A Just World

A Just World:
Multi-disciplinary Perspectives on Social Justice

Edited by

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Edited by Heon Kim

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—Heon Kim
East Stroudsburg, Pennsylvania, USA
December 11, 2012

INTRODUCTION

HEON KIM

Justice in society is a pressing concern in the world today. It not only involves individual and collective life, but it transcends geographical, cultural and economic boundaries of the globalized village.

In this sense and despite its urgency today, social justice is a complex topic not easily studied or measured. Discussion about it must be, beyond theory, practical and multi-disciplinary. While dialogue about social justice occurs within many academic disciplines, it can be neither solely an issue of, nor fully understood by, one discipline. Its complex conceptualization and influence in all human life necessitates a multi-disciplinary approach.[1]

Moreover, the term 'social justice' is a subjective term that carries with it a variety of connotations, depending on who defines it and to what social context it corresponds. Social justice today has its own meaning, which appeals to the unprecedented smaller globalized world. In our global village the problems in a society cannot be free from the world's problems, and, to this extent, justice in society today is intrinsically linked to a global justice. The Arab Spring in the Near East and the Occupy Movement in the United States are indicative of recent global movements influenced by and affecting contemporary challenges of social justice.

This volume, *A Just World: Multi-Disciplinary Perspectives on Social Justice*, is a multi-disciplinary analysis of social justice intended to offer an inter-disciplinary insight into what social justice means today and how it can be achieved to create a more just world.

Eight scholars in this volume represent different disciplines and shed light on various aspects of social justice from their unique perspectives – the humanities, the social sciences, the business world, and the field of education. Without losing their unique approaches to social justice, they are inclusive in this collection. These contributors directly address

[1] For this idea, I am indebted to Joseph Stoutzenberger's key note speech to the conference held at Holy Family University in Philadelphia PA in March 2012, with the title *A Just World: Multi-Disciplinary Perspectives on Social Justice*.

problems facing our societies today from a broad spectrum of capitalist neo-liberal world order and with specific cases, including the Arab Spring and the Occupy Movement. In addressing the problems, the chapters in this volume also reveal deep-seated causes of the problems, and thereby identify the nature and characteristics of social justice in a contemporary context, providing considerable insight into long-term, sustainable solutions toward more just societies and a just world.

Chapter Overview

In chapter 1, "John Rawls and the Occupy Wall Street Movement," Regina Hobaugh discusses social justice from a philosophical perspective. She revisits the ideas of John Rawls (1921-2002), one of the most important political philosophers of the 20th century. In Hobaugh's analysis, Rawls' ideas on justice and fairness help deconstruct the motivations of the Occupy Movement. She argues:

> We can apply Rawls' thinking to the concept of the "99 percent" and the concentration of wealth in the one percent… The Occupy Wall Street protest is a movement, not a political party, and hence does not have a fixed platform, but a consensus of protests as listed above. Socioeconomic inequality has been growing steadily in the United Sates for almost 40 years. The disparity between rich and poor has been growing, and the disparity has become greater, distribution has become more unequal. Currently, this movement has provided an opportunity to discuss the disparity, and this forced discussion represents a change from former times as there is an attempt to have a public discourse about inequality. I believe that Rawls would have been disturbed about the extent of inequality and would see the movement as doing something very positive. "Unfair" is now in the political discussion and has become an exciting dialogue. To address extreme inequality as unjust and not worthy of a democratic society is the focus of the Occupy Wall Street movement. Rawls would have liked this discussion of rational persons to try to resolve the problem of distributive justice.

In particular, Hobaugh notes the civil disobedience that the Occupiers have showed, and relates it to Rawls' influential idea of 'nonviolent civil disobedience,' which serves as "an option when violations to justice have exceeded certain limits."

As abundant research on the Occupy Movement well illustrates, the dimension of justice most widely contested in the capitalist world today is economic justice. This dimension is revisited by John Raines, the author of *Marx on Religion*. In Chapter 2, "Making Global Capitalism More Just by

Imposing an International Transaction Tax," Raines offers a quantitative glimpse at contemporary global finance in his consideration of global injustice. In his analysis of various statistics, global inequality is continually increased because:

> [I]t is money making money from money without passing through factories or fields, without creating jobs or paychecks. It is money removed from investing in and creating an expanding productive capacity, a productive capacity that could, but now will not, employ the youth of the next generation in anything but low-paid jobs. In addition, this type of investment often hurts the real economy in other ways, for example driving up commodity prices and manipulating currency exchange rates.

The real economy, where profits and wages get counted as income, is contrasted to the "fictional" economy, wherein Raines finds a "formula for the rapidly expanding inequalities both of income and of wealth that has come to dominate the international political economy over the past thirty years." Raines argues that this formula must be changed by imposing, what he calls, "a Global Financial Transaction Tax," which would make long-term investments more prudent and profitable in the real economy.

Another dimension of economic justice is examined by TL Hill and Jon Pahl in their coauthored chapter 3, "Social Entrepreneurship as a Catalyst for Practical Social Justice in Economic Life." They consider social entrepreneurship to be "a new paradigm of business creation that challenges the primacy of shareholders and asks stakeholders to play an influential role in every aspect of the entrepreneurial process." Hill and Pahl note the "voice" that social entrepreneurship makes in business arrangements. By allowing the voice of stakeholders in the governance of firms, social entrepreneurship switches the shareholder's central authority in firms toward a more democratic control with individual agency and thus toward balance between the distribution and stewardship of wealth. From this perspective, Hill and Pahl examine several cases of social ventures to demonstrate how social entrepreneurship encourages and increases the voice for protecting local communities from exploitation and provides "practical, more-or-less egalitarian means to generate and distribute the economic, social, cultural, and religious components of a rich, satisfying, and just life for all."

Racial justice is another important dimension of social justice, especially in the global world today, in which diverse ethnic groups coexist, and thus in which an issue of peaceful coexistence becomes of particular importance. Drick Boyd sheds light on this dimension in Chapter 4, "Anti-Racist White Allies: The Need for Role Models." In

examining the United States, he observes a dramatic shift in the racial and cultural makeup among an already diverse ethnic population. In this shift, racial prejudice and discrimination become more critical, especially for white people who have held the historical primacy and dominance. Boyd acknowledges that most whites in the United States are aware of the history of racism at the core of the "American experience," but argues that they need role models to put that awareness into action and help actualize racial justice. Introducing such a role model, Boyd presents John Woolman (1720-1772) who worked for the abolition of the slavery and the slave trade economy, and J. Waites Waring (1880- 1968) who, as a judge, struggled for the equal recognition of blacks and whites in society. The pioneering ideas and exemplary behavior of these two historical figures are still suggestive, proffering role models for the white people toward racial justice in the United States today. Much work remains to be done, as Boyd asserts that "we are still seeking to undo the damage that slavery inflicted on our national spirit, and the way in which racism has warped our ability to understand and relate to people of different races and ethnicities."

Aaron Tyler, a specialist in the field of conflict transformation, looks at social justice from another angle, that of conflict management. In Chapter 5, "Understanding Human Security: Traversing the Intersection between Social Justice and International Conflict Management," Tyler attempts to convince readers of the intrinsic relationships between human security, social justice and sustainable peace in violent conflicts. Tyler is convinced:

> Considering the hundreds of violent conflicts experienced, observed, and studied over the past six decades, one consistently affirmed lesson for practitioners and scholars in the field of conflict management is thus: *For sustainable peace to be realized within and across communities experiencing violent conflict, social and restorative justice must be proactively pursued and largely realized on both individual and collective levels.* Without this component of social justice, intra- and inter-state violent conflicts will likely continue or, at best, fall latent.

From a "peacebuiding" vantage point of social justice, Tyler analyzes contemporary theories in conflict management that demonstrates an underlying contention: social justice is a mandatory prerequisite for sustainable peace, and social justice can be only realized by securing human security on both individual and collective levels. This understanding of human security, Tyler suggests, provides a clue for reassessment of the Arab Spring as a challenge for human security.

While Tyler gives priority to social justice in the realm of human security, Margaret Rausch underlines a self-formation process as an essential component of social justice. In Chapter 6, **"**Promoting Social Justice Through Self-Refashioning: Language, Affect and Morality," she locates self-formation at the bottom line of social justice. Citing Thomas Sowell, Rausch points out that confused conceptions of justice can result in the promotion of injustice, just as distorted understandings of equality can advance inequality. Herein lies the importance of self-formation during one's learning of language, morality and affect. For Rausch, "the connection binding language, affect, and morality is instrumental in cultivating such character traits as altruism, compassionate acceptance of others, group affinity, and patriotism, but it is also responsible for eliciting the opposite kind of response." This analysis eventually leads Rausch emphasize education as the critical "remedy" for "the social injustice evident in many domains and institutions today."

Martha Ann Kirk concurs with both Rausch and Tyler's findings. In Chapter 7, "Iraqi Educational Opportunities, Fertile Soil for Justice and Peace to Grow," Kirk assumes that "quality education is the fertile soil giving opportunities for seeds of justice and peace to grow." As a case study, she examines the schools at Iraq, where conflict after conflict continues to frame Iraqi experience in a reminiscent way of Tyler's earlier chapter on human security. To Kirk, education is urgently needed for the common people of Iraq who suffered from the repeated injustices of war. Comprehensive education is most urgent in young children, "who lost family members or have repeatedly seen violence around them." Having often been traumatized, angry, and distrustful of others, these children easily turn to revenge with hatred towards others. Sustainable peace relies on the security of these children, and social justice depends heavily on quality education. This task is promising according to Kirk's in-depth interviews with 140 persons from the schools in Iraq. These interviews illuminate comprehensive education is helping Iraqi people after the 1988 massacres overcome fear, greed, and the cycles of violence.

In the last chapter, "On a Just World: An Inter-religious Approach to Social Justice," Heon Kim presents an inter-religious approach to social justice. Conceptualizing social justice as a contextual term, Kim illustrates the two different perceptions of social justice existing in the world today. One is the "social justice for competition," whereby justice serves as a mode of competition like that envisioned in a free market system. The other perception is of "social justice toward co-existence, mutual support and solidarity." While the former is a typical definition in the capitalist and neo-liberal world order today and what the Arab Spring and the

Occupy Movement are protesting against, the latter is drawn from both the Confucian virtue of *jen* (social humanness) and Islamic concept of *adl* (justice). Having schematized these two opposite definitions, Kim specifically underlines the concept of human dignity, which is central to Confucian and Islamic justice, yet markedly absent within the capitalist and materialist perception of justice.

Readership and Contributions

This volume is a coherent collection of the proceedings of the national conference, *A Just World: Multi-Disciplinary Perspectives on Social Justice*, held at Holy Family University in Philadelphia, PA on 30 March 2012. The goal of the conference was to bring together a critical core of scholars from diverse academic fields to discuss social justice from multi-disciplinary perspectives and to foster scholarly discussion on a just world. At this important gathering, engaging dialogue occurred among specialists from various disciplines, including economics, politics, language, education, philosophy, sociology, and religion. Audience members actively participated in discussions thus adding to the richness of the experience for everyone involved. As the President of Holy Family University underscored in her opening remark, a just world is a timely and extremely important topic in this global world. Owing to this success, the conference proceedings have been carefully scrutinized to provide both the cutting edge research of our distinguished contributors as well as the fruits of our conference dialogue to a broader audience.

Given the matchless credentials of the contributors, the editor is confident that this volume will be received as nothing short of a landmark in multi-disciplinary discussion on social justice. It is destined to also make a considerable impact in charting new directions for future scholarly work on justice. The sweeping global problem of injustice has resulted in a considerable number of studies; however, there has been little done to examine justice from a multi-disciplinary perspective, and this volume fills that void, particularly as it presents common features of today's problems and discusses global social justice.

As a multi-disciplinary work, this volume will surely capture the attention of specialists in social justice from diverse academic disciplines. Scholars in the relevant interdisciplinary fields of 'a just war,' 'war and peace,' and 'international relations and politics' will likewise want to explore this text. Social scientists in the burgeoning areas of global movements and conflict theory will also find this volume a valuable case

study, as it deals centrally with the features, the implications, and the questions of subjects such as the Arab Spring and the Occupy Movement.

A Just World: Multi-Disciplinary Perspectives on Social Justice is unique in that it provides the most recent discussion on the timely topic of social justice. While this volume provides discourse by specialists in justice, it should attract a readership beyond academia and may well catch the attention of anyone who is interested in justice and who seeks a just world.

JOHN RAWLS AND THE OCCUPY WALL STREET MOVEMENT

REGINA M. HOBAUGH

The idea of social justice is not new and has roots in religious tradition, and the idea has the support of many believers in a faith committed community. Social justice generally refers to the idea of creating a society or institution that is based on the principles of equality and that values human rights and recognizes the dignity of every human being. The Catholic Church's teaching on social justice is contained in many papal encyclicals, and has been most fully expressed by Pope Leo XIII, in *Rerum Novarum* ("Of New Things," 1891). This document, which was an open letter, passed to all Catholic bishops that addressed the condition of the working classes and for the first time addressed social inequality and social justice issues with Papal authority, focusing on the rights and duties of capital and labor. Since Leo XIII, Papal teachings have expanded on the rights and obligations of workers and the limitations of private property.

Although there is a strong foundation in Catholic Social teaching (and in other religious traditions) for social justice, this volume focuses on a multidisciplinary approach to social ethics. My objective will be to present a secular view of social justice. As a philosopher, I will attempt to recognize the religious elements of social justice, but will stress the secular aspects of social justice in an appeal to a wider range of thinkers. I have chosen the work of John B. Rawls to represent the secular view of social justice from a philosophic perspective, because many consider John Rawls the most important political philosopher of the 20th century. Rawls also is interdisciplinary in his presentation because he uses psychology, economics, sociology and political science to present his position.[1] He took an old idea, that of the "social contract," thought of a fresh way of using it, and came up with principles for a just society, that are widely discussed.

[1] Chandra Kukathas and Philip Petti, *Rawls: A Theory of Justice and Its Critics.* (Cambridge: Polity 1990), 10.

Although this is a philosophical approach to social justice, there are two principles of "Catholic Social Teaching" that are pertinent to social justice and that are supported by Rawls' treatment of justice:

The first is the life and dignity of the human person: The foundational principle of all "Catholic Social Teaching" is the sanctity of all human life and the inherent dignity of every human person. Human life must be valued above all material possessions.

The second is the preferential option for the poor and vulnerable: Catholics believe Jesus taught that on the Day of Judgment God will ask what each person did to help the poor and needy: The Catholic Church believes that through words, prayers and deeds one must show solidarity with, and compassion for, the poor. The moral test of any society is how it treats its most vulnerable members. The poor have the most urgent moral claim on the conscience of the nation. People are called to look at public policy decisions in terms of how they affect the poor. Many thinkers believe that the protests have done more to "conscious raise" the discussion on social justice this past year than in decades of church teaching.[2]

John Rawls was born in Baltimore, Maryland, in 1921. His father, a corporate lawyer, supported President Franklin Roosevelt and the New Deal. The New Deal was a series of economic reforms to remedy the harmful effects of the Great Depression initiated by the president to provide relief to the poor, recovery of the of the economy to normal levels, and reform of the financial system to prevent a repeat of the depression. Rawls' mother was a women's rights activist. The second of five sons, Rawls tragically contracted and passed on infectious diseases to two of his brothers who died from them. These developmental life experiences deeply affected Rawls, and shaped his views on justice.

Rawls attended mainly private schools before entering Princeton University in 1939. He was unsure about a career but ended up majoring in philosophy. This stimulated an interest in religion, and he considered training for the ministry. He thought about becoming an Episcopal priest, although subsequent war related events would drastically alter his decision.

After graduating with a degree in philosophy in 1943 from Princeton University, he enlisted in the Army and served in the South Pacific for two years in an infantry intelligence unit. He was traumatized by the horrors of war and especially the Holocaust. These events caused Rawls to turn away from religion. After his discharge from the Army following the war, he

[2] Thomas Massano, "Occupation Therapy,"*America,* 205, no.17 (2011): 10.

returned to Princeton and pursued an advanced degree in philosophy under the GI Bill of Rights. He earned his PhD in 1948. In 1950, Princeton hired Rawls as an instructor in the philosophy department, but he also continued his own studies, especially in economics.

In 1952, Rawls won a Fulbright fellowship to Oxford where he first developed the idea for what later became his famous "thought experiment" which he explained in his revolutionary work published in 1971, A *Theory of Justice.* After returning to the United States, he joined the philosophy faculty at Cornell, then at the Massachusetts Institute of Technology, and finally at Harvard University. He remained a professor of philosophy at Harvard from 1962 until he retired in 1991. He passed away in 2002.[3] Rawls was mainly an academic man, involved in abstract thinking and writing. During the Vietnam War, however, he led an effort at Harvard that questioned the fairness of student military draft deferments. Why, he asked, should college students, many with social and economic advantages, avoid the draft while others without these advantages had to go to war? He preferred a lottery system, which the United States eventually adopted late in the Vietnam War.

Many, perhaps, think of social justice in a more global context, with international protests that brought about sweeping change in the Middle East. But social justice in our own domestic situation in America received close scrutiny this past year with the Occupy Wall Street movement.

A short overview of the Occupy Wall Street movement will highlight the far ranging influence this movement has had on the United States, and the world. Protestors have received a tremendous amount of attention this past year, both in the international and the national scene. The “protestor” was even chosen as the *Time* person of the year and the Wall Street protestors have much in common with the protestors seeking equality and justice throughout the Mid-East in the spring of 2011.

How did the movement begin?

The Canadian-based *Adbusters*[4] Foundation proposed a peaceful occupation of Wall Street to protest corporate influence on democracy and voice outrage at the lack of legal consequences for the bankers behind the global financial crisis, as well as the growing disparity in wealth between the top 1 percent and others, the “99 percent”.

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[3] Hilary Putnam, “John Rawls: Biographical Memoirs,” Proceedings of the American Philosophic Society, Vol. 149, No. 1 March 2005, 114-17.

[4] See www.adbuster.org/campaigns/occupywallstreet

The Adbusters Blog entitled "A shift in revolutionary tactics," is credited with being the genesis of the movement. Micha White, the senior editor, said they had suggested the protest via their email list and it "was spontaneously taken up by all the people of the world." *Adbusters*' website said that they wanted to set the agenda for a new America. Their poster was a dancer atop the charging bull, for the bull market of Wall Street. The internet group *Anonymous* encouraged its readers to take part in the protests, calling protesters to enter lower Manhattan and set up tents and barricades to occupy Wall Street.

On September 17, 2011, the protest begins, with about 1,000 people gathering in downtown Manhattan and walking up and down Wall Street. The protesters settle into Zuccotti Park, two blocks north of Wall Street. At first, the police start arresting mask-wearing protesters, using an arcane law dating back to 1845 that bans masked gatherings unless part of "masquerade party or like entertainment."

Celebrities get involved, e.g. filmmaker Michael Moore addresses the crowd at Zuccotti Park. Noam Chomsky, noted philosopher sends his regards, and actress Susan Sarandon and Princeton academic Cornel West show up at the protests.

Asked about Occupy Wall Street, President Obama says "I think it expresses the frustrations the American people feel, that we had the biggest financial crisis since the Great Depression, huge collateral damage all throughout the country... and yet you're still seeing some of the same folks who acted irresponsibly trying to fight efforts to crack down on the abusive practices that got us into this in the first place."

In early October, Mayor Michael Bloomberg at first criticizes the protesters in a radio interview, saying they are "taking the jobs away from people working in this city" and that the protests are "not good for tourism." He later softens his views and says that the protestors can protest as long as they obey the law.

Conflict arose with Brookfied, the company that owns Zuccoti Park when the company planned to enforce park rules that ban tents and insisted on power washing the park.

The wave of protests spreads worldwide from Europe to the Americas to Asia. While the demonstrations are generally peaceful, violence erupts in Rome when rioters hijack the protest there. In New York, thousands of people march to the U.S. Armed Forces recruiting station in Times Square to protest spending on foreign wars.

Protesters march on major banks and financial institutions in honor of "Bank Transfer Day" — an attempt to urge Americans to move their money from big corporate banks to smaller community credit unions. In

the month leading up to Bank Transfer Day, an estimated 600,000 people pulled their cash out of major banks.

On November 15th in Oakland, police arrest 20 people and clear protesters from the plaza where they had been living; the mayor's legal adviser resigns in protest. And at 1:00 am in New York City, police begin evicting protesters from Zuccotti Park on Mayor Bloomberg's orders, arresting those who refused to leave and barring reporters from getting close to the scene. A judge rules that although the protesters do not have a First Amendment right to camp out in the park, they are allowed to return to Zuccotti sans tents and tarps.

On November 19th, campus police at the University of California, Davis, pepper spray protestors who are peacefully obstructing a public walkway. Footage of the incident quickly goes viral online, prompting the school's chancellor to place the offending officers on leave and order an investigation.

The protesters targeted Wall Street because of the part it played in the economic crisis of 2008 which started the Great Recession. They say that Wall Street's risky lending practices of mortgage-backed securities which ultimately proved to be worthless caused the crisis, and that the government bailout through the emergency Stabilization Act of 2008 was a failure of the government.

Some have criticized the protests saying there is no unified set of demands, aims or goals for the movement. However, although the movement is not in complete agreement on its message and goals, it does have a message. Interviews with various participants state a consensus of concerns. But the movement does not state its goals in the traditional language of campaigns. The major concerns of the protestors seem to be that America produces abundance but there is not fairness in the distribution. The protesters want, in part, more and better jobs, more equal distribution of income, bank reform, and a reduction of the influence of corporations on politics. The protest is focused on economic justice and the complaints of the protestors are economic. The protests see a connection between the civil disobedience (the occupation of parks and streets) and this form of protest as a legitimate means of expressing their concerns to ensure social justice.

We are the 99%

The top 1 percent of income earners has more than doubled their income over the last thirty years according to a Congressional Budget Office

(CBO) report.[5] According to the CBO, between 1979 and 2007 the incomes of the top 1% of Americans grew by an average of 275%. During the same time period, the 60% of Americans in the middle of the income scale saw their income rise by 40%. Since 1979 the average pre-tax income for the bottom 90% of households has decreased by $900, while that of the top 1% increased by over $700,000, as federal taxation became less progressive. From 1992-2007 the top 400 income earners in the U.S. saw their income increase 392% and their average tax rate reduced by 37%. In 2009, the average income of the top 1% was $960,000.

This economic disparity is also important as the political class in the USA is considerably wealthier than most Americans, with nearly half the members of Congress being millionaires, as is the President and his predecessors. The President in an October 6th news conference[6] pointed out that the reason that so many Wall Street executives weren't prosecuted was that what they did wasn't illegal, it was "immoral or reckless." International response to the Occupy Wall Street movement has been somewhat favorable. With support from the People's Republic of China, Egypt, Greece, India, Korea, Poland, and Vatican City as well as others. Conservatives see the situation of disparity as the fault of individuals whereas the liberals see structural forces at work -- lack of health insurance, student loans -- that they cannot overcome.

Rawls' Principles

The secular approach to social justice holds that every society has a basic structure of social, economic, and political institutions and these need to fit together. Philosophers of social justice theory throughout history have debated how these institutions should best fit together. In testing how well these elements fit and work together, John Rawls based a key test of legitimacy on the theory of "social contract." To determine whether any particular system of collectively enforced social arrangements is legitimate, Rawls posits that one must look for consensus and agreement by the people who are subject to it. Obviously, not every citizen can be asked to participate in a poll to determine his or her consent to every proposal in which some degree of coercion is involved, so one has to assume that all citizens are reasonable. The process of selecting principles of distributive justice should not be arbitrary, if it were, then discussion

[5] Trends in the Distribution of Household Income.
www.cbo.gov/publications/42729 report (accessed October 25, 2011).
[6] www.whitehouse.gov/the presss-office/2010/06news-conference-president.

about distributive justice would be futile. Resorting to tradition might seem to be a reasonable and good start. But what about the unfairness of traditions? For example, slavery had been a long tradition in the United States, and no one would propose that this tradition should remain and be upheld. This is one of the key elements of Rawls insight in devising a scheme of social justice. Rawls determined a particular sort of "thought experiment" to construct an argument for a two-stage process to determine a citizen's hypothetical agreement. This is the fascinating concept of the "veil of ignorance." To say that we are self-interested rational persons is to say that we are motivated to select, in an informed and enlightened way, whatever seems advantageous for ourselves. To stand behind the "veil of ignorance" is a mind game to provide ignorance of such things as race, gender, social class, sex, health, etc. However self-interested and rational persons do have some knowledge, for example they have general information about possible situations that human beings can experience and do have general knowledge about human behavior.

This new "state of nature" (an idea Rawls might have gleaned from John Locke) provides the origin to think through and choose the principles that should govern people in the real world. Rawls sees this as a fair procedure and if principles were chosen by means of this procedure then the principles would be fair. Behind the "veil of ignorance" individuals are given the task of choosing the principles that shall govern the actual world. Rawls believes that he has set up an inherently fair procedure here. Because of the fairness of the procedure Rawls has described, he says, the principles that would be chosen by means of this procedure would be fair principles. Consider how "rules of a game" are determined in advance of the start of play. After play has begun, it is unfair to change the rules.

Since a self-interested rational person behind the "veil of ignorance" would not want to belong to a social group, or a class or sexual orientation, or have a health issue, that is discriminated against, then he/she would not choose principles that would discriminate against this group. Recall, that behind the "veil of ignorance" you do not know into which group you would be when the veil is removed. Likewise, a self-interested rational person would not want to belong to a generation that has fewer resources than another. So he/she would endorse the principle: "Each generation should have roughly equal resources" or "Each generation should leave to the next at least as many resources as they possessed at the start." This translates for Rawls into rights language that would say that all generations, both present and future have the right to an equal amount of resources.

Rawls is ready to determine his principles of justice, after completing this "thought experiment" of the "veil of ignorance". Rawls argues that self-interested rational persons behind the "veil of ignorance" would choose two general principles of justice to structure society in the real world. These are the:[7]

Principle of Equal Liberty: Each person has an equal right to the most extensive liberties compatible with similar liberties for all. This is the Egalitarian aspect to Rawls theory. The Principle of Equal Liberty ensures the right to freedom of speech and assembly, in the political process. This principle has priority.

Difference Principle: Social and economic inequalities should be arranged so that they are both (a) to the greatest benefit of the least advantaged persons, and (b) attached to offices and positions open to all under conditions of equality of opportunity.

The second principle is a little more complicated but gives us the chance to think about inequality in society. This involves the equality of opportunity. Where you start out in life it is not fixed as to where you will finish your life. You have the chance to advance in society regardless of the starting position. If someone makes more than someone else because he takes more risks he is justified in making more as long as the least advantaged (say the lowest quintile of society) benefits. So, equally able and equally motivated, you have equal chances. That is Equality of Fair Opportunity. Neither law nor distribution of income should hold people back from achieving success. This is a difficult principle because people do not begin equally at the starting gate of life. This would mean that achieving equality through taxation, health care, education, etc. need to be determined. It is not that people can make as much as they want, the government has the right to tax to bring about this beginning equality. Under the liberty principle you have rights to participate in government and the political process, including freedom of association and freedom of expression—and personal liberties—liberty of conscience, freedom of religion. Rawls does not include the liberty to earn as much as you can in the market among the fundamental liberties.

The Difference Principle is a unique combination of more familiar ethical theories. For example, it includes the "socialist" idea that the burdens and responsibilities of society should be distributed according to ability and benefits should be distributed according to the needs of the individual. This is a very Marxist interpretation. The "least advantaged"

[7] A full discussion of the principle can be found in John Rawls, *A Theory of Justice* (Cambridge, MA: UP Belnap of Harvard UP, 1971), Section 11.

have the greatest needs and that those who receive special status also bear special responsibilities. However the use of these special skills held by those with special status should be rewarded, and the Difference Principle allows for those individuals to receive just compensation. What the non-egalitarian aspect of the difference principle does not permit is that the improvement in the social and economic status of those who are already well off cannot occur unless it does something positive for those who are already disadvantaged. It cannot make the life of the less advantaged any worse. The really important question is which inequalities are appropriate? So Rawls does two really great things. He provides a reasoned argument about fundamental issues of justice, and it is not an "either/or" proposition in the debate. Both liberty and equality is possible, not liberty or equality.

The difference principle allows that the person at the top could do lots better but the person at the bottom needs to do as well as they possibly could do. The person at the bottom has to do as well as he can without undermining the incentive for the person at the top. The difference principle is an attempt to maximize the good for the less advantaged. The yardstick for calculating justice is the standard of the quality of life of those at the bottom, not those at the top. Also you do not want to stop with the status quo because the people at the top are already so well off. Rawls admits that you currently have an unjust inequality in society.

Rawls and the Occupy Movement

Let us now apply this to the Occupy Wall Street movement. We can apply Rawls' thinking to the concept of the "99 percent" and the concentration of wealth in the one percent. John Rawls' student Joshua Cohen as well as New York Times columnist Steven B. Mazie have suggested this response from Rawls and I concur. The Occupy Wall Street protest is a movement, not a political party, and hence does not have a fixed platform, but a consensus of protests as listed above. Socioeconomic inequality has been growing steadily in the United Sates for almost 40 years. The disparity between rich and poor has been growing, and the disparity has become greater, distribution has become more unequal. Currently, this movement has provided an opportunity to discuss the disparity, and this forced discussion represents a change from former times as there is an attempt to have a public discourse about inequality. I believe that Rawls would have been disturbed about the extent of inequality and would see the movement as doing something very positive. "Unfair" is now in the political discussion and has become an exciting dialogue. To address extreme inequality as unjust and not worthy of a democratic society is the focus of

the Occupy Wall Street movement. Rawls would have liked this discussion of rational persons to try to resolve the problem of distritutive justice. But how much force can protestors use to force the conversation?

Rawls and Civil Disobedience

This leads naturally to the related problem, that of civil disobedience, e.g protestors closing the Port of Oakland, a dramatic act of civil disobedience, another was setting up tents in parks. John Rawls is also one of the most influential sources of discussions about civil disobedience, since in addition to updated liberal thought about inequality in *A Theory of Justice*, he also articulated a theory of civil disobedience. Some have even considered A Theory of Justice as "the most influential contemporary philosophical discussion on civil disobedience."[8]

What exactly does Rawls mean by civil disobedience? How far can he support dissent? How does he view nonviolence?

Rawls defined civil disobedience as "a public, nonviolent conscientious yet political act contrary to law usually done with the aim of bringing about a change in the law or policies of the government."[9] It is "disobedience," that is, deliberate violation of the laws of a particular society. It is "civil," because those that practice it are supportive of the regime and the electorate that support it.[9] The dissenters try to avoid violence but insults and expressions of hatred that would endanger future cooperation. The society in which the disobedience takes place must be at least "piecewise just." This general consensus on justice or piecewise justice allows the leverage for an appeal to a common sense of justice. The hope is that individuals will look to a future time when change will occur and the society will move to this next level of justice invoked by the dissenters. This situation causes a delicate balance of risk of pushing for justice in one area while putting at risk laws in other areas. Once we see civil disobedience in terms of the duty to seek justice, then the necessity of restraint becomes clear. It also helps clarify why dissidents must be willing to suffer punishment. This willingness to suffer shows a "bond of fidelity" with the regime to cooperate in the future.[10]

A noteworthy philosophic antecedent concerning civil disobedience in philosophy is the trial of Socrates as reconstructed by Plato. Socrates was

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[8] Adam Hugo Bedeau, *Civil Disobedience in Focus* (London: Rutledge, 1991), 4.
[9] Andrew Sabl, "Looking Forward to Justice: Rawlsian Civil Disobedience and Its Non-Rawlsian Lessons," Journal of Political Philosophy 9, no. 3 (2001): 308.
[10] Ibid., 318.

accused of corrupting the young and using his skills as a philosopher to pervert the loyalties of the young to their rulers. Socrates pleaded innocent and refused to cease his practice even if the court decided against him, which they did. The court sentenced Socrates to death. Against the urging of his friend Crito, who visited him in prison, Socrates refused to escape and submitted himself to be judgment reached by the duly established authority, which was death by poison, the famous drinking of the hemlock. Socrates provided the precedent for resisting a law or policy considered unjust while still maintaining respect for the existing political system as legitimate. His complaint was not against the laws, but against the judges. If indeed he did escape he would have confirmed the judges in their opinion of him as a criminal.

The term "civil disobedience" became an engrained part of the American political vocabulary as Henry David Thoreau argued the right of individual conscience, and is a landmark philosophic thinker on civil disobedience, although as Hannah Arendt points out with less dramatic consequences than Socrates for his actions.[11] Thoreau spent one night in jail for refusing to pay the poll tax to a government that permitted slavery. However, he permitted to allow his aunt pay it the next morning after spending only one night in jail. Again, Thoreau as Socrates, protested against the injustice of the laws.

John Rawls regards civil disobedience as having an important role to play in democratic societies. When social arrangements are just and efficient, and when we enjoy their benefits, we ought to comply with them. Rawls has already given us the criteria for justice of these principles, when these principles would be chosen under a "veil of ignorance." Their fairness out to be judged when they are readily accepted by all those who do not know what social position they will come to occupy or what talents they have or lack, or what their preferred plan of life will turn out to be. All bias has been ruled out, and therefore the principles that are chosen will be fair. Unfortunately, even the best practicable political procedure could result in the enactment of unjust laws. If we have to rely on majority rule, then it becomes apparent that unjust laws can be easily passed, because majorities are far from infallible. For if one willingly accepts benefits provided under the constitution, and the constitution itself is just, then one is obliged to abide what the majority decides.

Rawls believes that "[A theory of civil disobedience] attempts to formulate the grounds upon which legitimate democratic authority may be

[11] Hannah Arendt, *Crisis of the Republic: Lying in Politics; Civil Disobedience; On Violence; Thoughts on Politics, and Revolution* (New York: Harcourt Brace Jovanovich 1972), 59.

dissented from in ways that while admittedly contrary to law nevertheless express of fidelity to law and appeal to the fundamental political principles of a democratic regime".[12]

Rawls' model of civil disobedience in society may be applied in very limited circumstance and only in a society that is "well-ordered" for the most part.[13] Nevertheless injustice can occur in such a society and can express dissent only when there is a context of a democratic state in which citizens accept the overall legitimacy of the constitution. Recall that Rawls has already given a hypothetical original position that no one knows his particular place in society. Behind this "veil of ignorance," free, equal and rational individuals established the two fundamental principles that will provide the framework to regulate social interactions. The injustice of a law alone is the foundation for civil disobedience. Rawls does not want anarchy. Nonviolent civil disobedience becomes an option when violations to justice have exceeded certain limits. Nonviolent civil disobedience is then an act through which the minority appeals to the majority to reconsider a particular issue within the society. All the while the existing constitution and the shared perception of rights and duties remain.

Certainly questions arise. Although one makes an appeal to a sense of justice of your fellow human beings, you must be ready to accept the legal consequences because the protestor sees the political system as generally a legitimate political system, but there is an extreme injustice in some areas. Civil disobedience shows that the system is not addressing this particular injustice and the civilly disobedient action is an appeal to others in society to recognize this. The protestor has put himself out there. It is a risk taking move. When do the violations of justice exceed the limits that legitimize acts of nonviolent civil disobedience and who and how to judge? Civil disobedience argues Rawls, "becomes necessary when the condition of free cooperation are being violated." And its application expresses the fidelity to "the fundamental political principles of a democratic regime."[14] Yet, while giving the appearance of radical dissent, "civil disobedience still remains a reformist practice that often strengthens the existing societal order."[15] The withdrawal of consent is limited to the challenging of individuals laws, the other elements of the State remain unchallenged. Rawls' theory of civil disobedience has a controllable notion of dissent that can still be recognized with the general consensus on our ideas of

[12] Rawls, 385-386.
[13] Ibid. 363.
[14] Ibid. 382-83, 385-86
[15] Roland Bleiker, "Rawls and the Limits of Civil Disobedience," *Social Alternatives* 21, no. 2, (Autumn 2002): 38.

freedom and justice. Dissent cannot challenge the foundation of the established political and social order. There is inherent in Rawls' position a respect for legal procedures. By willingly accepting arrest and punishment, dissenters show that their opposition to the law remains faithful to law, and their actions are intended to affect the sense of justice of the majority. Their actions are based on conscientious reasons and flow from deeply held and foundational convictions.

Rawls spells out three conditions which he insists must be met if one is to be justified in engaging in civil disobedience. The first is that the injustice protested against must have been more or less deliberately inflicted for some length of time in spite of protesters having already followed more conventional routes for expressing opposition to that injustice (for example, by lobbying politicians.) The second is that the injustice protested against must clearly violate the liberties involved in equal citizenship. And the third is that unacceptable consequences should not result from a general tendency to engage in civil disobedience whenever a case of similar standing arises.[3] The conditions are liberal and demonstrate that John Rawls goes quite far in justifying civil disobedience.

Rawls believes that in a democratic society each man "must act as he thinks the principles of political right require him to do."[16] There is no infallible authority to determine who is right. This places a heavily burden on conscience, but he still sees the tremendous obligation of government.

In Rawls' view, "if civil disobedience seems to threaten civil peace, the responsibility falls not so much on those who protest as upon those whose abuse of authority and power justified such oppositions."[17] Rawls clearly places the burden of moral culpability on the shoulders of the government that imposes such unjust laws.

Conclusion

"Occupy Wall Street" has provided an inspiring rally call for social justice for many citizens of America. John Rawls has helped to provide these philosophical foundations for the movement and provide principles of justice by reconciling equality and liberty to support human demands for justice. He also provides a compass for how citizens can conscientiously

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[16] Alan Carter, Alan. "In Defence of Radical Disobedience," *Journal of Applied Philosophy* 15, no..1 (1998): 32.

[17] John Rawls in James Rachels, ed. *Moral Problems: A Collection of Philosophical Essays* (New York: Harper & Row, 1975), 140.

use civil dissent to reach their demands. I believe he would support both the ideas of justice demanded by the "99 percent" and their methodology for achieving their goals. He does so with a universal appeal to rational discussion and open ended dialogue to a broad range of "rational, enlightened persons."