



## A Critique of John Rawls Ethical Principle of Justice and the Problems of Social Justice in Modern Society

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**Abstract.** The question of how a satisfactory understanding of political justice can be grounded in modern democratic societies is one that Rawls attempts to address in his work *Political Liberalism*, published in 1993. Rawls's *A Theory of Justice*, published in 1971, is regarded as one of the landmarks of political philosophy and offers a new understanding of what and how social organization should be. Individuals or communities will unavoidably adopt different religious, philosophical, and moral doctrines in modern democratic societies where people are viewed as equal and free, according to Rawls, who also contends that the majority of the various moral, philosophical, and religious viewpoints are reasonable and that society accepts the possibility of conflicts.

**Keywords:** Rawls, Social Cooperation, Injustice, Democratic Societies

### 1. Introduction

This article focuses on the idea of justice; our primary source is Rawls' *A Theory of Justice*. Rawls views justice as the highest of all values and demands that people be treated as ends in and of themselves, rather than as means. Rawls acknowledges that ideas like productivity, efficiency, and stability are important to a society, but he emphasizes that it is even more

crucial to concentrate on justice and the relationship of institutions to just causes. According to Rawls, justice entails determining the principles selected by certain social arrangements and allocating primary goods among the members of the society in accordance with these principles. To put it another way, Rawls views justice as a custom pertaining to the equitable distribution of basic goods among society's members. According to Rawls, a society is made up of individuals who come together to create it. A well-ordered society is essentially one in which all of its members adhere to the same moral and ethical principles and are conscious that fundamental social institutions typically uphold these standards. According to Rawls, the most important factor in determining justice is the basic structure of society—the ways in which important institutions like the family, political system, and economic system interact to shape people's chances in life.

Therefore, justice principles are meant to govern the fundamental basis of society; social justice imposes ancillary obligations on individuals: if there are just institutions, they must abide by their rules; if not, they must endeavor to establish just institutions, to the extent that such endeavors are likely to succeed and do not impose an excessive burden on the striving individual; this suggests that any set of principles that

are accepted by all must also be fair to everyone else, since if they were not, no one would accept them; thus, Rawls considered justice to be fairness.

## 2. The Justice Ethical Principle of Rawls

Justice, in Rawls' view, is the foundation of social organization and the primary virtue of social institutions. According to Rawls, all legislative and political choices must fall within the bounds established by the rules of justice. Rawls argues that the distribution of the commodity is the main area in which justice operates. According to Rawls, a person's rational possession is the commodity. It includes all one desires, including money, status in society, opportunity, talent, independence, and self-respect. The most significant representative of modern contractual ethics, Rawls, "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). Furthermore, Rawls took the side of altruism between the egoism and altruism poles because "there is a principle of not taking sides on the side of altruism (every person's goodness will be considered equal)," which Rawls developed in his work *A Theory of Justice* in which he defends justice as truth" (Honer, Hunt & Okholm, 2003:337). The modern concept of contractual ethics is divided into two forms. Beginning with the notion that the principles of justice should be based on a hypothetical contract, both of these versions express the idea that, if these principles are accepted by everyone, no one's interests can be sacrificed for another's, even though they have embraced the classical contract view that all people are created equal. Nonetheless, he formulates distinct opinions about the essence of men's inherent equality.

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).

The first step in understanding Rawls' definition of "good" is to grasp Aristotle's functional interpretation of the term, which holds that an object's essential

nature is its specific activity or function, and that when it performs that function well, it becomes the most perfect and real thing. From Aristotle's perspective, to say something is good is 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 explains why we care about what is good. However, we rarely consider the realization of this or that function when we declare that freedom, happiness, or beauty are good. He makes an effort to broaden the scope of his functional interpretation of the "good" to encompass things that don't appear to have a clear purpose. According to Rawls, "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 instance, Rawls claimed that the function of pleasure, beauty, or freedom in a good life explains their goodness.

Since Rawls emphasizes human agency—not the self-interested kind of human agency, but the person who is the decision unit as a person with identity—his conception of ethics is essentially predicated on a particular understanding of the individual. For Rawls, the individual is not a purely rational being that pursues his own good, as the utilitarians predict, but rather a being who behaves reasonably and fairly. What is meant by the concept of rationality is that each individual tends to satisfy their own interests and reaching the concept of good; the rational one demonstrates the effective means to achieve the goals, the order of values and priorities. In other words, right comes before utility and people are reasonable. This concept is related to the establishment of relations and it enables the concept of justice to be reached and reveals fair social cooperation.

## 3. Critiques of John Rawls' Ethical Principles of Justice by Utilitarians

According to Jeremy Bentham's utilitarianism, which was developed in the 19th century and can be summed up 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, and anything that makes people feel comfortable both mentally and physically is beneficial to them. Since pleasure is the foundation of life, it is crucial to increase pleasures and reach greater levels of pleasure. In Bentham's utilitarianism, man is viewed as a rational being that must choose between pleasures; that is, he does not jump on every object of pleasure that comes his way, like any animal; instead, he always considers the result of his actions as a rational being. Bentham believed that there was no distinction of quality between pleasures and that any action that

could bring us the greatest happiness was good. He also believed that good is useful and evil is destructive. Bentham defines this will to be decisive as "moral arithmetic," which holds that the existence of a pleasure level brings an arithmetic tact or calculation in the face of pleasures. Bentham argues that it is necessary to understand and evaluate social life within this framework because politics serves to protect private interests, and in the process, the happiness of the people should be given the utmost consideration (Timuçin, 1992:594-595). In fact, Bentham considers that when passing laws, it should be measured or calculated how much benefit and happiness they can bring to the whole population. Since a criminal act or attack is obviously harmful to the happiness of the community,

Bentham understood that the role of the legislator was to encourage people to take certain actions and to keep them away from others. The foundation of Bentham's life method is "measuring the damage caused by the action," which he defined as the pain or evil that results from the action. People should be discouraged from actions that produce evil. Bentham believed that the law was associated with increasing the overall happiness of the community, and that this could be accomplished by prohibiting actions that have negative consequences. In general, Bentham believed that the government should look for ways to improve the happiness of society by punishing those who commit crimes by doing things that the principle of utility deems bad. According to Bentham, these behaviors need to be reclassified in order to determine and regulate which behaviors are appropriate and which are not, and that the administration should enact laws not for their own personal interests or arbitrarily, but for the greatest happiness of the greatest number of people (Çelik, 2011b:159-160). The only possible evidence of the "utility principle" is that human nature seeks happiness either directly or through a means that lead to it. Based on Mill, who shares Bentham's philosophy, our actions are true to the extent that they consider and bring about happiness, and not true to the extent that they bring about the opposite of happiness. Mill disagrees with Bentham on two key points: First, Bentham maintained that the quantity of pleasures could be measured in a tangible and scientific manner, whereas Mill contends that there is no way to quantify the quantity of pleasures. According to Mill, we cannot tell which of the two pains is more acute or which of the two delightful feelings is more strong, and we will only make a sensible decision in the process of choosing between two pleasures. Bentham was also criticized by Mill for believing that only evaluating pleasures in terms of amount is insufficient. Because, in Mill's view, pleasures may be rational, intellectual, and artistic in addition to providing bodily

gratification. Furthermore, the distinction between these pleasures and somatic pleasures is qualitative. According to Mill, evaluating happiness and pleasure just on a bodily-animal level is an underestimation of the human condition.

Mill deals with pleasures by distinguishing between higher and lower pleasures, where the former are the bodily pleasures that Bentham proposes to measure and the latter are the intellectual and aesthetic pleasures that are specific to humans. According to Mill, some pleasures are more desirable and valuable than others; that is, he contends that certain pleasures, such as virtues like self-sacrifice, renunciations, and sacrifice, are more valuable in terms of their social usefulness, while in utilitarianism; each person's happiness is regarded as being good for that individual, and thus the total happiness of all persons. Nevertheless, this principle faces a challenge: if overall happiness is simply the sum of all individual happiness, that is, if the sum of all individual happiness somehow equals overall happiness, then everyone can pursue their own happiness without aiming for overall happiness. It is evident, nevertheless, that this is not the way to attain universal happiness. Because from time to time, individual pursuits of pleasure do not correspond with general contentment, on the contrary, they do. In order to get over this obstacle, Mill attempts to emphasize the social aspect of the individual. He asserts that human social sentiments provide the firm foundation of utilitarianism. These feelings are a desire to be in union with beings of the same kind as us in origin, or so it is because it evolves over time." Mill departs from Bentham's utilitarianism by claiming 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. Mill then shifts to an ethical understanding based on a more appropriate view of human personality that attempts to bring usefulness closer to each other (Çelik, 2011b:164-650).

The most significant of these critiques, which have been leveled at utilitarianism notwithstanding Mill's efforts, is the ambiguity of the utilitarian principle, which is "the greatest happiness of the greatest number of people." According to Cevizci (1996), "even though the principle in question may provide the greatest benefit for the majority, it may have very bad consequences for the minority" (p. 545). At this moment, Rawls' primary critique of creative ethics becomes apparent. The main question is whether changes to the liberal system can address the issue of individuals in a privileged position in society not receiving a fair portion of the welfare. In search of an explanation, Rawls views the utilitarian principle—

"the greatest happiness of the greatest number of people"—as unreasonable and unfair in terms of assessments of equality and fairness. Due to Rawls' contention that such acceptance fosters an atmosphere that is detrimental to the poor and marginalized. According to Rawls, utilitarianism does not give us a foundation for our sense of fairness since "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." For Rawls, this contradicts our belief that justice is right (Honer, Hunt & Okholm, 2003:430).

#### 4. The View of Justice by John Rawls

Rawls, one of the most influential modern political philosophers, tries to answer the question of how a satisfactory understanding of political justice can be grounded in contemporary democratic societies where people are seen as equal and free. Rawls's *A Theory of Justice*, published in 1971, is regarded as one of the foundational works of political philosophy, and in his work *Political Liberalism*, published in 1993, he offers a new understanding of what and how social organization should be. Rawls argues that in contemporary democratic societies where people are viewed as equal and free, individuals or communities will unavoidably adopt different religious, philosophical, and moral doctrines. Rawls contends that the majority of moral, philosophical, and religious viewpoints are reasonable, and as a result, reasonable among society's members accepts the possibility of conflicts. "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). "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). Rawls presents his ideas on how a society that adopts his proposed understanding of justice should have fair relations with other societies in his 1999 work, *Law of Peoples and Reconsideration of Public Reason Thought*.

The ultimate of all values, according to Rawls, is justice, which necessitates seeing persons as ends in and of themselves rather than as means. Of course, Rawls acknowledges the importance of ideas like productivity, efficiency, and stability in a society, but he places even more emphasis on justice and the connection between institutions and righteousness.

Because, in Rawls' view, "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). Stated differently, Rawls characterizes justice as a custom pertaining to the equitable allocation of basic commodities among society's members. According to Rawls, the distribution of the commodity—which he defines as one's rational possession and includes everything one desires, including wealth, social position, opportunity, skill, freedom, and self-respect—is the main area in which justice operates. Rawls argues that justice is the first virtue of social institutions and the foundation of social structure, and that all political and legislative decisions must be made within the bounds established by 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. Rawls refers to this as the initial state, wherein 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, "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). These individuals enter the negotiation process as free persons, but they must live by being constrained by the principles that will emerge as a result of the negotiation, and they must officially adopt and approve them.

As Rawls argues, 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). In other words, the initial situation is a model that exists here and now—that is, it expresses the conditions (conditions) set by the representatives of free and equal citizens regarding the basic structure under the rules of social cooperation.

Additionally, it is evident that Rawls' initial state is comparable to the state of nature (natural) in social contract theories. Rawls asserts that there is no historical foundation for this group of people to convene to discuss the principles of justice, so this description serves as a tool and premise that makes the theory of justice easier to understand. Rawls also makes the assumption that this group of people is logical, knowledgeable in fields like psychology, economics, and sociology, and has a number of

beneficial and detrimental goals in advancing their own interests.

Nevertheless, Rawls makes the assumption 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 first state, Rawls places a restriction on the group of people who gather to choose the principles of justice, which he refers to as the veil of ignorance. This is the circumstance in which the group of people who gather to choose the principles of justice can't be considered representatives of free and equal citizens who will reach a fair agreement. This group of people, in other words, has no idea what role they will play in the society of the future. (Rawls, 2007: 71).

The parties do not have information about their economic, class, and social positions, their religion, race and ethnic groups, their gender, their age, their intelligence, and their skill set." Parties in the veil of ignorance have objectives they wish to accomplish but are utterly unable to set themselves apart from others using any standards or traits. By removing the veil of ignorance, interviewees are prevented from attempting to defend their own interests at the expense of those 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).

According to Rawls, "attributes to individual's two moral abilities, the capacity for sense of justice and the capacity for understanding good" (Rawls, 2007:64) will motivate the parties under the veil of ignorance to choose the principles of justice. In fact, Rawls contends 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). 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, which provides assurance that it will be complied with after the parties have done their part (Rawls, 2007:118-119). This capacity is the ability to comprehend, apply, and act in accordance with the understanding of justice that determines the equitable conditions of social cooperation.

## 5. Rawls's Justice Principles

The rational people who have gathered to choose the 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. Rawls suggests that 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. The new necessity that results from this way of thinking is that "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). He will defend the principles that give the most opportunity to everyone, and thus to himself, whoever he is. In the first scenario, the parties are presented with five different conceptions of justice: the first is the idea that justice is truth; the second is the utilitarian understanding of justice; the third is the intuitive understanding of justice; the fourth is the mixed justice (intuitive-utilitarian) understanding; and the final one is the egoistic understanding of justice. The utilitarian understanding of justice sacrifices the interests of minorities or single people for the benefit of the majority; the intuitive understanding of justice is also unacceptable because it lays out the first principles and arranges them according to the overall benefit; in the egoist understanding of justice, however, the power of one individual is in question and the person is pursuing his own interests, which is unacceptable (Macit, 2009:38-39). Since each of these perspectives systematically denies the rights of one or more groups of people, Rawls notes that interviewers will reject all of these previously held ideas of justice. Ultimately, this group of people will come to the conclusion that "although there are different justice alternatives, the most reasonable one among them, namely, the concept of justice, which Rawls calls fairness" (Gorowitz, 1994:273).

The two fundamental principles of justice, according to Rawls (1971:52), are as follows:

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 in the following ways:
  - a) be consistent with the principle of equitable protection so that it benefits the least advantaged most;

b) positions, offices, and positions should be open to all under fair equal opportunity.

The first principle is known as the principle of freedom; the second is known as the principle of difference; and the b option is known as the principle of fair equality of opportunity. Rawls argues that the interviewees adhered to the first principle because the second will give absolute precedence over the first; additionally, option b of the second principle comes before option a, meaning that the principle of fair equality of opportunity comes before the principle of difference. The first principle is absolutely necessary for the establishment of social institutions and actions, and it cannot be transferred to the second principle without it.

Furthermore, it is impossible to sacrifice the fundamental liberties and rights protected by this principle in order to uphold the second principle. In order to control social and economic disparities, the second principle permits them as long as they help the most disadvantaged. According to Gorowitz (1994:276), "this condition, called 'chain-relatedness,' is not inevitable, since it is not that all will benefit from permitted inequalities, but that the least privileged benefit from them." It is clear that Rawls' theories of justice seek to provide the most underprivileged segments of society the best chance at success.

Therefore, the representatives who first stand behind the veil of ignorance choose the principles of justice, which are essential to a just social order. As stated by Rawls (2007:322), "the two principles of justice provide a better basis for understanding claims to freedom and equality in a democratic society than traditional creative doctrine." According to Rawls, rational choice theory—which he refers to as a component of it—is applied in the theory of justice. According to Kant, being a free and rational creature is the categorical imperative. It is a principle that applies to everyone equally because it is consistent with human nature. "Rawls, too, follows a clearly Kantian way of determining the principles of justice" (Gorowitz, 1994:277). Establishing the social order comes after the interviewees have decided on the principles of justice. This is where a political understanding that operates within the bounds of justice principles is established. The interviewees arrive at the second design stage with knowledge of the general conditions of the society, its economic and political culture, and its natural resources, which further lifts the veil of ignorance when the interviewees make their decisions for a sense of justice. At this point, they must draft a constitution that establishes the executive branch's authority and the citizens' fundamental rights. In this manner, a well-

considered constitution that adheres to the principles of justice will be selected, resulting in the creation of a legislation that is both just and efficient. According to Gorowitz (1994: 277), this constitution will "protect the freedom of conscience and thought, freedom over the person, and equal political rights." It is confined to the concept of justice. Furthermore, the concept of freedom is the most significant justice principle at the constitutional level. The negotiators go to the next phase, becoming lawmakers, once a just constitution has been established. The principles of justice serve as the foundation for the creation of laws at this level (legislation). All general and economic social issues come inside the interviewer's purview as the curtain of ignorance is somewhat removed. To avoid prejudice, personal characteristics and identity are still unknown. The idea of difference is crucial at this point. According to Gorowitz (1994:278), "Rawls, like the utilitarians, are 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." This principle of difference demands that social and political policies be oriented towards maximizing the long-term expectations of the least privileged under conditions of equal opportunity. The judgment stage is the last phase. At this point, the laws' applicability to specific situations and people' (non-compliance) with them are under scrutiny. At this point, the interviewees are no longer subject to any informational limitations; the veil of ignorance has been fully lifted. The judgment stage reflects the practical application of justice principles that were ideally developed at the theoretical level. 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.

As Rawls' theory of justice emphasizes a redistributive production-distribution distinction, it appears to be a theory of social justice: the state is a democratic state that does not support any religion, thought, or belief system that will support the living of different thoughts, beliefs, or religions and that will ensure the existence of such an area. The duty of natural justice envisions 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. The state, on the other hand, imposes a certain comprehensive doctrine as a way of life; in contrast, Rawls supports virtues that will maintain and strengthen fair social cooperation conditions. The virtues of just social cooperation, such as civility, tolerance, reasonableness, and fairness, are virtues that cannot be impartial and can be counseled (Macit, 2009:61-62).

According to Rawls, "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 believes that the state's proper function is not just to maintain social order but to achieve distributive justice, which acknowledges the highest social value as meeting the needs of the most needy. According to 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).

All things considered, despite being a philosopher, Rawls' theory of justice has had a significant influence on economics, which for a long time has been centered on personal incentive. Additionally, the supremacy of the positivist point of view for a very long period caused moral and political philosophies to be restricted to a relatively narrow region. A philosopher should refrain from passing judgment on anything other than the meaning and application of concepts pertaining to political and moral philosophy. Thus, little study had been done in these areas, and the ideologies in issue appeared dull and arid.

## 6. Critiques of the Theory of Justice by John Rawls

Compared to utilitarianism, Rawls contends that the theory of justice as truth has two advantages. First, its two tenets more accurately capture our conception of justice than utilitarianism. A moral superiority of Rawls' theory is thus asserted. Second, Rawls contends that many of the major issues utilitarians encounter when attempting to apply their theory to modern circumstances are resolved by the social contract theory of justice, which views justice as the equalization of free and equal rational designers. Due to Rawls' theory, "it is not necessary to compare the tastes of two people quantitatively." Finding the least privileged person and estimating what will help him are sufficient (Gorowitz, 1994: 279). "Rawls' theory of justice offers a new and powerful tool to shed light on social problems," claims Gorowitz (1994:281). With a foundational work that is abstract but has incredibly concrete effects, Rawls, a philosopher of morality and politics, reoriented his conception. Furthermore, Rawls' theory of justice provided a coherent and well-rounded understanding of justice in a setting where the Cold War compelled people to choose between equality and freedom. As a result, "Rawls' theory of justice is of vital importance in terms of understanding

today's political philosophy" (Ecer, 2010:2). "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." 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 reevaluate their ideas.

Nevertheless, Rawls' theory of justice has been challenged from a variety of angles in spite of all these advantageous features. Rawls' conception of the individual is the subject of the first critique of his theory of justice. Rawls bases his theory of justice, according to many philosophers and authors, on an entirely abstract and asocial individual thinking that disengages individuals from their objectives and ideals. Due to the fact that Rawls' first scenario for describing the pre-contract is based on abstract human fiction. This abstract individual is cut off from his social life and personal objectives. Isolation and alienation are supported by this view of the person. Rawls is therefore condemned for proposing a human interpretation that is irreconcilable with social design, akin to separate islands coexisting in the same ocean. Additionally, because social reality has a significant impact on how people build their identities and preferences, it is very difficult for these individuals, who are built in isolation from social reality, to make reasonable judgments when it comes to choosing the principles of justice. Because the liberal tradition maintains that there is no such pre-contractual period in nature, Dworkin argues that a hypothetical compromise cannot be a draft version of an actual contract and that if the idea of the social contract is not based on de facto consensus, it cannot be based on historical reality.

The basic concepts of Rawls's theory of justice, the initial state and the veil of ignorance, have also been criticized. In addition, the rationality of the participants in the original circumstance and their desire to maximize their own interests make it impossible to create standards of fairness. Once more, the veil of ignorance by itself cannot guarantee impartiality in the selection of justice-related principles. Additionally, a solution based on people's free will is impossible in a setting without reciprocal discussion and bargaining. The hypothesis in question is also criticized by economic liberals. Some economic liberals, who see Rawls' theory of justice as a strong egalitarian doctrine, contend that Rawls's goal-statement, namely the welfare of the least advantaged, prefers a fair distribution that maximizes In addition to this, the same people oppose Rawls' assumption that

natural talents constitute a common pool to be distributed according to the principles of social justice. For instance, libertarian Robert Nozick claims that Rawls' difference principle will be unfair to those who act responsibly, make wise decisions, and put in a lot of effort. Nozick (1974) claims that in order for Rawls's principle to be applied, goods must be given to people without charge from outside. In the real world, however, this is not the case: People have a right to goods and welfare in proportion to their labor, so it is natural for some people to earn more money by working harder than others who compete on equal terms. According to the difference principle, any transfer of resources from these individuals to others is unfair, and Nozick believes that redistribution of lawfully obtained property is against justice and has negative effects on freedom. As a result, Nozick contends that the difference principle is incompatible with the freedom principle.

Lastly, in his book "The Idea of Justice," Amartya Sen (2009) criticized Rawls' theory of justice by arguing that even if primary goods are distributed equally, a lack of capacity can have very different consequences. Sen claims that the basic rights and freedoms that Rawls describes as primary goods—self-respect, basic freedoms, opportunities, income, and wealth—cannot be used alone to demonstrate a person's level of welfare. Sen understands that neither utility nor primary goods are appropriate for the analysis of the inequality problem because, when considering the actual possibilities that an individual has to achieve his goals, the primary goods that he has are insufficient; it is also necessary to take into account personal characteristics (e.g., disability, old age, illness), as well as the ability to achieve different lifestyle capacities. According to Sen, the elimination of obvious inequalities in capacities should be the primary goal in order to ensure justice, rather than the equal distribution of primary goods.

## 7. Conclusion

According to American philosopher John Rawls, the concept of social state and social justice gained their true meaning with his theory of justice, which focuses on the distribution of primary goods and views justice as equality. Rawls claims that the concept of justice appears as a convention regarding the determination of the principles chosen by certain social arrangements within the society and the distribution of primary goods among the members of the society in accordance with these principles. Amartya Sen, one of the major thinkers of our time, focuses on the issue of how a social justice that ensures 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, arguing that even if primary goods are distributed equally, people's lack of capability can have very different consequences. Amartya Sen considers that justice entails eradicating glaring disparities in ability. Sen further argues that justice necessitates equitable access to fundamental amenities like access to basic healthcare and education.

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