

John Rawls' Ethical Principles of Justice as a Solution to Problems of Social Cooperation and Injustice in Contemporary Democratic Societies

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Abstract

One of the most important contemporary political philosophers, Rawls's A Theory of Justice, published in 1971, is considered one of the milestones of political philosophy and brings a new understanding of what and how social organization should be in his work Political Liberalism, published in 1993. Rawls tries to answer the question of how a satisfactory understanding of political justice can be grounded in contemporary democratic societies. According to Rawls, in contemporary democratic societies where people are seen as equal and free, individuals or communities will inevitably adopt different religious, philosophical and moral doctrines. Rawls argues that most of the different moral, philosophical, and religious views are reasonable and therefore reasonable among members of society accepts the fact that conflicts may arise

Key Words: Rawls, Social Cooperation, Injustice, Democratic Societies

Introduction

The concept of justice constitutes the subject of this article; Rawls' *A Theory of Justice* constitutes our main guide. Rawls sees justice as the highest of all values, and for Rawls, justice requires that people be treated as an end rather than a means. Rawls of course admits that concepts such as efficiency, productivity, and stability are central to a society, but he emphasizes that it is even more important to focus on justice and the relationship of institutions to just cause. To Rawls, justice includes the determination of the principles chosen by some social arrangements and the distribution of primary goods among the members of the society in line with these principles. In other words, in Rawls, justice appears as a convention regarding the sharing of primary goods by the members of society

with an appropriate distribution. Rawls defines a society as a collection of persons who get together to construct it. In essence, a well-ordered society is one in which all members share the same moral and ethical ideals and are aware that these standards are generally met by essential social institutions. According to Rawls, the fundamental structure of society—the ways in which significant institutions such as the family, political system, and economic system interact to determine people's prospects in life—is most relevant when considering justice. As a result, justice principles are intended to control society's essential foundation. Furthermore, social justice imposes ancillary duties on individuals: if there are just institutions, they must follow their rules; if not, they must work toward the establishment of just institutions, to the extent that such efforts are likely to be successful and do not place an undue burden on the striving individual. This implies that any set of principles that everyone accepts must also be fair to everyone else, since if they weren't, no one would accept them. Based on this, Rawls regarded justice as fairness. Further consideration of Rawls' statement that what is fair to one is also acceptable to all is appropriate.

Rawls' Ethical Principle of Justice

According to Rawls, justice is the first virtue of social institutions and forms the basis of social structure. Thus, for Rawls, all political and legislative decisions must be contained within the constraints arising from the principles of justice. According to Rawls, the primary operating area of justice is the distribution of the commodity. For Rawls, the commodity is one's rational possession. It encompasses all of the things one wants, such as wealth, social position, opportunity, skill, freedom, self-respect. Rawls in his book *A Theory of Justice* elaborate on how justice is to be administered to the society, the most important representative of contemporary contractual ethics, "investigated how the political order and institutions can be formed according to the principles of justice, which he first considers as an ethical value" (Cevizci, 2007:354). In addition, Rawls sided with altruism between the poles of egoism and altruism. Because "there is a principle of not taking sides on the side of altruism (every person's goodness will be considered equal), which is a principle that Rawls developed in his work called *A Theory of Justice* in which he defends justice as truth" (Honer, Hunt & Okholm, 2003:337). There are two different versions of contemporary contractual ethics. Starting from the idea of basing the principles of justice on a hypothetical contract, both of these versions, which express the idea that no one's interests can be sacrificed to the interests of another, if these principles are accepted by everyone, are both of those versions, although they have adopted the classical contract view that people are equal by nature. However, he develops different views on the nature of the natural equality of men. The first of these understands the natural equality in question as the inequality of physical power, based on Hobbes, and says that it leads to the recognition that it is in the mutual benefit of people to accept the conventions that recognize and protect the interests of other people. Opposite to this version adopted by philosophers such as Russell and David Gauthier is the version that treats equality in the classical contract view, which states that people are equal by nature, as a moral equality, and makes people's interests a matter of common or

impartial interest. Here is John Rawls, based on a Kantian rather than Hobbesian idea of moral equality defender of a contractual understanding of ethics” (Cevizci, 2007: 346).

In order to understand what 'good' means for Rawls, we must first understand Aristotle's functional interpretation of 'good'. According to Aristotle, the essential nature of a thing consists of its specific activity or function, and when it fulfills that function well, it becomes both the most perfect and the most real thing. From Aristotle's point of view, to say that something is good means to say that it functions well within its own species, and to associate its function well with its reality. This functional interpretation of the good also serves to explain why we care about what is good. However, when we say that happiness, beauty, or freedom is good, we hardly think of the realization of this or that function. He tries to extend the main idea of his functional interpretation of the 'good' to include things that do not seem directly purposeful. Rawls states that “to say something is good means to say that it has the characteristics that can be rightly expected or demanded from it” (Cevizci, 2007:291). For example, the goodness of pleasure, beauty, or freedom can be explained, according to Rawls, by the role they play in a good life.

Essentially, Rawls's understanding of ethics is based on a certain understanding of the individual. Rawls emphasizes the human agency – not the self-interested type of human agency, but the person who is the decision unit as a person with identity. According to Rawls, the individual is not a purely rational being in pursuit of his own good, as the utilitarians predict; It is a being that behaves reasonably with a sense of fairness. That is, right precedes utility and individuals are reasonable. It is a concept related to the establishment of relations and this concept enables the concept of justice to be reached and reveals fair social cooperation. What is meant by the concept of rational is that each individual tends to satisfy their own interests and reaches the concept of good. The rational one shows the effective means to achieve the goals, the order of values and priorities. According to Rawls, although both concepts complement each other, we cannot deduce the reasonable from the rational. For Rawls, just as the just has priority over the good, the reasonable also has priority over the rational. Guided by his own ethics, Rawls opposes the idea of the highest good or what Bentham and Mill speak of 'the greatest happiness of the greatest number'. Because, according to him, there can be no value in reaching the happiness of the greatest number of people in ways that would unfairly disadvantage minorities, especially the incapable or powerless. Much more importantly, Rawls argues that truth and justice are prior to and independent of the 'good' and cannot be defined through the 'good'. But his contractual ethics, or theory of justice, also represents a radical departure from viewing morality as something done around the self-governing individual, and ethics as a philosophical discipline dedicated to explaining how such an individual would act. Because “Rawls believes that the problem of justice is too complex to be solved by individual decisions” (Cevizci, 2007: 346). Believing that social institutions should not provide arbitrary benefits or advantages to some, Rawls believes that justice and a just society can only be

achieved through something akin to the social contract, which allows us to freely agree on how the basic institutions of society should be structured to allow for the establishment of a just society.

Utilitarians Criticism of John Rawls' Ethical Principles of Justice

The utilitarianism of Jeremy Bentham, who developed a utilitarian philosophy in the 19th century, it is based on the 'arithmetic of pleasures'. According to Bentham's utilitarianism, which can be summarized as 'to make as many people as possible as happy as possible', pleasures and pains are natural phenomena that govern our actions. Pleasures are good, pains are bad. Anything that makes people feel comfortable both physically and mentally is beneficial to people. The basis of life is pleasure, so the important thing is to increase pleasures and reach more pleasure. According to Bentham, there is no distinction of quality between pleasures, and any action that can bring us the greatest happiness is good. For Bentham, good is useful; evil is destructive. In Bentham's utilitarianism, man is thought of as a rational being that must choose between pleasures. That is, man does not jump on every object of pleasure that comes his way, like any animal; he always considers the result of his actions as a rational being. Pleasures are good, but not all pleasures are equally valuable. Morality shows us which pleasures are more beneficial. Bentham defines this will to be decisive as 'moral arithmetic'. According to this, the existence of a pleasure level brings an arithmetic tact or calculation in the face of pleasures. According to Bentham, it is necessary to understand and evaluate social life within this framework. For Bentham, the purpose of politics is to protect private interests; while doing this, the happiness of the people should be considered the most (Timuçin, 1992:594-595).

As a matter of fact, according to Bentham, when enacting laws, it should be calculated how much benefit and happiness it can bring to the members of the society in total, or it should be measured. For Bentham, the function of the legislator is to encourage people to take some actions and to keep them away from others. Bentham's life method is based, first of all, on 'measuring the damage caused by the action'. This harm is nothing but the pain or evil that results as a result of the action. People should be discouraged about actions that produce evil. According to Bentham, law is associated with increasing the total happiness of the community. It can achieve this by preventing actions that have bad consequences. Since a criminal act or attack is clearly detrimental to the happiness of the community. In general, the government should look to realizing issues that will increase the happiness of the society by punishing people who commit crimes by performing actions that the principle of utility considers bad. As a result, according to Bentham, these behaviors need to be reclassified in order to determine and regulate appropriate and unsuitable behaviors. In addition, the administration should enact laws not arbitrarily or for their own personal interests, but for the greatest happiness of the greatest number of people (Çelik, 2011b:159-160). Bentham's views were defended and furthered by his student, John Stuart Mill. For Mill, as for Bentham, our actions are true to the extent that they take into account and provide happiness, and not true to the extent that they lead to the opposite of happiness. Human nature either wants to obtain happiness

directly or a means that leads to happiness. This fact is the only possible proof of the 'utility principle'. Mill, who has thought with Bentham, differs from him on two important points: First, Bentham argued that the amount of pleasure can be measured in a concrete and scientific way, while Mill argues that there can be no way to measure the quantity of pleasures. For Mill that we cannot determine the sharper of the two pains or the more intense of the two pleasurable sensations and that when we have to choose between two pleasures, we will only make a wise choice in progress. Another criticism of Mill to Bentham is that it is not sufficient to consider pleasures only in terms of quantity. Because, according to Mill, there are not only pleasures that provide bodily satisfaction, but also rational, intellectual and aesthetic pleasures. Moreover, there is a qualitative difference between these pleasures and bodily pleasures. For Mill, to consider the concept of pleasure and happiness only at the bodily-animal level means to underestimate the human being.

At this point, Mill deals with pleasures by making a distinction between higher pleasures and lower pleasures. The lower pleasures are the bodily pleasures that Bentham proposes to measure. On the other hand, higher pleasures are intellectual and aesthetic pleasures that are unique to humans, and according to Mill, some types of pleasure are more desirable and valuable than others. In other words, Mill argues that some pleasures—for example, virtues such as renunciation, sacrifice, self-sacrifice—are more valuable in terms of social usefulness (Çelik, 2011b:163-164). On the other hand, in utilitarianism the happiness of each person is viewed as good for that person and therefore overall happiness is considered as the sum of the happiness of all persons. However, this principle has a difficulty: if general happiness is nothing but the general sum resulting from the sum of the happiness of the individuals, that is, if the sum of individual happiness somehow makes the general happiness, then everyone can work for his own happiness without striving for general happiness. However, it is clear that general happiness cannot be achieved in this way. Because from time to time, individual pursuits of pleasure do not coincide with general happiness, on the contrary, they do. Therefore, Mill tries to put the emphasis on the social nature of the person to overcome this difficulty. According to him, the solid basis of utilitarianism lies in the social feelings of humanity. Mill describes these emotions as a desire to be in union with beings of the same kind as us in origin. This desire is a strong principle in human nature, or it is so because it evolves over time. Mill moves away from Bentham's utilitarianism by stating that social feelings develop with the influence of education and advancing civilization and the more they develop, the more desirable the common good or general happiness becomes an aim that should be strived for, and turns to an ethical understanding based on a more appropriate view of human personality tries to bring usefulness closer to each other (Çelik, 2011b:164-165).

Despite Mill's efforts, many criticisms have been directed at utilitarianism, the most important of which is the ambiguity of the principle of utility, or 'the greatest happiness of the greatest number of people', which is the basis of utilitarianism. In this context, it has been pointed out that "even though the principle in question

may provide the greatest benefit for the majority, it may have very bad consequences for the minority" (Cevizci, 1996:545). Rawls' main criticism of creative ethics emerges at this point. Essentially, can the problem of those who are in an advantageous position in the social system not getting a sufficient share of the welfare can be solved by improvements to be made within the liberal system? Looking for an answer to the question, Rawls sees the principle of utilitarianism as 'the greatest happiness of the greatest number of people' as unfair and unjust in terms of justice and equality evaluations. Because, according to Rawls, such an acceptance creates an environment that works against the minorities and the underprivileged. For Rawls, utilitarianism fails to provide a basis for our sense of justice, "the principle of the greatest happiness for the greatest number may require that some individuals' freedoms or opportunities be sacrificed in order to achieve greater overall satisfaction. According to Rawls, this goes against our sense of justice as righteousness" (Honer, Hunt & Okholm, 2003:430). Primarily, Rawls, who tried to reconstruct the understanding of liberal democracy around the question of 'distributive justice', also aimed to liberate liberal democracy from utilitarianism, which is the dominant discourse of liberal thinking. As a matter of fact, in the preface to *A Theory of Justice*, Rawls (1971:vii) states that the dominant moral philosophy in most of the modern period and in English-speaking countries is utilitarianism, and as one of the reasons for this, utilitarianism is based on content ranging from Hume to Adam Smith, Edgeworth, and Sidgwick. Thus, according to Rawls, hitherto critics of utilitarianism have done so narrowly and have failed to develop an appropriate and systematic morality to stand firm against utilitarianism. At this point, Rawls states that the aim of the theory of justice as truth/equity is to develop an alternative understanding of justice that will be superior to utilitarianism by expanding the traditional social contract doctrine and bringing it to a higher level of abstraction (Rawls, 2007:2-3).

In *Theory of Justice*, Rawls states that "his aim is to oppose utilitarian ethics with a Kantian theory of the social contract" (Rawls, 1971:viii). In fact, this is due to the fact that utilitarianism is based on a teleological moral philosophy, and contractualism is based on a deontological moral philosophy. Teleological ethics argues that the consequences of moral action are the only elements that determine the value and correctness of the action. It also subordinates right conduct or moral obligation to what is good or desired by man. On the other hand, "deontological ethics claims that there are actions that should be done morally regardless of the consequences of some actions, which sees duty as the basis of morality" (Cevizci, 1996:132). Teleological and deontological conceptions of morality are in conflict, especially regarding the primacy of the concepts of 'right' and 'good'. Teleological morality gives priority to the good, while deontological morality gives priority to the right. Indeed, Kant and Kantian liberals grounded rights beyond utility.

For Kantian liberals that the concept of right precedes good in two respects. The first of these is that individual rights and freedoms cannot be sacrificed for the 'general good'. The second is that the principles of justice that determine these

rights cannot be based on any conception of the 'good life'. It can provide the legitimacy of rights, not how to maximize the general welfare or the common good, but a just framework in which individuals can choose their own goals. Therefore, Rawls, with the same reasoning, tried to show that utilitarianism in the liberal approach could not be a strong basis for rights, by putting the understanding of right-based ethics against the utilitarian ethical understanding. As a result, Rawls argues that his understanding of justice “is superior to the moral understanding of utilitarianism and comes closest to our convictions about justice and constitutes the most appropriate basis for the institutions of a democratic society” (Rawls, 2007:3).

John Rawls' Understanding of Justice

One of the most important contemporary political philosophers, Rawls's A Theory of Justice, published in 1971, is considered one of the milestones of political philosophy and brings a new understanding of what and how social organization should be in his work Political Liberalism, published in 1993. Rawls tries to answer the question of how a satisfactory understanding of political justice can be grounded in contemporary democratic societies. According to Rawls, in contemporary democratic societies where people are seen as equal and free, individuals or communities will inevitably adopt different religious, philosophical and moral doctrines. Rawls argues that most of the different moral, philosophical, and religious views are reasonable and therefore reasonable among members of society accepts the fact that conflicts may arise. “Political Liberalism is a system that can enable different reasonable views to coexist in a constitutional and democratic system. It aims to present the understanding of 'political justice'” (Borovali, 2006: x).

In his work titled Law of Peoples and Reconsideration of Public Reason Thought, published in 1999, Rawls presents his views on how a society that adopts his proposed understanding of justice should have fair relations with other societies. “The Law of the Peoples deals with the questions of what kind of a just foreign policy a (liberal democrat) society that has adopted the principles of justice in domestic affairs should determine, and thus what a just order should include in international relations” (Borovali, 2006: xi). However, since the concept of justice constitutes the subject of this study, Rawls's A Theory of Justice constitutes our main guide. Rawls sees justice as the highest of all values, and for Rawls, justice requires that people be treated as an end rather than a means. Rawls of course admits that concepts such as efficiency, productivity, stability and stability are central to a society, but he emphasizes that it is even more important to focus on justice and the relationship of institutions to righteousness. Because, according to Rawls, “justice includes the determination of the principles chosen by some social arrangements and the distribution of primary goods among the members of the society in line with these principles” (Lenning, 2011: 38). In other words, in Rawls, justice appears as a convention regarding the sharing of primary goods by the members of society with an appropriate distribution. According to Rawls, justice is the first virtue of social institutions and forms the basis of social structure. Thus, for Rawls, all political and legislative decisions

must be contained within the constraints arising from the principles of justice. According to Rawls, the primary operating area of justice is the distribution of the commodity. For Rawls, the commodity is one's rational possession. It encompasses all of the things one wants, such as wealth, social position, opportunity, skill, freedom, self-respect. "How such commodities are distributed in society depends on the principles of justice" (Gorowitz, 1994:271). In *A Theory of Justice*, Rawls asks us to imagine a group of people coming together to discuss the principles of justice on a permanent basis. These people enter the negotiation process as free persons, but they have to live by being constrained by the principles that will emerge as a result of the negotiation, and to adopt and approve them publicly. This group of people "come together to establish a social contract in which they define the political environment in which they will be governed and specify its scope and limits" (Gorowitz, 1994:272). Rawls calls this the initial state. The initial situation, for Rawls, is simply a means of representation: it represents parties, each representing the interests of free and equal citizens who are fairly positioned and agree on terms that limit what they can offer as good cause. In other words, the initial situation is a model – existing here and now – that expresses the conditions (conditions) set by the representatives of free and equal citizens regarding the basic structure under the rules of social cooperation. Rawls argues that he put forward an idea like the initial situation because there was no way to develop a better understanding of justice for the basic structure of society, which is an ongoing and fair system of cooperation between free and equal citizens (Rawls, 2007:68-70). As can be seen, the basic principles of justice are determined in the initial situation, which represents the first stage in the realization of justice. In addition, it is seen that the initial state put forward by Rawls is similar to the state of nature (natural) in social contract theories.

Rawls states that there is no historical basis for this group of people to come together to discuss the principles of justice. So such a description is a tool, a premise that facilitates the understanding of the theory of justice. Another postulate, Rawls, assumes that this group of people is rational, knowledgeable in matters such as psychology, economics, and sociology, and has a set of useful and unhelpful purposes in promoting their own interests. However, Rawls assumes that "each of this group of people is concerned only with promoting their own interests, determined only to achieve their own ends, and disinterested in the interests of everyone but themselves" (Gorowitz, 1994:272). In the initial state, Rawls imposes a limitation on the group of people who come together to choose the principles of justice, which he calls the veil of ignorance. The veil of ignorance is the situation in which the group of people who come together to choose the principles of justice have no knowledge of themselves and their surroundings so that they can be counted as representatives of free and equal citizens who will come to an agreement on fair terms. In other words, this group of people is completely ignorant of the position they will occupy in the society of the future. "The parties do not have information about their economic, class and social positions, their religion, race and ethnic groups, their gender, intelligence, age and what kind of skills they have" (Rawls, 2007: 71).

Parties in the veil of ignorance have goals they want to achieve, but are completely incapable of distinguishing themselves from others, no matter what criteria or characteristics are used. The purpose of the veil of ignorance is to leave no opportunity for the interviewees to seek to protect their private interests at the expense of the interests of others. There is no affinity between rational interviewers who are veiled in ignorance; because, if any of these interviewees lift the veil and see their place in the real world, is the biased position helpful or harmful to them can't have any idea what will happen. In short, "interviewers are wise in general and ignorant in particular. They want to promote their own interests, but they are incapable of distinguishing them from the interests of others" (Gorowitz, 1994: 273). Rawls stated that, the parties under the restraint of the veil of ignorance will be motivated by the sense of justice and primary social values in the process of choosing the principles of justice. Rawls points out that "attributes to individual's two moral abilities, the capacity for sense of justice and the capacity for understanding good" (Rawls, 2007:64). In fact, Rawls argues that "people have the capacity for sense of justice and understanding of the good to establish the idea that principles of justice emerge through an appropriate construction process" (Rawls, 2007:135).

The sense of justice is the capacity to understand, apply and act in line with the understanding of justice that determines the equitable conditions of social cooperation. A sense of justice is a high-level interest in developing and using the capacity to understand, apply and act on all principles of justice rationally adopted by the parties. This capacity provides assurance that it will be complied with after the parties have done their part (Rawls, 2007: 118-119). Besides, Rawls suggests that we can intuitively know the existence of our sense of justice. Rawls offers here "a theory of intuition a systematic accounting of why our sense of justice is the way it is as evidence" (Gorowitz, 1994:271). The capability to understand the good is "the capacity to determine, change and rationally pursue one's rational interest or well-being" (Rawls, 2007:64). In addition, it includes "the capacity to understand the good, the goals and objectives that we will sincerely pursue, and the elements that will guide us throughout life" (Rawls, 2007:119). Rawls, following in the footsteps of Kant, accepts that people are free and equal moral beings. To say that people are moral means to understand and understand their sense of justice. This means that they have the capacity to exercise (a sense of justice) and a sense of the good (a system of ultimate goals). Rawls states that people are reasonable and rational, so such an admission means that they can understand these two kinds of practical principles. This means that "people also have capacities for a sense of justice and understanding of the good" (Rawls, 2007: 309).

Another motive that will motivate the parties under the veil of ignorance in the process of choosing the principles of justice is primary social values. Rawls defines primary social values as what every rational person is supposed to want. For Rawls (1971:62), "primary social values enable one to have a rational life plan." Rawls divides primary social values into primary goods and natural goods. The social bases of rights and freedoms, power and opportunities, income and

welfare, and self-esteem constitute social primary goods. Rawls identifies other primary goods as health and strength, intelligence and imagination, and calls them natural goods. Natural goods cannot be kept under direct control, they are affected by the underlying structure and appropriated. Therefore, primary goods should be distributed equally to everyone. At this point, Rawls assumes that the material values belonging to a certain society constitute a common pool that is divided according to rational principles. With this thought, Rawls, who advocates distributive justice, sees the things that individuals have, including natural abilities, as common values that are distributed according to distributive justice. In a given distribution of natural talents, some people may gain more from the use of their talents than others. According to Rawls, however, this is morally purely arbitrary, and the effects of the natural lottery must be corrected by the principle of dedifferentiation. Those who gain more through their natural talents are permitted such inequalities only if they benefit the least advantaged. Hence, the market in order to compensate for the privileges arising from the inequalities caused by the functioning of the economy, redistribution policies guided by non-market rules should be introduced.

As can be understood from this, Rawls, who advocates the equal distribution of social wealth, argues that significant wealth inequalities are injustice and that this injustice should be eliminated with a limited form of redistribution without undermining the market system. According to Rawls, an idea of justice in terms of giving everyone what they deserve is not enough. Because, according to him, no one deserved their talents or family structure. Even a person's effort and hard work is a product of the natural lottery. Rawls therefore rejects meritocracy, where justice is perceived as giving people what they deserve according to their merits and achievements. For Rawls (1971:62), who sees “as unfair the unequal distribution of all social goods- liberty and opportunity, income and health, the social foundations of self-esteem- all basic social goods such as freedom, income, wealth, money, and social prestige are equal as a distribution. Therefore, for Rawls, “it is rational for the parties to use primary social goods in the evaluation of the principles of justice” (Rawls, 2007:119). Rawls considers that all citizens have a rational life plan that requires the same kind of primary goods to be realized. Rawls states that he bases this discourse on “different common sense psychological facts about human needs and their developmental stages” (Rawls, 2007:216). In contrast, “utilitarianism rejects the idea that special primary principles are required for the basic structure” (Rawls, 2007:294).

Besides, according to Rawls, the most important primary social value is self-respect. Self-esteem is the belief that one's own values are fit to be realized. Self-confidence is a dimension of self-esteem and is based on one's capacity to realize one's values expresses his belief. Self-confidence and self-respect are at the forefront of social good, and Rawls considers these two values as the guarantee of the individual's autonomy and freedom. A publicly sanctioned distribution of fundamental rights and freedoms is, for Rawls, essential to self-respect in a just society. According to Rawls, “self-respect is dependent on an unbiased distribution of freedoms, so no interviewer will risk being dragged into an

unprivileged position as far as freedoms are concerned” (Gorowitz, 1994: 276). Rawls's use of a description like the veil of ignorance clearly reveals that he was inspired by Kant. According to Kant, human consciousness has an identity and only if one can move away from this identity and look at himself transcendently (looking at ourselves objectively and self-critically from the outside), he can see what is the right behavior in the universal sense; otherwise he will only see what works for him and will find excuses. In other words, the ability of a person to look at himself independently by getting rid of his own identity means that he recognizes the authority of the behavior he wants for himself and everyone else, and therefore does not think specifically of his own benefit.

Misbehavior is evident in methods, not results. If we don't show others the same respect we show ourselves, whatever the result, our behavior is wrong. Therefore, rights deriving from the categorical (valid for all) powers granted to everyone emerge from the Kantian morality. “If we want to be able to do something ourselves, we cannot oppose the ability of someone else to do it” (Ecer, 2010:4). Kant states the first principle, which is one of the principles of 'willing the good', “Act in such a way that the principle of your actions can be valid for all other people without hesitation. May it act as a law for all people” (Kant, 2002:38). This principle, which means do not do to others what you do not want done to you, is not out of benefit, but out of respect for the essential value of human beings. It derives from the principle that no one should distinguish himself from others. Therefore, as Rawls himself puts it, “the things he says have a fundamentally Kantian nature, they are not unknown at all, but in a way they have been recompiled” (Ecer, 2010:5). In the initial situation, Rawls imposes such a limitation, which he calls the veil of ignorance, to the group of people who come together to make the choice of the principles of justice, almost embodying Kant's idea of 'transcendental consciousness stripped of its own identity'. According to Rawls, the parties that come together under all these conditions described above will reach the following principles of justice.

Rawls' Principles of Justice

According to Rawls, the negotiators have no choice but to adopt the most appropriate principles for the advancement of the interests of the person who is least favored by the principles. That is, the rational persons, who have gathered for the choice of principles of justice, will realize, as far as they can tell through the veil of ignorance, that they are equally likely to benefit or suffer losses as a result of the application of principles which will raise the interests of some people more than others, and thus to follow the arrangement of life as they wish, in order to secure their own interests. He will defend the principles that give the most opportunity to everyone – and therefore to himself, whoever he is – in terms of a new necessity arises from this thinking: “The principles that will regulate the formation of the social order must be the principles that the person rationally accepts that he can live, taking into account that he can be the least privileged individual in that society” (Gorowitz, 1994: 273). In the initial situation, the parties are given five alternative conceptions of justice to choose from: The first is the conception of justice as truth; second, utilitarian understanding of justice;

third, intuitive understanding of justice; the fourth is the mixed justice (intuitive-utilitarian) understanding, and the last is the egoistic understanding of justice. In the utilitarian understanding of justice, the benefit of singles or minorities is sacrificed for the benefit of the majority. The intuitive understanding of justice is also unacceptable because it sets forth the first principles and arranges them according to the total benefit. In the egoist understanding of justice, however, the power of one person is in question and the person is chasing his own interest, so this is unacceptable (Macit, 2009:38-39).

Rawls points out that, interviewers will reject all of these hitherto existing conceptions of justice. Because each of these views systematically deprives one or another segment of the society of their rights, and no rational negotiator would want to fall into such a situation. In the end, this group of people will reach “although there are different justice alternatives, the most reasonable one among them, namely, the concept of justice, which Rawls calls fairness” (Gorowitz, 1994:273). According to Rawls (1971:302), the understanding of justice as truth is articulated in the following two basic principles of justice: 1. Every human being has the equal right to enjoy the most comprehensive fundamental freedoms compatible with the similar freedom of others. 2. Social and economic inequalities should be regulated. This arrangement should be as follows: a) be consistent with the principle of equitable protection so that it benefits the least advantaged most; b) positions, offices and positions should be set open to all under fair equal opportunity

The first principle is called the principle of freedom, the second principle is called the difference principle, and the b option is called the principle of fair equality of opportunity. According to Rawls, the interviewers followed the first principle as the second will give absolute priority over principle. Also, option b of the second principle is prior to option a. That is, the principle of fair equality of opportunity precedes the principle of difference. The first principle is an absolute necessity in the establishment of social institutions and actions, and it cannot be passed to the second principle without realizing this principle. In addition, the fundamental rights and freedoms covered by this principle can never be given up for the sake of the second principle. The second principle serves the purpose of regulating social and economic inequalities and allows inequalities so long as it benefits the least privileged. “This condition, called 'chain-relatedness', is not inevitable, since it is not that all will benefit from permitted inequalities that facilitates interviewers' adoption of this principle, but that the least privileged benefit from them” (Gorowitz, 1994:276). As can be seen, the principles of justice put forward by Rawls aim to provide the best possible solution for the least advantaged groups in the society. Thus, the principles of justice are chosen by the representatives who stand behind the veil of ignorance in the first place, and these principles are necessary for a just social order. According to Rawls (2007:322), “the two principles of justice provide a better basis than traditional creative doctrine for understanding claims to freedom and equality in a democratic society.”

For Rawls, theory of justice is an application of rational choice theory, which he calls part of rational choice theory. Once one accepts the legitimacy of the initial positional description, the discussion now turns to the use of rational choice. According to Gorowitz (1994:276), “Rawls's reliance on using logic and establishing a principle of the kind one can approve of knowing that it applies to everyone alike is reminiscent of the Kantian method and the concept of the categorical imperative that follows from it.” For Kant, the categorical imperative is that one is a free and rational being. It is a principle that is applicable to the nature of the human being, and therefore equally applicable to all. “Rawls, too, follows a clearly Kantian way of determining the principles of justice” (Gorowitz, 1994:277). After the principles of justice are determined by the interviewees, it is time to establish the social order. At this point, a political understanding that works within the limitations of the principles of justice is defined. In addition, the veil of ignorance is partially lifted when the interviewees make their choices for a sense of justice: The interviewers come to the second design stage, having knowledge of the general conditions of the society, its economic and political culture, and its natural resources.

At this stage, they have to create a constitution that determines the power of the executive and the fundamental rights of the citizens. In this way, a well-calculated constitution that complies with the principles of justice will be chosen, leading to the preparation of a just and effective law. This constitution, which is limited to the understanding of justice, will “protect the freedom of conscience and thought, freedom over the person and equal political rights” (Gorowitz, 1994: 277). In addition, the most important principle of justice at the constitutional level is the principle of freedom. After a just constitution is in place, the negotiators move on to another stage: they become legislators. At this stage (legislation), laws are made within the framework of the principles of justice. The veil of ignorance is lifted a little more, and all general and economic social phenomena fall into the interviewer's field of knowledge. However, personal identity and traits still remain unknown, lest there is any bias. At this stage, the principle of difference plays a leading role. The principle of difference requires that social and political policies be oriented towards maximizing the long-term expectations of the least privileged under conditions of equal opportunity. According to Gorowitz (1994:278), “Rawls, like the utilitarians, it is ready to allow privileges, not for the sake of maximizing the good, but only because it will bring the least privileged out of their predicament.”

The final stage is the judgment stage. At this stage, the application of the laws to particular events and the (non-compliance) of the laws by the citizens are in question. At this stage, the veil of ignorance is now completely lifted; the interviewers are no longer under any restrictions in terms of information. The judgment stage corresponds to how the principles of justice, ideally formed at the theoretical level, will be applied in real life. According to Rawls, the basic condition for citizens to obey the state and its laws is based on its understanding of justice. Citizens' natural duty to justice is to obey the just state. The duty of natural justice envisages that citizens comply with these institutions in cases

where there are just institutions, and support the making of just arrangements in the absence of fair institutions. If the state does not rely on a sense of justice or act justly, citizens do not obey the state, and in this case, civil disobedience occurs. Rawls' theory of justice appears to be a theory of social justice as it highlights a redistributive production-distribution distinction. In this theory of social justice, the state is a democratic state that does not support any religion, thought and belief system that will support the living of different thoughts, beliefs and religions, and that will ensure the existence of such an area. However, according to Rawls, the virtues of just social cooperation, such as civility, tolerance, reasonableness, and fairness, are virtues that cannot be impartial and can be counseled. This is very different from the state, which imposes a certain comprehensive doctrine as a way of life. Contrary to imposing a certain lifestyle, in Rawls, the state supports virtues that will maintain and strengthen fair social cooperation conditions (Macit, 2009:61-62).

Rawls claim that, “the state not only saves individuals from the obstacles related to their economic activities, but also contributes to the development of a better life for its citizens” (Cevizci, 2007: 387). Rawls is a redistributionist because he says that the proper function of the state is not merely the maintenance of social order, but the achievement of a distributive justice that recognizes the highest social value as providing for the needs of the most needy. For Rawls, “the first obligation of the social order is to provide justice, and the legislative implications of such a view are entirely separate from the utilitarian understanding of the state as intermediary for the maximization of general happiness” (Gorowitz, 1994: 279).

In conclusion, although Rawls is a philosopher, his theory of justice has had a profound impact on economics, which has for many years focused on self-interest motivation. In addition, moral and political philosophies were confined to a very small area due to the dominance of the positivist point of view for a very long time. The philosopher should only analyze the meaning and use of the concepts related to moral and political philosophy, and should not make any other judgments. Thus, the philosophies in question looked barren and boring, and little work had been done in these areas. There has been a tremendous development in these areas since the 1970s, the main importance of Rawls' theory of justice stems from the fact that it aroused a new interest in political philosophy, and soon this interest was followed by new interests in the traditional problems of moral philosophy. Ignoring the traditional division in the theory of justice as evaluative and descriptive statements, Rawls turned to develop a theory of political institutions with a long philosophical tradition that he thought overpowered by positivists.

Rawls succeeded in reviving the presumed dead social contract theory with a skillful method. In addition, Rawls tried to neither prove the idea that there could be an original social contract, nor to prove that the participation of individuals in society constitutes an unspoken contract. On the contrary, Rawls bases social institutions on purely rational principles, imagining rational beings—hidden

behind a veil of ignorance—who are asked to choose and agree to forms of social institutions that will be fair to all, considering a society of the kind he would consent to if he did not know what position he would occupy within rational beings. He used the thought experiment that we can develop evaluation criteria based on it as an analytical tool.

Criticisms of John Rawls' Theory of Justice

Rawls argues that the theory of justice as truth has two advantages over utilitarianism. The first is that our understanding of justice is better reflected in its two principles than utilitarianism. Thus, Rawls asserts a moral superiority for his theory. Second, Rawls argues that the social contract theory of justice as the equalization between free and equal rational designers is a theory that eliminates many of the biggest problems utilitarians face when trying to apply their theory to contemporary situations. Because “in Rawls' theory, one person's taste need not be quantitatively compared to another's. It is sufficient only to determine who is least privileged and to predict what will benefit him” (Gorowitz, 1994: 279). According to Gorowitz (1994:281), “Rawls' theory of justice offers a new and powerful tool to shed light on social problems.” Rawls, moral and political philosophy, reoriented his conceptualization with a fundamental work that is abstract but contains profoundly concrete results.

In addition, in an environment where the Cold War forced people to take a side between equality and freedom, Rawls' theory of justice offered people a consistent and balanced understanding of justice. A Theory of Justice is not a theory that chooses between regimes or is intended to prove any regime. It is directly concerned with the idea of justice itself, not with a particular political regime. Both this aspect of the theory in question and the sound reasoning in its content have caused many ethical theorists, political scientists or economists, who have very different political understandings, to review their thoughts. Existing alternative views expressed, regardless of their views, are primarily expressed in the form of a response to it. Therefore, "Rawls' theory of justice is of vital importance in terms of understanding today's political philosophy" (Ecer, 2010:2). However, despite all these positive aspects, Rawls' theory of justice has been criticized from different perspectives. The first criticism of Rawls's theory of justice concerns his understanding of the individual. Collectivist thinkers and writers state that Rawls builds his theory of justice on a completely abstract and asocial individual understanding that detaches people from their goals and values. Because the original situation Rawls uses to describe the pre-contract is on abstract human fiction. This abstract person is isolated from both his own goals and social life. This understanding of the individual supports isolation and alienation. For this reason, Rawls is criticized for suggesting a human understanding that is incompatible with social design, like independent islets living on the same sea. In addition, these individuals, who are constructed in isolation from social reality, make rational decisions it is extremely difficult for them to choose the principles of justice; because social reality has a great influence on the formation of individuals' identities and preferences.

Another criticism of Rawls's theory of justice has been made regarding the basic concepts of his understanding of justice, the initial state and the veil of ignorance. The criticisms directed to the social contract theory in the liberal tradition were also directed to Rawls' initial situation. Because the liberal tradition argues that such a pre-contractual period does not exist in nature. According to Dworkin, a hypothetical compromise cannot be a draft version of an actual contract. Also, if the idea of the social contract is not based on de facto consensus, it cannot be based on historical reality (Dworkin, 2000:58). In addition, it is not possible to establish principles of justice because the parties in the initial situation are rational and seek to maximize their own interests. Again, the veil of ignorance alone is not sufficient to ensure impartiality in the choice of principles of justice. Since impartiality can only be achieved through intersubjective communication. In addition, in an environment where there is no bargaining and mutual negotiation, a compromise based on the free will of individuals is not possible. Another criticism of the theory in question is made by economic liberals. Some economic liberals, who view Rawls' theory of justice as a strong egalitarian doctrine, argue that Rawls's goal-statement, that is, the welfare of the least advantaged. They argue that it prefers a fair distribution that maximizes. In addition to this, the same people also oppose Rawls' assumption that natural talents constitute a common pool to be distributed according to the principles of social justice. For example, Robert Nozick, who is in the libertarian movement, states that the difference principle put forward by Rawls will cause injustice to those who act responsibly, use their choices wisely and work hard. According to Nozick (1974), in order for the difference principle to be applied, goods must be given to people free of charge from outside. However, this is not the case in the real world: People are entitled to goods and welfare as much as they work. Therefore, it is natural that there are people who earn more by working harder than people competing on equal terms. Based on the difference principle, any transfer of resources from these people to others is unfair. For Nozick, the redistribution of legitimately acquired property is against justice and has detrimental consequences for freedom. Therefore, according to Nozick, the difference principle contradicts the freedom principle.

Finally, one of the criticisms of Rawls' theory of justice was made by Amartya Sen in his book "*The Idea of Justice*". Sen (2009) states that the basic rights and freedoms that Rawls describes as primary goods (self-respect, basic freedoms, opportunities, income, wealth) alone cannot be sufficient to show the level of welfare of the person. According to Sen, who criticizes Rawls' egalitarian approach based on primary goods, even if primary goods are evenly distributed, a lack of capacity can have very different consequences. Noting that despite having the same basket of primary goods, there may still be inequality among people, Sen thinks that neither utility nor primary goods are suitable for the analysis of the inequality problem. Because, when focusing on the real possibilities that a person has to achieve his goals, the primary goods that the person has are not sufficient, personal characteristics (such as disability, old age, illness) and the ability to achieve various lifestyles capacities should also be considered. Therefore, for Sen, clear inequalities in capacities should be eliminated primarily, rather than

Conclusion

The idea of social state and social justice began to gain its real meaning with the theory of justice created by the American philosopher John Rawls. For Rawls, justice is seen as equality and Rawls focused on the distribution of primary goods. According to Rawls, the concept of justice appears as a convention regarding the determination of the principles chosen by some social arrangements within the society and the distribution of primary goods among the members of the society in line with these principles. The difference in the quality of life between the rich and the poor has increased at a macro level, and people have more justice in the global context, Amartya Sen, who is one of the important thinkers of today, focuses on the problem of how a social justice that takes care of the peace and welfare of all people can be achieved in this global age, in the global world. At this point, Sen criticizes Rawls' egalitarian justice approach based on primary goods. According to Sen, even if primary goods are distributed equally, lack of capability in individuals can have very different consequences. For Amartya Sen, justice means eliminating clear inequalities in capabilities. In addition, according to Sen, justice requires equal access to basic capabilities such as basic health-care and education services.

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