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## RAWLS' THEORY OF JUSTICE

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### Abstract

This article explain and justify “Theory of Justice as fairness” Which is originally the work of John Rawls, as described in his work “*The Theory of Justice*” (1971). To what exactly John Rawls is looking for a theory of Justice. He gave some arguments in order to criticize utilitarianism. Rawls’ theory of justice builds on the social contract tradition to offer an alternative to utilitarianism. Rawls singles out justice not maximum welfare for well-ordered society as “the first virtue of social institutions”. Current research in normative economics comes closer to Rawls’ original proposal of a non-consequentialist theory of justice and then address some of the debates his principles, arguments and evaluates whether his position regarding establishing justice is strong or plausible. This paper is in three sections, in first section explain utilitarianism, in second section Rawls Theory of justice and his argument against utilitarianism and how he established his theory of justice as fairness and in third section give findings and conclusion.

[Key words: Justice, Veil of ignorance, Original position, Principles of justice]

### RAWLS REJECT UTILITARIANISM

Before explaining and detailing his main theory of justice as fairness, let’s comprehend the Rawls’ primary book *A Theory of Justice* (1971). The book has changed political thinking and this is perused books on political way of thinking in the twentieth century. (Rahman, M.T. 2014, pp.88-89) Rawls’s motive to preserve principles for a just society but he was against the background of another important intellectual dominant tradition namely utilitarianism specifically J.S. Mill. Freeman said that “For the most part, Rawls discusses utilitarianism as the main alternative to justice and fairness” (Freeman, 2007, p.146) However, at the same time Pogge (1991) points out that while Rawls rejected utilitarianism as a foundational philosophy of ethics, Rawls supported the utility of efficiency in the practice of practical application”. (Rawls, 1971, p.40)

In his preface Rawls says “as I explain in the second and third paragraphs of that preface, I wanted to work out a conception of justice that provides a reasonably systematic alternative to utilitarianism, which in one form or another has long dominated the Anglo-Saxon tradition of political thought (about 150 years). The primary reason for wanting to find such an alternative is the weakness, so I think, of utilitarian doctrine as a basis for the institutions of constitutional democracy. In particular, I do not believe that utilitarianism can provide a satisfactory account of the basic rights and liberties of citizens as free and equal persons, a requirement of absolutely first importance for an account of democratic institutions”. (Rawls, 1971, pp.xi-xii)

Rawls repudiate this influential existing system of philosophy because utilitarianism permits demands under some circumstances: slavery, false execution, vote buying etc, whereas Rawls believes that basic individual rights are inalienable. Rawls likes protect principles for a fair society yet he does as such against the foundation of another intellectual tradition, in particularly utilitarianism. There is extensive range of versions of utilitarianism, yet usually, as pointed by utilitarianism, people ought to act to strengthen their personal welfare, and society should spread out social utility or the total of individual welfare. Presently, as per Rawls’s utilitarianism arranged that now and again the interests of some can be abused for more prominent points of for the interest of other people. The more explicitly, a few people will be denied opportunity for social utility. Suppose that a serial killer is open to move around at will. Peoples are getting extremely worried, scared of leaving their Places, and they become suspicious of their neighbors, etc. It would be in light of a rightful fear for society in common to envision that the killer has been got. Knowing this the police chosen to catch an innocent person, to report that they have caught the killer. For calming everyone, the opportunity of that specific individual, who is honest is yielded for social utility. As indicated by Rawls, notwithstanding, this is not what an fair society ought to look like. For fair society is one which secures advance individual rights, even to the detriment of social utility. Rawls's theory of justice lays on the view that every individual is self-interested, and he/she has activities to seek after and objectives to execute, and he/she can not be approached to forfeit themselves for the best number (Rawls, 1971, p.24). In standing out his situation from utilitarianism, Rawls says

that the accompanying: utilitarian's have a comprehension of the good that is good idea to accomplish and the augmentation of individual and aggregate welfare. (Rawls,1971,pp.27-28) The good activity is the one activity which we should perform the action which advances the good: so for utilitarian, what is right is characterized in connection to what is good, and what is right is instrumental to the good. As such, when we have characterized the good amplifying individual and aggregate welfare. And we recognize what the proper activity is. On the other hand in Rawls's theory the right is before the good. That is every individual comprehend that we have various conceptions of what is good: a few of us should need to amplify our welfare others may not. The right activity is the activity which gives individuals a chance to seek after their conception of the good, and it gives what that they demonstrate in comparative ways towards others. A just social framework gives a structure of rights and opportunity inside which people can seek after their conception of the good life. The inquiry is the way to articulate and explain those principles of justice that principles which appropriate rights so to were among people.(Faber,C.2011.p.8)

## SOCIAL CONTRACT

The Rawls's fifth considered judgment social contract theory, it was a popular philosophical view that a person's moral beliefs should determine how they act in the society where they live in.(Cudd,A.2016) Rawls' theory of justice as fairness is based upon social contract theory. Rawls argues that principles of justice will be agreed upon in a hypothetical social contract which Rawls calls the 'original position.' Rawls says: "to imagine that those who engage in social cooperation choose together, in one joint act, the principles which are to assign basic rights and duties and to determine the division of social benefits. Men are to decide in advance how they are to regulate their claims against one another and what is to be the foundation charter of their society. Just as each person must decide by rational reflection what constitutes his good, that is, the system of ends which it is rational for him to pursue, so a group of persons must decide once and for all what is to count among them as just and unjust."(Rawls,J.1971.pp.11-12)

As per him it is helpful for talking about justice in light of the fact that Social Contract fits the planned principle of justice. Principle of justice will be lot more extensive in scope than specific meanings of justice. Rawls says, "these principles are to regulate all further agreement; they specify the kinds of social cooperation that can be entered into and the forms of government that can be established."(Rawls,1971.p.9) Justice made up of two functions. The main function is that it would give a layout which could be pretty much chosen by all citizen of society. The second function of a rule is that it framework a code of moral conduct which shouldn't be administered by governed. (Schneider,N.2005)

It originated with Hobbes's idea of a "state of nature," which suggests when individuals existed, anyway had not yet prepared the possibility of society. Individuals in this state have no duties to each other and no rules. Imagine in a state of jeopardy where people can murder freely any one and theft from each other among others spooky things. The result would be a genuine presence of consistent unrest and fear. This is not a world where any rational or plausible person would want to live. In ordered by the laws people enter into a mutual contract to prevent to being ended in a state of jeopardy. One critical idea here is the manner in which everybody benefits by partaking in this agreement since all individuals escape from the state of nature. The primary explanation people take an interest in this implicit understanding in light of the fact that they are in a perfect circumstance with it than they are without it. Thusly, when an individual lives in people in society. The minor exhibit of living in a society addresses a sort of consent to live by the laws that regulate it. Since society exists as an alternative as opposed to the state of nature and considering the way that entering into an implicit agreement incorporates individuals' consent. The laws should supervise society, the ones to which people agrees, because they have given the consent to live in the society or live in the state of nature. Rawls raises two issues, the basic issue has to do with consent (Miele,A.2017.pp.14-15). As it works today, people are naturally acquainted with a society and they are depended upon to seek after specific laws, yet no consent to join society ever occurs. In this manner, the laws that should direct society are the ones that its people would consent, when given to their choice to enter society or remain in the state of nature. (Rawls,2003, p.11)

The 'original position' the key device to bridge our intuition.It is actually a hypothetical condition formulated by Rawls in order to find out what options/choices would be formed if somebody asked to construct a society.Rawls proposed a hypothetical subject to place behind the 'veil of ignorance' in order to understand more precisely. To organize what could be implicit further accurately, The veil of ignorance release qualities that distinguish somebody with somebody else. Morally irrelevant or arbitrary factors does not influenced by not influenced their choices on the fair principles for social cooperation. He is deprived of his knowledge on friends and his family, political opinion and his social class, religious belief& his nation, his weight, sex, height, & whether he is wealthy, healthy, or smart. (Rahman,M.T.2014.pp.88-89)

Nevertheless, he knows that in the formulated society, he has some clear sketches: would to need anybody else to convince rationality enables him to choose different purpose, sense of justice and capability to invent ideas on what is the good i.e., 'original position'. (Rawls,J.1971.p.11) According to A Theory of Justice any person in the original position will reasonably prefer to live under the conception of justice make on two principles. The first principle: the principle of equal liberty says that "each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all".(ibid., p233) This principle has a priority; it cannot be destroyed, even in the name of others. The second, the principle of equal opportunity and what would be called as the difference principle, and it says that "social and economic inequalities are to be arranged so that they are both: (a) to the greatest benefit of the least advantaged, consistent with the just savings principle, and (b) attached to offices and positions open to all under conditions of fair equality of opportunity."(Ibid., p. 233) These principles produced by way of thinking in the original position, and represent an interpretation of moral and political importance of individual equality and liberty. In *Political Liberalism*(1999) Rawls tries to resolve criticisms that A Theory of Justice has been too far, by making a comprehensive

assert on politics and morality which was unsuccessful to appreciate the limitations of reason and the values of faith and tradition. Rawls's replies that what is criticized in his idea, was not the necessary.

## RAWLS'S THEORY OF JUSTICE AS FAIRNESS

To concentrate on the themes of Rawls's theory of justice as fairness we look at the two principles of justice and what they entail. These principles determine the rights of the citizens as well as how material goods in society should be distributed. He formulates what he calls 'justice as fairness'. Rawls sees justice as significantly basic to every single social institution. Any organization that is not simply ought to be abolished regardless of how proficient or efficient well-organized it is. He says, "Each and every person has inviolable rights that are based on justice. These rights cannot be violated for the sake of the benefit of other members of the society. Every single individual has inviolable rights that depend on justice. These rights cannot be violated to help different individuals from the society. In a just society the liberties of equal citizenship are taken as settled; the rights secured by justice are not subject to political bargaining or to the calculus of social interest". (Rawls, 1971.p.4). This implies the requirements of the gathering can never be taken as deserving of sacrificing the dignity or rights of any single individual from the society. For Rawls injustice must be permitted in the present even that it will greater injustice from happening. On the off chance that is not the situation, at that point any social institution that displays injustice ought to be abolished or re-examined.

His beginning point is simply the theory that society is a self-sufficient relationship of people, who in their relations perceive certain principle as official and they will observe these principles in most cases. These rules work to indicate a system of cooperation among people. Despite the fact that society is an agreeable endeavor an irreconcilable situation will consistently emerge. Nonetheless, then again a personality of intrigue likewise emerges in light of the fact that it improves life for all, if all somehow happened to live in confinement. An irreconcilable circumstance emerges for the most part in light of the fact that individuals are not interested in the manner the products of their participation are conveyed. Each individual would need to have a far greater offer contrasted with a little offer to empower her to seek after her inclinations. So as to control this correspondence Rawls proposes that there ought to be rules that will be viewed as fair by every one of the participants in the society.(Miele,A.2017).

"A set of principles is required for choosing among the various social arrangements which determine this division of advantages and for underwriting an agreement on the proper distributive shares. These principles are the principles of social justice: they provide a way of assigning rights and duties in the basic institutions of society and they define the appropriate distribution of the benefits and burdens of society." (Rawls, 1971.p.4)

A well ordered society is designed and formed to maintain by two conditions advance the interests of its members but when it is also governed by a public conception of justice that is accepted by everyone and is satisfied by all social institutions. Despite the fact individual might have different aims, they will distribute a usually apprehended conception of public justice. Rawls further argues that in spite of individuals may have different conceptions of what justice is, they would be of the same opinion that social institutions are fair and exact when they do not utilize discretionary to discriminate appointing rights and obligations in just as in settling between contending asserts to social advantages

The characteristic of justice Rawls noticed that numerous things can be called just or unjust. For instance people can be called unjust, or activities by people can be called unfair. In any case, Rawls' basic concern is what he calls social justice. Social justice is anxious about the manner by which social institutions allot rights and duties and how they decide the dissemination of social favorable circumstances from what he calls social collaboration (Rawls, 1971.p.7). His comprehension of significant institutions incorporates the political structure, the financial and social structure. These significant foundations assume an important role in deciding the rights and duties just as the advantages of the citizens.(Matilano,B.1996.pp.5-6)

"Taken together as one scheme, the major institutions define men's rights and duties and influence their life-prospects, what they can expect to be and how well they can hope to do. The basic structure is the primary subject of justice because its effects are so profound from the start." (Rawls, 1971.p.7).

An unavoidable truth is that individuals come in this world and introduced to various conditioned. These various conditioned creates various interest. Various interest are created by the political, economical and social conditions that every individual is

## RAWLS'S THE TWO PRINCIPLES

The two principles of justice apply to the basic structure of society. They govern how rights and duties are assigned among citizens, and they also regulate the distribution of the fruits of social cooperation between individuals.

These principles show that the social structure can be divided into two parts. The first part deals with securing the rights of the citizens. It is the principle that establishes that each member of the society has inviolable rights and that all citizens are equal. It is the principle that rule out any attempt to compromise the rights of any citizens for the sake of the majority. This principle also rules out any attempt to compromise the rights of citizens so that their material welfare can be greatly improved. The first principle secures the rights of citizens that include their right to vote, the right to belong to any political party, freedom of conscience and freedom of association.

The second principle deals with how the social and economic inequalities are governed. This principle does not support any claim that inequality is not allowed at all. What it says is if there is going to be inequality it should be to the advantage of everyone

especially the disadvantaged. A social structure will be seen as equal if all its positions are open to all its citizens. No citizen should be barred from occupying any position because of their background, but positions must be filled according to merit. Injustice occurs when inequality is not to the benefit of all the members of society.

Rawls argues that the people in the hypothetical original position will agree upon two principles of justice. Rawls gives two versions of his principles. The second formulation is more specific in nature, Rawls' first formulation will be sufficient for this discussion. Rawls says: the first statement of the two principles reads as follows.

First: Each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others.

Second: Social and economic inequalities are to be arranged in the manner that they are both: (a) reasonably expected to be to everyone's advantage, and (b) Attached to positions and offices open to all. (ibid, p. 60)

Rawls says that the first principle takes priority over the second. According to Rawls, individual liberties must be protected for all members of society in order to be just of a society. By protecting individual liberties it is possible to say that all members of society are more or less equal. Rawls says that the first principle is prior to the second.

### **FIRST: THE PRINCIPLE OF BASIC LIBERTIES**

Rawls claims that the principles should be used by people to decide the basic structure of society. These people would agree to in the natural state. Rawls calls these principles "Justice as Fairness". They are lexically requested, which implies that in a circumstance where principles clash, we ought to keep up the first rule rather than the second. In the circumstances where the second and third clash, we ought to keep up the second. The principles are the following:

1. Each person is entitled to equal basic liberties that cannot trump other person's basic liberties. This principle accounts for ideas such as freedom of speech, religion, association, the right to vote, hold public office, etc. It also accounts for the idea that certain rights and liberties are more "basic" than others and therefore warrant special protection. For example, people care more about freedom of speech than they do about the freedom to drive at whatever speed they want. (Rawls,1971.Section 3,p.13)

### **SECOND:**

#### **2(a). THE DIFFERENCE PRINCIPLE**

Social and economic inequalities exist only under the condition that they are to the maximum advantage of least advantaged people in society(Rawls,J.2003.p.30).This principle is known as the difference principle. It is often misunderstood, so I'll start by clearing up what it is not. Rawls does not mean this standard to recommend we give the least advantaged individuals in society increasingly more free money and goods until everyone has an equal amount. In spite of Rawls feels that would prompt wholly and express economic calamity. If everybody was given the same quantity of money no matter how hard they functioned, individuals would have no inspiration to work hard. This would cause a reduce in productivity and likely a breakdown in the economy. Despite the fact that there would be a higher level of redistribution, the measures of money being redistributed would diminish and everybody's personal satisfaction would deteriorate. Rawls really thought the distinctive standard describe why it is superbly reasonable for paying individuals various measures of cash for various employments. Rawls brings up that social and monetary disparities must exist for society to work appropriately in light of the fact that individuals need motivating force to work hard and produce more. The impetus important to help financial generation is higher financial status, which means enabling individuals to keep themselves for a bigger level of the cash they win and compensating individuals various sums for various degrees of profitability. Regardless of the way that the sum you pay to the individuals is redistributed, the sum being redistributed is more noteworthy in light of the fact that by and large economic efficiency is higher, making the least advantaged individuals happier with less redistribution of riches and higher monetary inequality. Review Rawls' principles of justice are intended to be connected to institutions rather than individuals. When Rawls alludes to the least advantaged individuals in the public eye, he does not recommend we search out every person in the public arena and plan approaches for every individual. Rather, we ought to separate society into major financial gatherings and structure arrangements that gives the best advantage to bunch who are least wealthy as we take a gander at their lives after some time. While the distinction rule will in reality have suggestions for the individual, it applies just in a roundabout way to individuals. (Freeman,2007, p.100)This implies the distinction standard does not recommend any one customer who has a moral commitment to purchase a specific item or shop at one store over another, yet ought to be utilized as an instrument to settle on enormous scale financial approach choices, similar to whether or not to order least wage laws. On off the chance that they do in reality advantage the least advantaged individuals, the distinction guideline would guide us to order them. The distinction standard additionally requires the administration actualize certain social wellbeing nets, similar to medical coverage and sustenance stamps. This is on the grounds that medical coverage (how it exists right presently) is often unquestionably increasingly costly for individuals with genuine medical issues. Often individuals who have these medical issues are not all around to work, leaving them incapable to manage legitimate social insurance. Since these individuals are as a rule among the least advantaged, the distinction rule would recommend the administration give care to them. That being stated, if an individual needing a social security net, for instance, sustenance stamps, were to come up short on nourishment since they were untrustworthy and spent the cash on costly things they couldn't bear, Rawls does not need to give more assistance to those individuals. On the off chance that they were given the way to have a conventional least and utilized those methods untrustworthily, Rawls does not think we have a commitment to compensate for their very own silliness. In like manner, the distinction guideline does not propose the government give monetary assistance to individuals who are

fit for working, however decide not to. The advantages of the framework ought to apply just to the individuals who pursue the principles of the framework.

## 2(b) FAIR EQUALITY OF OPPORTUNITY

The second principle deals primarily with social and economic differences which will be part of any society. Rawls's second principle divides into two parts. Social and economic inequalities exist in positions that are open to all under conditions so that "those with similar abilities and skills should have similar life chances. More specifically, assuming that there is a distribution of natural assets, those who are at the same level of talent and ability and have the same willingness to use them, they should have the same prospects of success regardless of their initial place in the social system." (Rawls,2003,p.63)

This principle refers to what philosophers call substantive equality of opportunity.(Rawls, Section 12) It attests not just that every single qualified applicant be permitted to apply for an occupation and evaluated exclusively on their capacity to play out that activity, yet additionally, all individuals with the equivalent ability and inspiration have equivalent chance to build up their aptitudes. Think about the following example: Individual A and B both are similarly savvy and similarly propelled and both dream of turning into a neurosurgeon. Individual A experiences childhood in an oppressed neighborhood with an insufficient educational system. She is not indeed, even permitted to take her course readings home with her to consider. Individual B originates from a princely family and goes to a top school in suburban. Individual A and B invest equivalent measures of energy concentrating for their course MBBS, however notwithstanding their equivalent capacity and exertion, individual B scores much higher on her MBBS and gets into her top decision medicinal school, while individual A is compelled to abandon her fantasy of turning into a neurosurgeon. Fair or substantive justice of chance proposes that inconsistencies in circumstance like the one I have recently depicted ought not to exist. Rawls clarifies that "...those who are at the same level of talent and ability, and have the same willingness to use them, should have the same prospects of success regardless of their initial place in the social system..." (Rawls,2003,p. 63) This requires in addition to other things, that institutions are rebuilt with the goal that individuals have equivalent access to a good education paying some mind of their socio-economic background.

## CONCLUSION

This chapter has endeavored to clarify and strengthen different parts of John Rawls' Theory of Justice. It has attempted to reveal insight into the connection between the starting point of society and the utilization of the original position as the correct circumstance to figure out which laws are ought to be utilized for the basic structure of society. It has additionally attempted to react to objection about the need of the veil of ignorance as it identifies with social contract theory. Summarizing, it has attempted to provide further evidence as to why Rawls's principles are the ones that people in the original position would agree to. (Miele,2016.p.38)

Rawls shaped the agenda in contemporary political theory a motivation which many call egalitarian liberalism. It is liberal since it guards basic human being liberty and it is egalitarian since its essential supposition that is the principle of basic equality, whereby all people are ethically equivalent, and in light of the fact that it commands a broad appropriation of material assets (income and wealth) towards the individuals who have less such assets. Here, A Theory of Justice raises the subsequent significant problems: The conception of the individual, which underpins Rawlsian justice, is of a autonomous person who picks and reformulates his/her own ends, and who can stand aside, and assess, the community to which he/she has a place, with the end goal of improving it. What's more, it is that sort of individual which picks principle of justice. Is that conceivable? The principle of justice, in A Theory of Justice, are intended to be general, to apply at all times and in all places. Is a universalistic theory of justice plausible? An only society, as per Rawls, is one where people don't endure mishap because of unchosen factors, for example, natural endowments, and social origin. On that view, justice mandates transfers of resources from the better off to the worse off with the end goal of realize equity in the appropriation of primary goods, except if an inconsistent circulation would profit the more terrible off. We have seen that the difference principle is incoherent inside the particulars of Rawls' theory itself. Yet, a few inquiries emerge: is coercive tax assessment good with the view that all people are self-governing moral agent, who must identify with each other as equivalents? Expecting that it is, is an equitable society one where material equality obtains, and if so material equality of what kind? Or on the other hand is an equitable society one where people's needs are met? Does the family itself should be dependent upon the principle of justice? (Faber,C.2011.p19)

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