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RESUMEN

Desde que apareció *Teoría de la Justicia* de John Rawls en 1971, los estudios anglosajones en filosofía política tomaron un nuevo impulso. En este trabajo, pretendo analizar el contractualismo contemporáneo y reforzar la posibilidad de un acuerdo social. Describiré algunos conceptos de la *TJ* con el objetivo de mostrar la polémica de la justicia como imparcialidad y estudiar las críticas opiniones de los mismos rawlsianos. Aquí, expongo especialmente la posición de: Ronald Dworkin, Amartya Sen, Martha Nussbaum y Norman Daniels; éstos están de acuerdo con muchos aspectos de la *TJ* aunque tratan de modificarla mediante sus propios aportes metodológicos que resultan ser muy importantes para los problemas de la justicia social.

Con respecto a la distribución, es necesario indagar qué significa la igualdad, en qué sentido la gente deben ser iguales y dependiendo de esto, se puede hacer una división de bienes sociales primarios (Rawls), recursos (R. Dworkin) o capacidades básicas (A. Sen). Cada ciudadano/a debería tener la oportunidad de disfrutar de una vida buena, elegir libremente un plan entre diferentes alternativas, por eso, es importante construir instituciones que consideren a la persona como libre y autónoma. Además, es también relevante incluir en la teoría las consideraciones de Norman Daniels y Martha Nussbaum sobre la ética individualista, todo esto ayuda a completar la estructura institucional.

El marco teórico es lo suficientemente amplio y flexible como para incluir herramientas nuevas en función de que se pueda alcanzar una vida feliz, siempre que ésta esté limitada por una moralidad de sentido común. Rawls ha contribuido a la filosofía

política con el importante intento de ubicar la libertad y la igualdad en el mismo enfoque y estableciendo un orden lexicográfico entre ellas por la cual la libertad está en primer lugar. Sin embargo, no parece posible cumplir el objetivo de una justicia como imparcialidad si ignoramos las objeciones de algunos rawlsianos y algunos de sus nuevos conceptos, definiciones e instrumentos para completar la *TJ*. Yo hice una elección: el libertarismo de Dworkin, el debate sobre las capacidades de Sen, el interés en las emociones de Nussbaum y la posición de Daniels sobre la salud.

ABSTRACT

Since John Rawls's *A Theory of Justice* appeared in 1971, the anglosaxon political philosophy studies took a new impulse. In this paper, I pretend to analyze the present contractualism and reinforce the idea of the possibility of a social agreement. I shall describe some concepts in *TJ* with the object of show the controversy of justice as impartiality and study the critical opinions of the rawlsians. Here, I present especially the position of: Ronald Dworkin, Amartya Sen, Martha Nussbaum y Norman Daniels; they agree with many aspects of the *TJ* though they intend to modify it through their own methodological contributions that proved to be quite important for social justice problems.

As regards the distribution, it is necessary to inquire what equality means, in what sense people must to be equal and depending of this, we can make a division of social

primary goods (Rawls), resources (R. Dworkin) or basic capabilities (A. Sen). Every citizen might have the possibility to enjoy a good life, to choose freely a plan between different alternatives, so, it is important to build institutions that consider the person as free and autonomous. Besides, it is also relevant to include in the theory the considerations of Norman Daniels and Martha Nussbaum about the individualistic ethics, all these help to complete the institutional framework.

The rawlsian theoretical approach is wide and flexible enough as to allow new tools as to acquire a happy life, if this is restricted by a morality of common sense. Rawls has contributed to the political philosophy with the important intend to establish freedom and equality in the same approach and determine a lexicographic order between them where freedom is in the first place. Although, it does not seem possible to fulfill the objective of an impartial fairness if we ignore the objections of some of the rawlsians and some of their new concepts, definitions and instruments to complete the *TJ*. I made a choice: Dworkin's libertarianism, Sen's debate about capabilities, Nussbaum's interest in emotions and Daniels' position about health.