mickey takes the bat from Lisa and attempts to bat in her place. Screams go up. Fran shouts, "No fair!" Tony states, "That's right, Mickey, rules are rules."

It would seem that Mickey is being unfair since he is not following the rules. As Fran reminds Harry, later in the scene, "You know it's not fair to skip her turn at bat." (47/24) As Rawls suggests, when rules are agreed upon beforehand, it is fair play to stick to them. Mickey is violating fair play when he tries to take Lisa's turn at bat. Similarly, Harry violates his duty when he suggests to Lisa that she let the game go on and let Mickey bat for her.

Tony observes, "No sense in playing a game if you're not going to follow the rules." Rawls would agree with Tony's observation since he holds the belief that the rules of any practice should be considered before one enters into it. All of the participants in a practice expect the other participants to abide by the rules so that a sense of fair play is maintained.

Mickey attempts to defend his position with, "First of all, she can't hit. Second of all, it's my team." (47/16) Mickey is avoiding the fact that Lisa's position is acceptable and he is also depriving her of the opportunity of gaining the rewards of possibly hitting the ball. These would be a violation of justice for Rawls. Mickey also attempts to serve self-interest and to "enforce rules" to his own advantage. It appears that as Lisa says, "What's right for someone may not be fair." (48/35) What would be right for Mickey, in this instance, is not fair to everyone else.

A later discussion on rules and laws with Luther, Marty and Harry, prompts Marty to say, "So that's why we have laws, to try to force people to be fair to one another." (50/15) Again, Rawl's viewpoint of cooperation with rules as fairness for all is mentioned. Marty tries to clarify the ideas of fairness by explaining that on his job there are ten workers who work as well as he does, and yet all have received promotions except him. He feels that this is unfair. If, in fact, Marty is equally entitled to the promotions, then he is being treated unfairly, according to Rawls, since inequality results when rewards are not distributed fairly.

These passages considering the question of fairness are of value to children in that they present several situations in which fairness is viewed in a variety of ways. The baseball game views fairness which must be regarded because of rules. Marty presents a situation at work in which there are no pat rules and yet fairness should be taken into account. Luther relates a story about a situation in which he was involved in which he had to decide whether or not it would be fair for him to steal. Each of these situations affords children the opportunity to discuss and, in discussing discover the complexity of the concept "fairness".

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Footnotes

1. John Rawls, "Justice as Fairness" in *Political and Social Philosophy,* ed. by J. Charles King and James A. McGilvray, (New York, McGraw-Hill, Inc., 1975), pp. 315-334.
2. Ibid, p. 326.

Bibliography

King, Charles, J., McGilvray, James A. *Political and Social Philosophy*. New York: McGraw-Hill, Inc., 1973, pp. 316-334.

Lipman, Matthew. *Lisa*. New Jersey: First Mountain Foundation, 1983, pp. 45-55.