

# JOHN RAWLS' CONCEPT OF JUSTICE: A PHILOSOPHICAL EVALUATION

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## Abstract

*John Rawls' concept of justice dwells on his political idea in his book "A Theory of Justice," which portrayed how a civil society should be run for the good of all in the state. His theory of justice with its central motivating factors which prompted him to propound such a great as well as thought-provoking thesis during his era is the main focus of this work. Rawls theory of justice hinged primarily on two main ideas; the first concerns the greatest equal liberty of the individual citizens, while the second is divided into two major parts, one on the difference principle and the other on the equal opportunity principle. Hence, employing the philosophical method of hermeneutics, the study holistically evaluates Rawls masterpiece A Theory of Justice where he advocated for a system of justice that will be fair to all both the advantaged and the least advantaged persons in the society for unity purpose. Although, Rawls seems to focus more on the least advantaged individuals in this case whom he refers to as the worse-off or the least well-off in the society, but his theory is one made for all society wishing for adequate development, accelerated progress and harmonious co-existence among its citizenry, because, his theory of justice is filled with quality of thoughts and good political ingredients needed for a well ordered and progressive society for all in our contemporary world today. Therefore, from the above we see a man filled with passion in matters that concerns justice, equity, equality, and fairness for the good and betterment of everyone in the society, hence, his dictum 'justice as fairness' which obviously when put succinctly into practice in our contemporary world will immensely help to ameliorate the decadence of injustice and unfairness witnessed nearly every day in our world over, especially, in developing countries.*

**Keywords:** Justice, Fairness, Veil of Ignorance, Equal Liberty, Equal Opportunity, Citizens

## Introduction

John Bordley Rawls was a liberal American political philosopher. He was a 20<sup>th</sup> century philosopher who was born on 21<sup>st</sup> February, 1921 and died on 24<sup>th</sup> November, 2002. Rawls was a Harvard University Professor of philosophy who was best known for his *A Theory of Justice*, which attempted to define what a just and fair society should be. Almost every scholarly contemporary discussions of justice have made reference to Rawls' *A Theory of Justice*. His theory of 'justice as fairness' argues for a society of free citizens holding equal basic rights and cooperating within an egalitarian economic system to advance their good and

betterment. Rawls started speaking out in the 1960s against America's military invasion and actions in Vietnam. The Vietnam conflict compelled Rawls to analyze the wrongs in the American political system that led it to prosecute so ruthlessly what he saw as an unjust war and to consider how citizens of the American society can consciously resist their government's aggressive actions and policies. John Rawls' most discussed write-up is his theory of a just and liberal society, which is referred to as 'justice as fairness.' He first and foremost set out justice as fairness in a wholesome detail in his book *A Theory of Justice* in 1971 and 1999, but continued to re-work this masterpiece throughout his life time, and then re-stated justice in his *Political Liberalism* in 1993, *The Law of Peoples* in 1999, and *Justice as Fairness: A Restatement* in 2001 which was first published in 1985.

### **The Main Idea of the Theory of Justice: Justice as Fairness**

In his foremost or main idea of the theory of justice, John Rawls was mainly trying to present a concept of justice that carries a high level of intuitiveness and abstraction similar to that of the social contract theories of Rousseau, Locke, and Kant, etc. The central motivating idea is that the principles of justice for the basic structure of the society are the object of the original agreement. These principles mainly hold that free and rational persons concerned, for them to further their own personal interests would accept it in an initial position of equality as defining the fundamental terms of their association in the society. Rawls therefore finalizes that: “these principles are to regulate all further agreements; they specify the kinds of social co-operation that can be entered into and forms of government that can be established. This way of regarding the principles of justices; is Justice as fairness”.<sup>1</sup>

Justice as fairness is Rawls's theory of justice for a free and liberal society. John Rawls being a member of the family of liberal political conceptions of justice provides a framework for the legitimate use of political power. Although, a political order can be legitimate without being just in the real sense. Justice is the concept and that act that sets the maximal standard in the society, that is, the arrangement of social institutions in the way that is morally best for the good of all. Rawls structures justice as fairness around specific interpretations of the ideas that citizens are free and equal and that society should be fair in all ramifications. He sees it as resolving the uneasiness between the ideas of freedom and equality that have been outlined by the socialist criticisms of liberal democracy and also by the conservative critiques of the modern welfare state. He as well holds that justice as fairness is the most egalitarian, and also the most plausible interpretations of the fundamental concepts of liberalism. He also argues that justice as fairness provides a superior understanding of justice than the dominant tradition of utilitarianism then.

According to the concept of justice as fairness, the original position of equality corresponds to the state of nature in the traditional theory of the social contract of Thomas Hobbes. The original position is of course contrary to the thought of an actual historical state of affairs. It is therefore, understood as a purely hypothetical condition characterized by certain conception of justice. He thus stated that:

I shall even assume that the parties do not know their conception of the good or their special psychological properties. Among the essential features of this situation, is that no one knows his place in society, his class Position or social

status, nor does anyone know his fortune in the distribution of natural assets and abilities, his intelligence, strength and the like.<sup>2</sup>

For Rawls, these principles of justice are chosen behind a veil of ignorance that ensures that no one is more favored than the other in the choice of principles by the outcome of the contingency of social circumstances in life. The feature of justice as fairness is to think of the parties in the original position as rational and mutually disinterested, although, that does not mean that the parties are too self-centered, that is, persons with only some kinds of interests, like in prestige, wealth, and domination etc. But they are conceived of as not having any personal interest but their interests are for the good of all in the society after the veil of ignorance has been lifted.

Furthermore, social cooperation in some form is necessary for citizens to be able to lead decent and cooperative lives. Yet citizens are not indifferent to how the benefits and burdens of cooperation will be shared amongst them. John Rawls's principles of justice as fairness articulates the main ideas in liberal thoughts that cooperation should be fair to all citizens seen as free and equals. A distinctive interpretation has been given to these concepts as combining a negative and a positive thesis altogether. Rawls' negative side of the thesis of his idea starts with the idea that citizens do not deserve to be born into a poor or rich family, be born naturally more or less gifted than others, be born female or male, or to be born a member of a particular racial group etc. For him, since these features of individuals are morally arbitrary in this sense, citizens are therefore, not to be entitled to more benefits of social cooperation just because of them. For example, the fact that a citizen was born rich, male, chocolate, white, female and black provides no reason in itself for this citizen to be favored by social institutions. This negative thesis does not say how social goods should be distributed in its stipulations, but it merely just clears the seats.

Rawls' positive distributive thesis is equality-based in all ramifications. For him, all social goods are to be distributed equally, unless an unequal distribution of goods would be to the sole advantage of all. The central idea is that since citizens are naturally and fundamentally equal, therefore, reasoning about justice should begin with a presumption that cooperatively produced social goods should be equally distributed justly. Justice then requires that any inequalities whatsoever must be for the benefit of all citizens, and especially, must be for the most benefit of the least advantaged or the worse-off. These therefore, are the central guiding ideas and strong requirements for fairness, equality and reciprocal advantage of Rawls's theory of justice as fairness. Rawls idea stems from his argument for a proper reconciliation between [equity](#) and [liberty](#) which needs to be seen in the basic structure of an ordered society for all in his well-acclaimed work *A Theory of Justice*. Rawls principles of justice are there to guide the conducts of the different parties involved for proper liberty and equality for all. These individual parties have particular ends that they seek to achieve, although they prefer to achieve them by cooperating and working with other individuals on mutual grounds and conditions. His work on the concept of justice seems strictly to follow some inspirations from [David Hume](#)'s philosophical views, and also some of [Immanuel Kant](#)'s ideas and viewpoints.

Consequently, John Rawls offers a very type of a fair and free choice scenario which he called

'the [original position](#)' and decided to confine people in what he refers to as 'a [veil of ignorance](#)' which is a situation where parties involved would on their own hypothetically and freely select and under mutual grounds choose an all acceptable principles of justice that will help them develop their fuller self and personality in the society afterwards. According to him, "they are the principles that rational and free persons concerned to further their own interests would accept in an initial position of equality as defining the fundamentals of the terms of their association".<sup>3</sup> This particular 'veil' essentially covers the individuals eyes to all facts concerning themselves in order to avoid one favoring of some principles to their own personal advantages.

### *The Original Position and Veil of Ignorance*

In his theory of justice, Rawls puts forward the original position as a useful strategy for reaching greater reflective equilibrium in decision making process. For him, the value of the original position as a method of reasoning and intuitiveness is affirmed when it selects the first principle of justice, since the first principle is in line with many people's settled convictions about the importance of assuring the basic rights and liberties for all. Having gained acceptance and credibility by confirming these settled moral judgments, the original position of Rawls then goes on to select principles for issues on which people's judgments may be less certain, such as how society should structure employment opportunities, and what a just distribution of wealth and income might be.

In Rawls's view, it is pertinent that the same way of reasoning that explains the equal basic liberties also should justify more political and economic equality too. The momentum of the argument for the first principle carries through to the argument for the second principle. Those who believe in equal basic liberties, but reject the other egalitarian characteristics of justice as fairness, must try to find some other way to justify those basic liberties. The original position embodies Rawls' relevant conceptions of person and society, and principles of pragmatic reasoning, for making judgments about justice. With an overlapping consensus focused on justice as fairness, the original position specifies a shared public perspective from where all citizens can reason together about the principles of justice and their relevance to their society's institutions. For Rawls, judgments made from this position are then objectively correct, in the sense where reasons are given to individuals to make use of regardless of their actual motivations, or the reasons which they think they have within their particular points of view. From the perspective of this point, judgments made from the original position are, however, validly correct and reasonable.

Rawls develops what he claims as principles of justice through the use of an entirely and deliberately artificial device he refers to as the original position in which everyone decides the principles of justice from behind what he called a 'veil of ignorance.' In this vein, he then opined thus:

This "Veil" is one that essentially blind people to all facts about themselves that might becloud what notion of justice is. The agreement in the original position is both hypothetical and a historical. It is hypothetical in the sense that the principles

to be derived are what the parties would; under certain legitimate conditions agree to, not what they have agreed to. It is a historical in the sense that it is not supposed that the agreement has even or indeed could actually be entered into as a matter of fact.<sup>4</sup>

Rawls argues that the parties in the original position would adopt two major principles which would govern the sharing of rights and duties that regulate the distribution of social and economic advantages across the society. The *original position* of Rawls aims at moving from abstract conceptions to concrete and determinate principles of social justice for all. The method of the original position is to construct a reasoning strategy that models abstract ideas about justice so as to focus their power to the choice of principles. So Rawls's conceptions of citizens and of the society are built into the design of the original position in itself.

For Rawls, the original position is a thought experiment and nothing else other than an imaginary situation in which citizens have representatives in decision making process, and all of these representatives come to an agreement on which principles of justice should order and govern the political institutions of the citizens of a civil society. This thought experiment of Rawls is better than trying to get all the citizens actually to assemble in person in a particular place to try to agree to principles of justice for their society at the same time. This original position is a fair choice situation in which each citizen is represented as only a free and equal citizen. The representative of each citizen in the original position for Rawls will want only what free and equal citizens want and each will try to agree to particular principles for the basic structure of the society in a fair situation with respect to the other representatives. The structure of the original position models the ideas of equality, fairness and freedom. For instance, equality and fairness are designed by making all the parties involved in the original position symmetrically represented.

Rawls' veil of ignorance is the most disturbing as well as the striking characteristic of the original position, which prevents arbitrary facts and natural gifts of citizens from influencing the agreement among the representatives. Hence, Rawls argues that the fact that an individual citizen is of a certain class, race, and gender etc is not enough reason for social institutions to favor or disfavor him or her. To avoid this scenario therefore, representatives in Rawls original position are then deprived of any knowledge of the class, race, and gender etc of the citizens that they are representing. The veil of ignorance deprives the parties of the original position of all facts concerning citizens that are irrelevant to the choice of principles of justice they are to make. According to Rawls, behind the veil of ignorance, the parties representing the citizens do not know anything or any fact about the class, race, ethnicity, age, gender, wealth, income, comprehensive doctrine, natural endowments, and generation etc. of any of the citizens in the society that they are representing.

The veil of ignorance of Rawls positions the representatives of equal and free citizens fairly with respect to one another in the decision making process. No party can press for agreement on principles that will arbitrarily favor the particular citizen they represent, because no party knows the specific natural endowments and attributes of the citizen they are representing. In their situation, they only know of their own ability to reason nothing else, with which they can make a rational agreement and create out proper acceptable principles for all afterwards when

the veil has been lifted off their eyes. In that scenario, each party tries as much it can to agree to principles that will be best for the citizens they represent in the sharing of primary goods. Hence, because of their fair symmetrical situation, the agreement the parties will reach at will definitely be fair to all actual citizens of the society. The structure of the original position also models Rawls conceptions of citizens and society. For instance, a well-ordered society is modeled by the fact that the parties must choose amongst themselves principles that will be publicly accepted by all citizens of a civil society. There are also other claims that make the hypothetical agreement determinate and decisive. Here, the parties are not motivated by envy of any kind on each other. They must make a final agreement on principles for the basic structure of the society because, after the veil of ignorance is lifted and the parties learn which real citizen they represent or who they are, nothing can be done to revise or undo the decision anymore.

As already stated above, the idea of the original position is to set up a fair procedural situation where all parties involved will be equal and fairly situated so that any principle agreed upon will be just and endorsed by all. The main objective is to use the notion of a pure procedural justice as a basis of the theory of justice by Rawls. Rawls was totally against some specific contingencies that put men at odds and push them to exploit social and natural circumstances to their own advantage as much as they can. The parties in the veil of ignorance do not know the several alternatives which will affect their own personal cases and they are under obligation to evaluate principles of justice on the basis of general consideration only and nothing more.

### **The Principles of Justice**

In the principles of justice, John Rawls tries to develop these principles essentially for the good and betterment of all individuals in the human society. Hence, he took a logically lasting conclusive stand on the two principles of justice he wishes to expound in his theory in order to portray how a civil society should be run in a well ordered society that advocates for true justice and fairness in its dealings with the individual citizens of the state. Rawls, in so doing outlined his principles thus:

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. 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.<sup>5</sup>

Following the above, the first principle stipulates and tries to maintain that all citizens should have the fundamental basic rights and liberties such as liberty of conscience and freedom of association, freedom of speech and liberty of the human person, the rights to vote and be voted for, to hold public office, to be treated in accordance with the rule of law, and so on. The first principle accords these rights and liberties to all citizens equally without any bias and prejudices, and therefore, confirms widespread convictions about the sole importance of equal basic rights and liberties to all human beings in the society.

The first part of the second principle is the difference principle, which regulates the

distribution of wealth and income. The difference principle allows inequalities of wealth and income, so long as these will be to everyone's advantage, and specifically to the benefit and advantage of those who will be worst off. The difference principle requires that any economic inequalities have to be to the greatest advantage of those who are least advantaged in the society or the worse-off. And lastly, Rawls's second part of the second principles of justice has it clearly stated that fair equality of opportunity, requires citizens with the same talents and willingness to use them to have the same educational and economic opportunities regardless of whether they were born rich or poor. According to him, what matters is that everyone should have the same equal and fair opportunity to prove and develop themselves for their betterment and for the good of the society at large.

However, Putting Rawls' principles of justice into alphabet, we use "A", "B1", and "B2" to represent them accordingly. Therefore, in his arrangement and stipulation of his principles of justice on which comes first he organized and arranged them in the following manner; e.g., **A**, **B2**, and then **B1**. The first principle he called 'the *greatest equal liberty principle*' we referred as "A" here, while Part (1) of the second principle which we called "B1" is refers as 'the *difference principle*' and part (2) of the same second principle which we refer as "B2" is seen as the '*equal opportunity principle*.' According to Rawls' arrangement of his principles the '*greatest equal liberty principle*' comes first, which is followed by the '*equal opportunity principle*' and lastly the '*difference principle*.' According to Rawls, the first principle must have to be met and accomplished before B2 can take place, and B2 must take place and completed before B1 can be observed or come to play. Hence, none of the principles will be ignored or sacrificed or relegated to the background for the sake of the other, rather all must take their proper place, maintained, and be accomplished completely in accordance to the above clear stipulations and arrangements.

### **The First Principle: The Greatest Equal Liberty Principle**

Equal liberty is that which every human being craves for in life for peaceful and harmonious living in our contemporary world today. Rawls see liberty as one of the things that will bring about the total happiness of man in the society; hence, he took the opportunity to include it and even made it the first among all in his principles of justice for the good of all. Therefore, according to this principle, which states 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".<sup>6</sup> This *greatest equal liberty principle* is therefore concerned with the distribution of liberties and rights to all individuals in the society. John Rawls then outlines the following equal basic liberties which include:

Political liberty (the right to vote and hold public office) and [freedom of speech](#) and [assembly](#); liberty of conscience and [freedom of thought](#); freedom of the person, which includes freedom from psychological oppression and physical assault and dismemberment (integrity of the person); the right to hold personal property and freedom from [arbitrary arrest](#) and seizure as defined by the concept of the [rule of law](#).<sup>7</sup>

From the above, we can clearly see some basic freedoms that must be protected by this first principle. There may be some other liberties which are not on the list, for example, the right to

own certain kinds of property is not visible in the list as well as freedom of contract etc, because according to Rawls, they are seen as that which are not basic, and so are not protected by the priority and main target of the first principle of justice.

This first principle is more or less absolute and may not be violated in any way, even for the sake of the second principle below. The first principle argues that all citizens should have the familiar basic rights and liberties such as freedom of speech and liberty of the person, liberty of conscience and freedom of association, the rights to vote and be voted for, right to hold public office, right to be treated in accordance with the rule of law, and many more. The first principle affirms these rights and liberties to all citizens equally. Unequal rights would not benefit those who would get a lesser share of the rights, so justice requires equal rights for all, in all normal circumstances. Rawls' first principle confirms the widespread convictions about the importance of equal basic liberties and rights of the individual citizens of a free civil society. There are features that make this principle most distinctive in nature; like that the basic rights and liberties must not be traded off against other social goods no matter what. Hence, equal liberty of the citizen is paramount and must be protected by all means possible in a well ordered civil society to everyone's benefits.

### **The Second Principle (Part 1): The Difference Principle**

In this second principle Rawls was very careful not to join everything as one but divided them into parts for easy comprehension and understanding, and as well to be able to explain each one accordingly and fairly. Rawls divided them into two major parts, then part one of it stated 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”.<sup>8</sup> His claims here argues that shifting from equality of primary goods are to him justified, but only to the extent that they improve the welfare and wellbeing of those who are worst-off or the least well-off in the society, and this therefore made his position so egalitarian in nature in all ramifications. However, since their mental capacity is governed by the 'maximin' principle, individual representatives will then tolerate inequalities that only benefit the least well-off or the worst-off, since as far as they know and are concerned, *they* might be the worst-off afterwards, and this will maximize the quality of the worst possible outcome of their deliberations as representatives in the original position.

On the other hand, the distribution of wealth and income need not to be equal, but must be to every individual's advantage. In justice as fairness, Rawls opined that, “men agree to share one another's fate”.<sup>9</sup> For him, the fact that citizens have different talents and abilities can be used to make everyone better off. In a society ruled by the difference principle, citizens regard the sharing of natural endowments as a common asset that will benefit all. Those better endowed are to use their natural gifts to make themselves better-off, so long as their doing as well contributes to the good and betterment of those less well-endowed or the worse-off in the society. The consequence of Rawls view is that inequalities would be just, only if they are to the best advantage of the least well-off in the society. He portrayed this by arguing that the original position rests heavily on the claims that morally arbitrary factors for example, the family one comes from, whether poor or rich should not decide their life and future chances or opportunities for them in any way. Instead, all things possible should be done for the benefit

and wellbeing of all members of the society, but most especially for the advantage of the worst-off or the least well-off among them.

This second part of Rawls' principle of justice tries to regulate the sharing of wealth and income; hence, allowing inequalities of wealth and income can lead to a larger social product in the society. Here, inequalities of wealth and income are allowed if and only if these inequalities will be to everyone's advantage, more specifically to the benefit and betterment of the least advantaged. The difference principle argues that any economic inequalities should be to the greatest advantage of the least well-off or the worse-off in the society. The difference principle however, expresses a positive ideal, an ideal of deep social unity among the citizens of a well-ordered civil society. For any society which satisfies the difference principle as already stated above, individual citizens of that society know that their economy works to the greater advantage of everyone, without those lucky enough to be born with special gifts and greater natural potentials getting richer at the expense of those who were less fortunate in life, hence, equal distribution of goods for all.

### **The Second Principle (Part 2): The Equal Opportunity Principle**

**This second part of the second principle of Rawls' theory of justice clearly argues for equal opportunity for all individual citizens of a civil state which aspires for good life of its citizenry and of course their total welfare. Rawls in outlining the quality of his thoughts embedded in this principle carefully opined it thus:** “Social and economic inequalities are to be arranged so that they are both: (b) attached to offices and positions open to all under conditions of fair equality of opportunity”.<sup>10</sup> For Rawls B2 above comes first to that of B1 in his arrangement of the principles of justice. According to Rawls, *equal opportunity* does not only require that offices and positions are to be shared on the basis of merit alone, but that every person should have the same reasonable equal opportunity to obtain the necessary skills and knowledge on which basis merit is awarded and assessed, not minding their race, rank, class, gender and where they come from etc.

From the foregoing however, fair and equal opportunity, demands that individual citizens with the same willingness and talents are to use these gifts to have the same equal economic, educational and skills opportunities not minding whether they were born poor, wretched or rich, what matters is that fairness and equality is given to all. All the positions of authority, command and offices must be accessible to all without any prejudices of any kind. One of the distinctive characteristic of Rawls' first principle of justice is that it requires *fair value of the political liberties*. Political liberty is one of the basic fundamental liberties, which is heavily concerned with the right to hold public office, the right to affect the outcome of national elections etc. For these liberties, Rawls argues that citizens should not only be formally equal but also substantively equal in all ramifications. According to him: “In all parts of society there are to be roughly the same prospects of culture and achievement for those similarly motivated and endowed”.<sup>11</sup> This is to say that, citizens who are similarly endowed and motivated should have similar opportunities to influence elections, hold public office, and many more regardless of how rich or poor they and their families are. Fair equality of opportunity here, requires that citizens with the same talents should use them to have the same educational and economic opportunities regardless of whether they were born poor or rich,

male or female, old or young etc.

Consequently, throughout Rawls' work was the assumption that the individuals in the original position are rational enough to make accurate decision for the good of all when the veil is lifted. For this singular reason, each person in choosing between principles tries as much as they can to advance their own personal interests. For Rawls, the parties do not know their conception of good in any way. These individuals having known that they have certain rational plan do not as well know the details of this their plan, their interest and ends which they try to promote. He argued also that a rational person does not suffer from envy and not downcast in any form by the perception that others have a larger primary social goods, and also does not believe that the existing inequalities are founded on injustice in the real sense.

More so, the individual citizens in John Rawls theory are not only equal and free, but also reasonable and rationally endowed. The concept that the citizens are rational is very much familiar to his political liberalism. Hence, rational persons have the capability and the capacity to agree and stick to fair terms of cooperation even at the expense of their own personal interests, as far as others are also voluntarily ready to do so too. In his theory of justice, he refers to this reasonableness of his as the capacity for a *sense of justice*. For him, citizens of the society are rational because they have the capacity to revise and pursue diligently their own conception of what is valuable to human life, and calls this the capacity for a *conception of the good* as well as moral powers.

### **The Conception and Basic Structure of Society**

In his conception of society, Rawls said that the society is defined by fairness. According to him, social institutions are to be fair in all sense to all the cooperating members of society regardless of their gender, religion, race, class, origin, conception of what good life is and natural talents and endowments etc. He strictly emphasizes *publicity* as an aspect of fairness. For him, all citizens will accept the principles of justice in a *well-ordered society*, and recognize that the basic structure of society is just. For Rawls, the justifications of the principles of justice as fairness are acceptable to all reasonable citizens. The publicity concept is that since the principles for the basic structure of the society will be coercively binding on free citizens, they should always stand up to public scrutiny. For him therefore, fairness in political or public life requires that in: “public political life, nothing need be hidden... there is no need for the illusions and delusions of ideology for society to work properly and for citizens to accept it willingly”.<sup>12</sup> The condition for publicity as pointed above simply requires that the principles of justice which will be operated in the society of free and equal citizens should not be hidden in any way from the public knowledge, nor too esoteric, and must be open enough for citizen's public scrutiny since its meant for all.

Consequently, Rawls' theory of justice as fairness tries to describe a just social arrangement of the major social and political institutions of a liberal and civil society, such as the legal system, political constitution, the family, the economy etc. He refers to the arrangement of these institutions as the basic structure of the society. This basic structure is where justice is located because these institutions are the ones that distribute the main benefits and burdens of social life, such as who will have opportunities to get what kind of work to do, who will receive

social recognition of any kind, what the distribution of income and wealth will be like, who will have which basic rights and privileges and many more. The very type of a society's basic structure will immensely have profound effects on the lives of citizens of the society. This particular basic structure of society will definitely influence not only their life prospects, but more deeply their relationships, attitudes, goals, and their characters and behaviors. Any forms of institution which will have this pervasive influence on people's lives obviously require justification. Some people may not fancy leaving their society for another, but the justification for doing so may not be that citizens have willingly consented to a basic structure of the society by staying in the country, and since the rules of any basic structure of the society will be coercively enforced, most often with serious penalties attached, the demand to justify the imposition of any particular set of rules of basic structure intensifies the more.

From his theory of justice as fairness, Rawls argues that the liberal society in question is marked by rational pluralism, and also that there are enough resources to serve everyone's basic needs. He makes these claims by stating that the society is self-sufficient, that citizens enter it only by birth and leave it only at death. Rawls then focuses more attention mainly on his ideal theory of justice as fairness, hence, refusing to allow anything distract him such as the matter concerning criminal justice etc.

### **The Conception of Citizens**

According to John Rawls' interpretations of the liberal ideas and conception, he assumes that citizens are free and equal and that society should be fair in all ramifications. He therefore uses citizen's conception and that of the society to construct the formal justification for his two principles of justice. For him, citizens are equal and fair and must be treated as such. In Rawls interpretation, citizens may have greater or much lesser powers, talents, and skills etc that cooperation needed, but these differences should have no bearing on citizens' equal political and social status in the society. Justice as fairness like other theories of justice requires a record of citizens' fundamental interests, for instance, what citizens need as citizens. He obtains his citizen's account of *primary goods* from the idea of citizens as equal, free and rational beings. These primary goods for Rawls are essential for human development, and for exercising the two moral powers, as well as useful for pursuing a wide range of specific ideas of what the concept of good life is all about. He then opined that primary goods are:

The basic rights and liberties; Freedom of movement, and free choice among a wide range of occupations; The powers of offices and positions of responsibility; Income and wealth; The social bases of self-respect: the recognition by social institutions that gives citizens a sense of self-worth and the confidence to carry out their plans.<sup>13</sup>

Following the above therefore, all citizens in Rawls views are said to have great fundamental interests in getting more of these primary goods within the society, and political institutions in the society are to evaluate and ascertain how well, individual citizens are doing according to what primary goods they have. Hence, these equalities and inequalities of the primary goods are what Rawls assumes, that are of the greatest social and political significance in the society.

Nevertheless, Rawls conception of justice as fairness was a sharp paradigm shift from the

utilitarian viewpoint of human nature. He used two major guiding principles to bring home his point of argument. According to him, these principles would be chosen by reasonable individuals in a particular setting he refers to as the original position, in which a veil of ignorance is used to cover every participant from the knowledge of who they are and those they represent in the society. This abstract social contract setting purely denied people the knowledge of what their natural assets and abilities are, and the social circumstances in which they are to live in. There is no awareness about each person's peculiarities and particularities. He advocated for this type of decision making process so that particular cases, which for him are arbitrary in nature from a moral point of view, do not affect people's judgments in the original position. The principles of justice which Rawls proposes as being the ones people would choose in this original position are the principle of greatest equal liberty and the difference principle. Just like Nozick refuted and disagreed upon, one might question whether these principles would actually be the ones people will likely agree of in this case. The understanding of the principle of the greatest equal liberty does not make any move or shift throughout Rawls' advocated approaches to the difference principle. For Rawls, the prospects of the better-off individuals are not to be improved unless the prospects of the less fortunate ones or the worse-off are improved as well, hence, both must be improved at the same time for there to be justice. Therefore, from the fore-going, Rawls believes that individual parties would find his stipulated principles of justice which embodied equality and fairness to a greater extent to be the best and more preferable to other same alternatives, like [libertarianism](#), [utilitarianism](#) and contractarianism etc., for the good of all in the society and the betterment of the society at large.

### **Evaluation**

John Rawls concept of justice as fairness as we have enumerated above is a form of justice which carries to a great extent a level of intuitiveness and obvious abstraction which is sometimes very difficult to discern and understand, but in which he stipulates the wonderfully strong principles that free and rational persons concerned in order to further their own interests and benefits and for the good and progress of the society, would simply accept in an initial or original position where equality and fairness abounds. Accordingly, it is clearly obvious that reasonable people often disagree about how to live, but amidst all, there is the need to structure and restructure the society in a way that reasonable citizens of that society who usually disagree can easily accept and collectively agree on basic rules and regulations that will guide them such as those concerning major socio-political institutions, the legal systems, and that of the economy of the state, which forms the fundamental basic structure of any society. In his concept of justice Rawls argues for a harmonious and proper reconciliation between, equality, [equity](#) and [liberty](#) which really needs to be glaringly clear and adequately seen to be done in the basic structure of a well-planned and ordered society for the benefit of all in his masterpiece and eulogized work *A Theory of Justice*. John Rawls principles of justice is postulated to guide the behaviors and conducts of the several parties involved in decision-making process in the society so that there would be fairness, equality, liberty, and finally justice for everyone in the state. Although, these individual parties involved have particular ends they wish to achieve, but their preference was to achieve them by working in cooperation and unism with others on mutual grounds and conditions, and this is what inspires Rawls' main claim that we should conceive of justice as 'fairness' to all.

Concisely, Rawls theory of justice tries to develop essentially principles for the good and betterment of all citizens in the society. His first principle tries to maintain that all citizens should have the fundamental basic rights and liberties such as the freedom of speech and liberty of the human person, the right to vote and be voted for, to hold public office which must be open to all, to be treated in accordance with the rule of law, and many more. The first principle accords these fundamental rights and liberties to all citizens of the state or society equally without prejudices of any kind. Consequently, the first part of the second principle is the difference principle, which regulates the distribution of wealth and income. The difference principle allows inequalities of wealth and income, so long as these will be to everyone's advantage, and specifically to the benefit and advantage of those who would be worst off afterwards. The difference principle requires that any economic inequalities have to be to the greatest advantage of those who are least advantaged or least well-off in the society.

However, in order to identify fairness Rawls thus develop two unbiased concepts and a very form of a fair and free choice scenario which he refers to as 'the *original position*' and 'the *veil of ignorance*' which he said are for the good of all in the society. In the original position, Rawls decides to confine people in there with a covering of a veil of ignorance which, however, is a situation where parties involved would voluntarily on their own and unpressurized or forced in any way hypothetically and freely select and under mutual grounds choose an all acceptable principles of justice that would aid them to develop their fuller self and personality to the highest level in the society. Nevertheless, Rawls concept of justice has been greatly criticized from different angles, yet it is deemed very effective and unreservedly appropriate as a useful tool in attaining an egalitarian society in our contemporary world today for a better society for all and sundry.

### Conclusion

In this study, we have been able to discuss what justice is all about in the light of Rawls idea, hence, it must be noted that Rawls has really made an impressionable, immeasurable and invaluable contributions to the world politics and socio-political institutions. Rawls, no doubt, and no matter how his theory of justice is seen in some quarters, cannot be easily sidetracked or ignored in any way possible while discussing political matters and theories about the best progressive and enduring system of leadership embodied with good governance for the citizens which can guarantee fairness, equity, and justice for peaceful and harmonious co-existence in the human society. Hence, from the above, we can deduce that Rawls theory of justice is very essential in our society today if and only if, his basic principles as outlined above are well utilized and adhered to judiciously. Looking at his principles it's obvious that any society that seems to violate his basic principles of justice, Rawls would condemn it outrightly as unjust. Therefore, even if we ultimately reject Rawls approach to what justice is, it at least seems to offer intuitively correct answers in several important cases and situations noticeable in our society and world today, and for other plausible reasons as well in real life scenario. Hence, adhering to Rawls modern principles of justice as fairness portrays a better societal development tomorrow, as well as, for more progressive and an assured future to come, filled with peace and harmony, justice, equity and fairness for the good and betterment of all in the society.

## References

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3. *Ibid*; p.11.
4. *Ibid*;p. 17.
5. *Ibid*; p.215.
6. *Loc; cit.*
7. *Ibid*;p. 38.
8. *Ibid*;p. 215.
9. *Ibid*; p.102.
10. *Ibid*; p.215.
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13. J. Rawls, *Justice as Fairness: A Restatement*, E. Kelly (ed.), (Cambridge, MA: Harvard University Press, 2001), p. 58-59.