



Annales de la Faculté de Droit d'Istanbul

Submitted: 20.01.2022
Revision Requested: 02.02.2022
Last Revision Received: 28.10.2022
Accepted: 26.11.2022

RESEARCH ARTICLE

Can Rawls' Theory of Distributive Justice Become a Cure for Poverty?

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Abstract

Rawls, a leading thinker of our time, attempted to develop an understanding of justice that reconciles liberty and equality in his work *A Theory of Justice* (1971). Rawls constantly revised his theory of justice and took it to an international level with *The Law of Peoples*. *A Theory of Justice* was met with great interest, but it was also heavily criticized.

The aim of this paper is first to review Rawls' *A Theory of Justice* in broad terms and then to present the objections raised. Ultimately, the goal is to present my objections based on the impossibility of the Rawlsian theory of justice with some examples. Specifically, examples of the widening gap between the poor and the rich under Covid-19 conditions and the enormous increase in the incomes of the rich are addressed.

Keywords

John Rawls, *A Theory of Justice*, Distributive Justice, Justice as Fairness, Original Position, Veil of Ignorance, Capitalism, The Difference Principle, Equal Opportunity

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To cite this article: Yükselbaba U, "Can Rawls' Theory of Distributive Justice Become a Cure for Poverty?", (2022) 71 *Annales de la Faculté de Droit d'Istanbul* 539. <https://doi.org/10.26650/annaes.2022.71.0010>



Can Rawls' Theory of Distributive Justice

Become A Cure for Poverty?

I. Introduction: Distributive Justice

A study on justice should begin with a definition of justice. A definition of justice on which everyone can agree has not been formulated yet. Instead of defining justice, David Schmidtz attempts to explain what kind of a thing we are faced with.

“The thing we call justice is, in a way, like a constellation of interrelated elements. I observe coherence and unity to a certain degree, but this coherence is more like the limited integrity of a neighborhood rather than the completeness of a single building. A good neighborhood is a functional place in which people live pleasantly. But good neighborhoods cannot be designed as thoroughly as good buildings.”¹

There are several theoretical frameworks for justice. Every theory serves as a directional map to explain what justice is. Although the outlines offered by the theories allow us to comprehend some aspects of justice, no single theory has yet attained a level of competency that can produce solutions to all issues related to justice. Every theory can lead to practices that lead to injustice when apprehended narrowly. This situation arises from the intricate nature of the topography that the concept of justice is intended for, rather than any problems within the theories themselves.²

The concept of distributive justice is concerned with the distribution of boons and burdens in human society since Aristotle. But what is distributed here is related to people being brought to political positions in line with their virtues. “Until quite recently, people have not even considered the basic structure of resource allocation as a matter of justice within their societies, let alone seeing justice as an essential thing for the allocation of resources to meet everyone’s needs.” The modern use of the concept of distributive justice, as defined in this sentence is slightly older than two centuries. The subject of distributive justice in its modern sense is the division of economic boons and burdens among citizens through means such as law, politics, institutions, etc. Questions like how distributive justice will be realized, which principles of justice will be relied on, what will be distributed, and who will distribute are questions of primary importance in this debate. Distribution depends on political processes, legal regulations, and institutional practices and it varies from society to society and from period to period. Principles of distributive justice put forward in a theory provide the main guidance on processes and structures concerning the distribution of boons and burdens.³

1 David Schmidtz, *Elements of Justice* (Cambridge University Press 2006) 3.

2 *ibid* 4. *ibid* 227.

3 Samuel Fleischacker, *A Short History of Distributive Justice* (Harvard University Press 2004) 4.

Today the gap between the rich and the poor has turned into a steep precipice. Inequalities have emerged in many areas throughout history and have been accepted as the source of social unrest by many philosophers. The political system in capitalist democratic societies is founded on citizens' demands for basic political equality, however, it can only maintain its existence through competition and inequality in the use of tangible resources. This is the result of the basic contradiction that lies at the base of capitalism. This is why it has been attempted to reconcile social welfare and economic competition in capitalist democracies.⁴ Since urban violence, individual alienation will cause social instability to heighten in societies where there is intensive inequality, redistribution mechanisms must be functional in the name of social and political stability.⁵ Today, the emerging thought that there is no justice in societies with such inequalities has also led several thinkers to reconsider the inequality in the distribution of income and wealth in the world and influenced them to conduct studies on distributive justice.

After reviewing Rawls' theory of justice below, we will consider whether the theory can be a remedy for poverty as a dimension of injustice within the framework of objections to this theory. To figure out what Rawls' distributive justice might look like under capitalism, I will draw on data from poverty and wealth studies of the pandemic period.

II. John Rawls' Theory of Distributive Justice

The most discussed work by Rawls is his theory of a just liberal society, called *Justice as Fairness*. Rawls first put forward his views on justice in his article "*Justice as Fairness*",⁶ then systematized them in his book, *A Theory of Justice*. Rawls continued to revise *Justice as Fairness* throughout his life, reformulating the theory in *Political Liberalism* (1993), *The Law of Peoples* (1999), and *Justice as Fairness: Restatement* (2001).

In "Justice as Fairness: Political Not Metaphysical," Rawls began to develop the liberal view of justice as a political concept. As a political concept, justice is a political value and is not grounded in comprehensive moral, religious, or philosophical doctrines. This understanding formed the core idea of *Political Liberalism* (1993). Under the political and social conditions of free institutions, there are many different and even conflicting doctrines. Political liberalism sees this "reasonable pluralism reality" as the object of an overlapping consensus among various political conceptions. Through the conception of political liberalism, he reviewed his idea of justice as fairness. Political liberalism, which he built with an understanding of reasonable pluralism with an

4 Peter Hamilton, 'Editor's Foreword' in Bryan Turner, *Equality* (Ellis Horwood Limited) 9–11.

5 Bryan Turner, *Equality* (Ellis Horwood Limited 1986) 17.

6 John Rawls, 'Justice as Fairness' (1958) 67 *The Philosophical Review*, 164–194.

overlapping consensus, constitutes the content of justice as fairness. For this reason, he also reshapes his arguments about the two principles of justice.⁷

In his book *A Theory of Justice*, Rawls, a philosopher of politics and law who holds an important place in liberal American tradition,⁸ proposes a more egalitarian liberal approach in face of the rising new right-wing ideology in the world by defending welfare state and distributive justice. Rawls' work created such a huge impact that Robert Nozick praised him as such;

“We can bring our discussion of distributive justice into sharper focus by considering in some detail John Rawls' recent contribution to the subject. *A Theory of Justice* is a powerful, deep, subtle, wide-ranging, systematic work in political and moral philosophy that has not seen its like since the writings of John Stuart Mill, if then. It is a fountain of illuminating ideas, integrated together into a lovely whole. Political philosophers now must either work within Rawls' theory or explain why not. The considerations and distinctions we have developed are illuminated by, and help illuminate, Rawls' masterful presentation of an alternative conception. Even those who remain unconvinced after wrestling with Rawls' systematic vision will learn much from closely studying it. I do not speak only of the Millian sharpening of one's views in combating (what one takes to be) error. It is impossible to read Rawls' book without incorporating much, perhaps transmuted, into one's own deepened view. And it is impossible to finish his book without a new and inspiring vision of what a moral theory may attempt to do and unite; of how beautiful a whole theory can be. I permit myself to concentrate here on disagreements with Rawls only because I am confident that my readers will have discovered for themselves its many virtues.”⁹

Below I will review Rawls' theory and try to make it clear why it is important.

A. General Framework of A Theory of Justice

In his work *Justice as Fairness: Restatement*, Rawls states that “the aim of justice as fairness is to provide an acceptable and moral basis for democratic institutions and thus to address the question of how the claims of liberty and equality are to be understood.”¹⁰ Therefore, while taking freedom and equality into consideration, he tries to reach the principles of justice that will guide all institutions of society for a just and stable liberal life. According to him, contemporary democratic and liberal societies have generally already accepted fundamental rights and freedoms. What needs to be done under these conditions is to create a just society by treating

7 Erin Kelly, 'Editor's Foreword' in John Rawls, *Justice as Fairness: A Restatement* (The Belknap Press of Harvard University Press 2001).

8 This work of Rawls has received so much attention that debates on justice are everywhere linked to Rawls' views. “A Theory of Justice ... is arguably the most important book of American philosophy published in the second half of the last century.”, Wayne P. Pomerleau, 'Western Theory of Justice' (Internet Encyclopedia of Philosophy) <<https://iep.utm.edu/justwest/#H5>> accessed 22 October 2021.

9 Robert Nozick, *Anarchy, State and Utopia* (Blackwell, Reprint 1999) 183.

10 John Rawls, *Justice as Fairness: A Restatement* (Erin Kelly ed, MA: Harvard University Press 2001) 5.

individuals who are considered free and equal based on respect and by eliminating or equalizing certain inequalities.¹¹

According to Rawls, the primary subject of justice is “the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation.” The principle of justice for major institutions will be the founding and fundamental principle for all institutions in the functioning of political, economic, and social order. The market economy, private property, family, and similar institutions are examples of institutions of the liberal order, and they must be regulated according to principles of justice. Thereby a society based on fair cooperation can be established.¹²

An important feature of Rawls' theory of justice is the attempt to stand against and set an alternative to utilitarian conceptions. Kantian ethics lie behind Rawls' criticisms of utilitarianism. Accordingly, one's “conscious goal” as a principle that determines a person's ethical autonomy has been developed to counter utilitarianism that oppresses the individual. “... principles of justice manifest in the basic structure of society; men's desire to treat one another not as a means only but as ends in themselves.”¹³ Rawls blames utilitarianists for sacrificing human beings and their inseparable rights to the principle of utility. Justice does not accept that a greater good shared by others justifies losses in the freedoms of some.¹⁴

B. Determining the Principles of Justice as Fairness

Rawls draws a procedural model to put forward the theory of justice. He first refers to the setup of a social contract. The social contract is an introduction to the answer to the question that if people were to set up a society, which principles of justice would they prefer.¹⁵ Rawls first depicts the conditions of existence for a social contract and builds as a starting point where all people making up the society hold a meeting to make a social contract specifying the principles of justice to guide politics and law.

1. Social Contract

The social contract is formed by principles of justice reached as a result of Rawls' hypothetical meeting. This social contract is made up of two parts; the first

11 John Rawls, *A Theory of Justice* (Oxford University Press 1971) 13–15.

12 *ibid* 2. *ibid* 7. In *Justice as Fairness: A Restatement*, Rawls explains three levels of justice: 1. Local justice (principles apply directly to institutions and associations), 2. Domestic justice (principles applying to the basic structure of society), 3. Global justice (principles applying to international law. Justice as fairness begins with domestic justice, which is the basic structure of justice. From there, it works outwards for international law and inwards for local justice. Rawls, *Justice as Fairness: A Restatement* (n 10) 11.

13 Rawls, *A Theory of Justice* (n 11) 179.

14 *ibid* 3. *ibid* 28. *ibid* 175–178. Rawls, *Justice as Fairness: A Restatement* (n 10) 10.; Larry Arnhart, *Political Questions: Political Philosophy from Platon to Pinker* (4th edn, Waveland Press Inc 2015) 507–542.; Barry Brian, *The Liberal Theory of Justice* (Oxford University Press 1973) 14.

15 Rawls, *A Theory of Justice* (n 11) 75.

part includes *the original position* which is like the state of nature before the social contract is made, and disclosure of the conditions for the selection of the principles of justice, the second part includes *the two principles of justice* people supposedly agreed on.¹⁶

In general, theories of social contract rely on assumptions, so they are fictional; they set the framework for mutual rights and duties between the state and people. Rawls' theory of contract, unlike other contract theories, is a medium for the realization of certain conditions to reach the principles of justice to be applied to the basic structure of society.

Rawls' theory of justice builds on the social contract tradition and offers an alternative to utilitarianism. His "political conception" of justice is based on fundamental values that he identifies as implicit in democratic societies. Rawls argues that they provide a basis for elaborating the principles of justice that can be accepted by members of such societies. Rawls' interpretation of the social contract allows him to address issues of justice directly rather than through social welfare, as is the case in utilitarianism, and indeed he elevates justice-not maximum welfare or efficiency-as "the first virtue of social institutions."¹⁷

2. The Original Position and Veil of Ignorance

Rawls uses the social contract referenced to explain the establishment of a political society to reach the principles of justice as fairness. His aim through this position "... is to present a conception of justice which generalizes and carries to a higher level of abstraction the familiar theory of the social contract as found ... in Locke, Rousseau, and Kant."¹⁸ He starts the contract theory with a state-of-nature assumption as found in classic social contracts and calls this "the original position." Rawls described it as "a device of representation or, a thought experiment for the purpose of the public-and self-clarification."¹⁹

The original position takes place by people gathering to determine the principles of justice.²⁰ In Rawls' view of the liberal individual, participants in the assembly are equal, free, rational individuals and moral personalities. Individuals whose faces are covered with the veil of ignorance lack some information about themselves and their surroundings. Individuals cannot even know their welfare. This includes his social status, abilities, gender, desires, religions, beliefs, race, ethnic group, intelligence,

16 Michael J. Sandel, *Liberalism and the Limits of Justice* (Cambridge University Press 1998) 27.; Frank Lovett, *Rawls's A Theory of Justice: A Reader's Guide* (Continuum I P G 2011) 7.

17 Rawls, *A Theory of Justice* (n 11) 3.

18 *ibid* 11.

19 Rawls, *Justice as Fairness: A Restatement* (n 10) 11.

20 *ibid* 17.

inclinations, or what makes him happy, and not even the economic situation of his society.²¹ The original position must be independent of contingencies within the basic structure—the features and circumstances of persons. Thus, the conditions of a fair contract between free and equal persons are provided by getting rid of the bargaining advantages that inevitably arise with social and historical tendencies in any society.²²

From the beginning, Rawls makes two assumptions about rational individuals who will agree. First, these individuals aren't jealous by nature and at the same time are not altruistic. What they are interested in is maximizing their good. Secondly, these individuals do not like to take risks. Thinking about the worst possible case behind a veil of ignorance, they strive to draw out the best possible case. Since individuals do not know their chances, they will choose the principles that maximize the situation of those who are the least well-off from among the alternatives presented to them in a situation of uncertainty. Here, Rawls proposes a “maximizing” strategy. That is, when we fall into the worst situation, it is a rational choice to increase what we can get to a maximum. According to Rawls, this situation resembles reasoning based on the assumption that your worst enemy will decide what place you will obtain in society. This setup was arranged so that the principles of justice preferred by Rawls would be chosen. The veil of ignorance is so thick that rational individuals cannot acquire information about facts that can affect their choices and thus will prefer the principles of justice as fairness.²³

As required by *the veil of ignorance*, these individuals who have limited information choose based on their interests in the principles of justice which may also be the best for others.

This is, in fact, the concept of “justice as fairness”: the idea that essential regulative principles (principles of justice) can be derived from the consideration of a situation in which certain opportunities to pursue self-interest by advocating one principle rather than another have been eliminated (conditions of fairness).²⁴

In the initial situation, individuals finally agree on certain social rules and institutions and, under the veil of ignorance, choose the basic structure of society that they consider just.

21 Rawls, *A Theory of Justice* (n 11) 136–138.; Rawls, *Justice as Fairness: A Restatement* (n 10) 15.; Maimon Schwarzschild, ‘Constitutional Law and Equality’ in Dennis Patterson (ed), *A Companion to Philosophy of Law and Legal Theory* (2nd ed., Blackwell Publishing) 169.; Norman P. Barry, *An Introduction to Modern Political Theory* (3rd ed., The Macmillan Press Ltd 1995) 10.; Samuel Gorovitz, ‘John Rawls: A Theory of Justice’ in Anthony de Crespigny and Kenneth Minogue (eds), *Contemporary Political Philosophers* (Dodd, Mead Company 1975) 278.

22 Rawls, *Justice as Fairness: A Restatement* (n 10) 16.

23 Rawls, *A Theory of Justice* (n 11) 152–153.; Barry (n 21) 88–89.; Raymond Wacks, *Understanding Jurisprudence: An Introduction to Legal Theory* (3rd edn, Oxford University Press 2012) 221–227.

24 Barry (n 21) 2.

3. Principles of Justice

Rawls states that the framework of justice as fairness is a democratic society. So, what are the principles of justice that fit into a democratic society as a fair system of social cooperation? The basic social and economic inequalities or differences in the life prospects of citizens are influenced by their social origins, their innate talents, their educational opportunities, and their good or bad fortune over a lifetime. According to Rawls, these inequalities are his primary concern.²⁵ The search for a principle to address these inequalities invokes the deepest convictions about equal fundamental rights and liberties, the just value of political liberties, and fair equality of opportunity. From the sphere of distributive justice in the narrower sense, one can see whether a suitable distributive principle emerges from these deeply held convictions, given their essential elements in the original position as a means of representation. Rawls uses “the idea our firmest considered convictions about the nature of a democratic society as a fair system of cooperation between free and equal citizens —as modeled in the original position to see whether the combined assertion of those convictions so expressed will help us to identify an appropriate distributive principle for the basic structure with its economic and social inequalities in citizens’ life-prospects.”²⁶

Within societies, there may be deep inequalities. Therefore, such principles of justice should be applied in social institutions so that these inequalities are eliminated through the distribution of rights and freedoms, economic opportunities, and other good things, and a fair society is formed.²⁷ Individuals will be presented with several principles of justice. These are 1) the Conception of justice as fairness, 2) the Utilitarian conception of justice, 3) the Intuitionist conception of justice, 4) the Combined conception of justice made up of utilitarian and intuitionist conceptions, 5) Self interested conception of justice The individuals will try to reach a compromise on the principles of justice by debating them.²⁸

To summarize: The parties in the original position are equal, which means that they all have the same rights in the process of picking principles; they can all offer proposals, provide reasons for their approval, and so on. Clearly, the purpose of these requirements is to represent equality amongst human beings as ethical individuals, as creatures with a sense of their own exact and successful experience of justice. Every man is assumed to have the ability to comprehend and act on whatever principles are chosen. These requirements, along with the veil of ignorance, define justice as the criteria that sensible men and women concerned with advancing their goals would

²⁵ Rawls, *Justice as Fairness: A Restatement* (n 10) 39–41.

²⁶ Rawls, *Justice as Fairness: A Restatement* (n 10) 42.

²⁷ Lovett (n 16) 20.

²⁸ Rawls, *A Theory of Justice* (n 11) 122–124.

agree to as equals were faced with a similar situation. In this way, the principles of justice are determined by equal, free, rational, and impartial people.²⁹

“(a) Each person has the same inalienable claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all; and

(b) Social and economic inequalities are to satisfy two conditions: first, they are to be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefit of the least-advantaged members of society (the difference principle).”³⁰

Rawls says there is a certain ranking as *lexical order* between these two principles. *Lexical order* determines precedence, following, and weighting among the principles. According to this, the one mentioned initially has priority and more weight compared to those that follow. Of the two principles of justice, we will see below, the principle of liberty comes before the principle which arranges economic and social inequalities and was mentioned secondly. Even if the second principle creates a very very good situation socially and economically if this situation damages the first principle in any way, the first principle has priority, the first principle cannot be violated. The fair opportunity principle (2b) has priority over the difference principle (2a).³¹

a. The First Principle of Justice: Equal Liberty

The first principle in Rawls' system of justice as fairness is related to the equality and priority of basic liberties. “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.”

We can list the basic liberties included in this principle as follows:

I. Political liberty: When applied to political procedures defined by equal liberty, it can be described as the right to equal participation. Political liberty requires equal participation and the right to choose for all citizens in the making of laws.

II. The second basic liberty is related to the concept of the state of law. Contents of the concept of the state of the law: a) the law means and requires the possible, b) equal treatment of those in equal situations, c) the principle of legality which requires trial according to laws in effect, d) the requirement that judges are fair and impartial and no one can be the judge of his trial just as the principle of the natural judge based on principles. Rawls' state of law concept carries a similar content to other state-of-law

29 *ibid* 19.

30 Rawls, *Justice as Fairness: A Restatement* (n 10) 42–43.

31 Rawls, *A Theory of Justice* (n 11) 302–303.; Rawls, *Justice as Fairness: A Restatement* (n 10) 43. Barry (n 22) 51–52.

conceptualizations. The state of law is “justice as orderliness,” as Rawls says.³² As a result, Rawls specified basic liberties by a list and called them “constitutional essentials”; “freedom of thought and liberty of conscience; political liberties (for example, the right to vote and to participate in politics) and freedom of association, as well as the rights and liberties specified by the liberty and integrity (physical and psychological) of the person; and finally, the rights and liberties covered by the rule of law.”³³

According to Rawls, basic liberty which is based on the first principle can only be restricted in the name of liberty itself. This restriction can be to ensure this one or another liberty and to better arrange the system of liberties. No matter how these liberties are arranged to establish a consistent system, the system must be equally guaranteed for all citizens.³⁴

According to Rawls, the value of basic liberties will be under threat as long as there are inequalities among citizens in terms of power and welfare. Thus, social, and economic inequalities must be arranged to everyone’s advantage in line with the principles of justice and the second principle of justice provides this. The second principle of justice is aimed at protecting the existence of the first.

b. The Second Principle of Justice Equality of Opportunity and the Difference Principle

The second principle:

(b) Social and economic inequalities are to satisfy two conditions: first, they are to be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they are to the greatest benefit of the least-advantaged members of society (the difference principle).

With this principle, Rawls wanted to find a solution to the problem of sharing that arose with the liberal claim that there are not enough resources for everyone in the world. This principle is about distributive justice, the distribution of income and wealth along with the distribution of personnel in organizations that have different responsibilities and powers, and it is a special principle in the sense that when applied together it has been put forward as an alternative to utilitarianism.

1) Equality of Opportunity

Equality of opportunity, according to Rawls, is an important tool in removing inequalities among people but is not sufficient. In the initial situation, there are

32 Barry (n 21) 35.

33 Rawls, *Justice as Fairness: A Restatement* (n 10) 44, 47.

34 John Rawls, ‘Basic Liberties and Their Priority’, *The Tanner Lectures on Human Values* (1981) 9 <https://tannerlectures.utah.edu/_resources/documents/a-to-z/r/rawls82.pdf 10/01/2022.> accessed 10 January 2022.

uncertainties which include the family one is born to or abilities one is born with. People cannot choose them, they are born with them, thus have deserved neither the wealth of their families nor their abilities. Therefore, a “fair” society must eliminate inequalities caused by such undeserved advantages. Providing everyone with the education that will provide them the opportunity to best utilize their capabilities and develop themselves is in that sense a requirement of justice.³⁵

Rawls sees the “equality of opportunity” concept which does not take into consideration people’s backgrounds as insufficient and unstable. Therefore, people who achieve success in life due to conditions and capabilities they were born into, should not gain all the rewards from their successes and should share their endowments with those less fortunate. Distribution should be made from the wealthy toward the least advantaged through taxation and some other ways.³⁶

According to Rawls, fair equality of opportunity necessitates not only that social and public positions be accessible in a formal sense, but also that everyone should have an equal opportunity to obtain them.³⁷ So besides providing equality of opportunity, a just society should also provide an equal ground for the use of equality of opportunity. Some measures have to be taken for people to be treated fairly in a society based on just cooperation. To achieve this, inequalities that arise from natural and social differences should be compensated. A compensatory mechanism does not function by removing the differences people have, but by managing these differences in favor of the most disadvantaged.³⁸

In Rawls’ theory of justice, compensation for inequality does not mean everyone is absolutely equal. Some inequalities might be legitimate; however, this situation can be present if and only if the inequality gives a result in favor of *the least advantageous*. Thus, the acceptance of societal inequalities depends on the precondition of favoring the least advantageous.³⁹

2) Difference Principle

Rawls points to inequalities stemming from natural talents. No one deserves to be born handicapped or have an IQ level of 140, any more than one deserves to be born into a certain gender or race. Just as it is not fair for people’s destinies to be determined by their class, race, etc. characteristics, undeserved inequality emerging from situations like disability, intelligence, a handicap is also not fair. Therefore,

35 Lovett (n 16) 52.

36 Rawls, *A Theory of Justice* (n 11) 75.; Will Kymlicka, *Contemporary Political Philosophy* (2nd edn, Oxford University Press 2002) 59.

37 Rawls, *Justice as Fairness: A Restatement* (n 10) 43.

38 Kymlicka (n 36) 70–71.

39 Rawls, *A Theory of Justice* (n 11) chapter II, V.

distributing shares according to random conditions such as natural talents and social conditions means leaving ethical demands to chance, something Rawls objects to on grounds of undeserved inequality.⁴⁰

The principle of liberal equality seeks a way to remove the inequality created by nature and thus, tries to transcend and correct formal equality of opportunity. The aim is to eradicate social and cultural inequalities in a sort of “fair meritocracy” with equal opportunities in education, certain redistribution policies, and other social reforms. The targeted ideal is for everyone to have an “equal beginning.” This in turn will provide an opportunity for success to people who have similar abilities and capacities from birth and try to carry them into life, independent of their places in a social system and their classes. This way, equal culture, and success can be achieved for those with similar motivations and talents in every sphere of society. According to Rawls, the expectations of people who have similar abilities and wishes should not be affected because of the class they were born into. Rawls denies the thought of ethically deserving on two grounds: First, the talent someone has is not solely a work of that person’s efforts. Secondly, what a society value emerges arbitrarily. That is why arbitrarily rewarding a talent based on that society’s demand and supply conditions is not accepted by Rawls.⁴¹

People whose natural talents bring them success in life, should not take all the rewards of those successes and should share the boons they receive from them with those who are less fortunate than themselves.⁴²

For instance, a doctor receiving a very high salary can be accepted as legitimate only if it brings the worst-off member of society to a better position than would be under an absolute equality situation. Because every participant will seek to further his interests rationally, he or she will prefer a situation in which everyone is equal but gets less of the social share to a situation where inequalities work in everyone’s favor. The phrase “inequalities in income and wealth are to be arranged for the greatest benefit of the least advantaged” simply means that we should compare schemes of cooperation to determine which one makes the least advantaged the most well-off.⁴³ From there, we should choose the scheme that makes the least advantaged better off than any scheme. For example, let’s assume that everyone receives 10 units of

40 Rawls, *A Theory of Justice* (n 11) 102-104.

41 Michael J Sandel, *Justice: What’s the Right Thing To Do?* (Cambridge University Press 1998) 140–166.; David Rubinstein, ‘Capitalism, Social Mobility, and Distributive Justice’ (1993) 19 *Social Theory and Practice* 183, 184–185.

42 Rawls, *A Theory of Justice* (n 11) 277–278.. There are quite a lot of questions about the applicability of the redistribution Rawls proposes in real life. In a society, the poor are far too many, especially in certain communities. For example, a big majority of blacks in the US whom Rawls was considering when he devised his theory live in poverty and it can be said that whites are not all that willing for transfers to the blacks through taxes or that immigrants do not receive strong support from the peoples of countries they migrate to. Hence, it seems quite difficult that the rich to make transfers to the poor for the second principle of justice to apply. Serge-Christophe Kolm, *Modern Theories of Justice* (MIT Press 2002) 207.

43 Rawls, *Justice as Fairness: A Restatement* (n 10) 59.

income in an absolute equality situation. When inequalities are permitted, if some people earn more than 10 units through some methods and as a result some others get less than 10 units, this is unfair. However, in the second distribution, if some earn 40 units of income and others 20 units and no one falls into a worse situation because of this distribution than in absolute equality, participants will prefer the second distribution in the beginning state. This distribution is, at the same time, legitimate and fair. Because once the veil of ignorance is lifted, participants will know that there is a situation in their favor relative to the absolute equality situation, even when they got less share.⁴⁴ There is no reason for any rational person to choose the first way of distribution and this is confirmatory of the difference principle.

When we look at who “the least advantaged” are, we realize that Rawls uses the concept of the least advantaged to refer to the least advantaged class, not singular individuals. Secondly, this class is determined according to wealth and income situation. In Rawls’ theory, “only and only the typical representatives of the lowest income group is meant” by the class he refers to as “the least advantaged.” This class will be considered when the distribution is made. Here it is not possible to avoid a certain arbitrariness according to Rawls. One way is to pick out a specific social position, such as an unskilled laborer, and then count as least advantaged all those who have the average earnings and wealth of that team or less. The expectation of the lowest consultant is defined as the average of this entire class. Another alternative is a definition based totally on relative income and wealth, except reference to social status. Thus, all humans with much less than half of the median profits and wealth can be considered the least advantaged segment. This definition refers only to the bottom half of the distribution and has the benefit of drawing attention to the social hole between those who have the least, and the common citizen. This gap is certainly a critical feature of the scenario of the less advantaged members of society. I think that one of these definitions, or a mixture of them, will suffice.⁴⁵

Rawls has been heavily criticized on this point. With the method he uses, individuals’ and groups’ physical disadvantages are not taken into consideration, so people in true need are overlooked.⁴⁶

4. Application of the Principles of Justice

Applying the two justice principles in a society is one of the crucial points of Rawls’ theory of justice. In any society, there are always disagreements about the laws, and everyone will think at least some of the laws are bad or unjust. What is to make the

44 Rawls, *A Theory of Justice* (n 11) 311.

45 *ibid* 98.

46 Barry (n 21) 173–183.

coercive enforcement of these, and other laws legitimate in the eyes of citizens? In political theory, legitimacy is often construed as the popular acceptance of political power and laws. But for Rawls not just any popularly accepted law or exercise of political power can be legitimate (laws denying basic liberties to minorities are not, for example).⁴⁷

“For Rawls, a condition of laws’ legitimacy is that they stem from a just, or at least nearly just, democratic constitution. But legitimacy is not the same as justice. For laws can be just and still not be legitimate. Just laws for Rawls accord with principles and a constitution that would be agreed to by hypothetical parties in the original position and the ensuing four-stage sequence.”⁴⁸

Idealized procedures are one of the basic elements of the theory of justice. These procedures are made up of four sequential stages. In the initial stage, principles of justice are selected while the following steps are about the application of the principles of justice to the constitution, legislation, and individual cases. Hence, a clearer notion emerges on how to implement laws and policies within the framework of general facts in society.

After the initial stage, which is the designation of the principles of justice, whether these principles will succeed under non-ideal conditions, in other words, a real situation, must be studied.

The second stage which follows the designation of the principles of justice is to make a constitution. In this phase, related parties meet to establish a constitutional system that will regulate the authorities of ruling powers and the basic rights of citizens. Now that the principles of justice have been specified, the veil of ignorance lifts partially. Those attending this meeting are not yet aware of their social status, natural talents, or their good understanding. But they possess knowledge about their society. They know the natural conditions and resources of their society, its economic situation, political culture, and similar things. Under these conditions, they will establish a constitution that will meet the principles of justice.

The fourth stage is that of the judiciary. This stage is carried out by judges and administrators and the people, in general, abide by these rules. Besides, the veil of ignorance is now fully lifted, and everyone can access all the information.

Thus, the principles of justice become applicable in the institutions of society.⁴⁹

47 Rawls, *A Theory of Justice* (n 11) 195–201.

48 Morgan Freeman, ‘Introduction: John Rawls – An Overview’, *The Cambridge Companion to Rawls* (Cambridge University Press 2003) 38.

49 Rawls, *A Theory of Justice* (n 11) 195–201; See also Rawls, *Justice as Fairness: A Restatement* (n 10) 48;

C. Can Rawls' Model of Distributive Justice Become a Cure for Poverty? Criticisms of the Theory

The model of justice proposed by Rawls, which we can call distributive, includes many procedures such as the original position and the veil of ignorance. For Rawls, the application of the principles of justice as a result of following these procedures together with a just process means the realization of justice. However, even though the model proposed by Rawls seems to work in design, it has been criticized from both theoretical and practical perspectives. The criticisms of the principles of equality of opportunity and difference, which constitute the second principle of justice that realizes distributive justice, are discussed below.⁵⁰

Rawls explains the difference principle as follows:

“The difference principle gives some weight to considerations singled out by the principle of redress. This is the principle that undeserved inequalities call for redress; some inequalities of birth and natural endowment are about undeserved inequalities; and since some inequalities of birth and natural endowment are undeserved, these inequalities are to be somehow compensated for. Thus the principle holds that to treat all persons equally, to provide genuine equality of opportunity, society must give more attention to those with fewer native assets and those born into the less favorable social positions. The idea is to redress the bias of contingencies in the direction of equality.”⁵¹

Now the difference principle does not require society to try to compensate for disadvantages as if every man were expected to compete on an honest basis in the same contest. But the requirement of distinction would allocate resources for education in such a way as to enhance the long-term opportunities of the least advantaged. If this purpose is achieved by giving a greater interest to the better off, it is permissible; otherwise, it is not. And in making this decision, the cost of education must not be judged solely in terms of monetary effectiveness and social welfare. Equally important, if not more so, is the role of education in enabling people to participate in the way of life of their society and to take part in its affairs, thus giving each person an infallible sense of his or her worth.⁵²

Brian Barry criticizes Rawls' principles aimed at economic inequalities from various aspects. He asserts that fair equality of opportunity is by itself a hollow principle. Because in liberal societies, there is no obstacle in applying for a position anyway. What should be the subject of discussion is related to the background; a good education, providing the learning of a foreign language, etc. qualifications are conditions that are prepared by families. That is why citing fair equality of opportunity among the principles of justice is not important by itself concerning the distribution of

50 Wacks (n 23) 221–227. In his book, Wacks summarizes his criticisms toward Rawls under seven titles. Just as Wacks specifies, each title of critique requires a detailed elaboration.

51 Rawls, *A Theory of Justice* (n 11) 100–101.

52 *ibid* 101.

goods. The background is mainly about tangible income. Poverty remains prevalent even when a society is industrialized. The main reasons for poverty are considered to be having children, being sick, being unemployed for long periods, being old or handicapped. Rawls' point of view considers the individual representing the worst-off situation is not in a position to bring a solution to these problems. Because the government should make a special effort in such cases even if there is a growth in welfare.⁵³ Some problems cannot be overcome through increases in individual welfare, they must be addressed and resolved at a social level and the organized power of government is needed to tackle such problems.

Kymlicka criticizes the difference principle for its insensitivity to choice. Take, for example, two people who live in the same social circumstances and have similar talents. One of them wants to play tennis and lives on a farm big enough to buy a tennis court and live the life he wants. The other person buys a garden about the size of a tennis court and, after working hard, achieves a good harvest in a short period. Although both start under equal conditions, the gardener increases his income within a short time. The tennis player, on the other hand, may earn an income just sufficient to continue playing tennis. According to the difference principle, this inequality is only permissible if the worst-off person benefits. The tennis player should benefit from the income, so the government should transfer some of it to the tennis player to equalize their incomes.⁵⁴ Resorting to taxes to equalize these two people seems intuitively wrong. For although the initial conditions were identical, they made different choices and did what they wanted to do. The gardener tried to work hard to earn more, while the tennis player preferred to work less and play tennis. Assuming that the choices were made under free circumstances, we would penalize the gardener's lifestyle and income in favor of the tennis player.

“Rather than removing a disadvantage, the difference principle simply makes the gardener subsidize the tennis player's expensive desire for leisure. The gardener has to pay for the costs of her choices-- i.e she forgoes leisure to get more income. But the tennis player does not have to pay for the costs of his choice-- i.e. he does not forgo income to get more leisure. The tennis player expects that the gardener pays for the costs of her own (in a sense the tennis player's) choices and also subsidize his choice. Rawls' theory also requires this. That does not promote equality, it undermines it. He (tennis player) gets his preferred lifestyle (leisureful tennis) plus some income from the gardener's taxes. While the gardener gets her preferred lifestyle (income-producing gardening) minus some income that is taxed from her. The gardener must give up part of what makes her life valuable so that the tennis player can have more of what he finds valuable. They are treated unequally in this sense, for no legitimate reason.”⁵⁵

⁵³ Barry (n 21) 50–51.

⁵⁴ Kymlicka (n 36) 72–75.

⁵⁵ *ibid* 73.

If income differences are the result of choices rather than circumstances, the application of the difference principle creates inequality. Treating people with equal concern requires that they pay for the costs of their own choices. Dworkin's distributional scheme of an "endowment-insensitive" but "choice-sensitive" approach provides a fairer solution to the above example.⁵⁶

Rawls himself also emphasizes that we are responsible for our own choices. This is the reason why his assessment of justice uses the distribution of primary goods as its basis. Rawls says that one cannot conclude that people with expensive tastes should be supported by those with moderate tastes "because we have the capacity to assume responsibility for our own goals." Moreover, people with expensive tastes change their tastes over time based on their income and now believe that their current income cannot be lowered by subsidizing others with expensive tastes. Under Rawls' theory of justice, it is not necessary to subsidize inequalities that result from the outcomes of choices made by an individual within his or her sphere of responsibility. But inequalities that affect a person's life chances should be corrected.⁵⁷ But for all that, the difference principle does not distinguish between inequalities that result from choices and unchosen inequalities. Therefore, the difference principle not only excludes natural and social disadvantages, but also intervenes in inequalities that result from personal choices and efforts.⁵⁸

Michael J. Sandel has also criticized the difference principle from another aspect. For him, the difference principle resembles utilitarianism. In the original position, an individual who lacks some information concerning himself under a veil of ignorance is the "unencumbered self." The unencumbered self cannot assert that he deserves advantages arising from his physical structure and nice behaviors because they are arbitrary factors and are not the basic elements of a person's identity. The unencumbered self does not deserve these characteristics. Still, there is an assumption in Rawls' theory that the advantages an individual has are arbitrary and belong to that individual. This assumption is a continuation of the previous assertion that the fruits of these arbitrary advantages should be shared by society and that the community can demand them. Sandel does not think of this as "natural." Advantages that a person has got through a contingent way are limited in favor of society and detrimental to the individual. Sandel reaches the same conclusion as Barry: The difference principle is actually "a principle of sharing, like utilitarianism."⁵⁹

"If nothing of moral significance could flow from what was arbitrary, then no particular person's existence could be of moral significance since which of the many sperm cells

⁵⁶ *ibid* 72–75.

⁵⁷ Rawls, *A Theory of Justice* (n 11) 96. *ibid* 7.

⁵⁸ Kymlicka (n 36) 72–75.

⁵⁹ Michael J Sandel, "The Procedural Republic and the Unencumbered Self" (1984) 12 *Political Theory* 81.

succeeds in fertilizing the egg cell is (so far as we know) arbitrary from a moral point of view. This suggests another, more vague, remark directed to the spirit of Rawls' position rather than to its letter. Each existing person is the product of a process wherein the one sperm cell which succeeds had been "fairer" as judged by Rawls' standards, that all "inequities" in it had been rectified? We should be apprehensive about any principle that would condemn morally the very sort of process that brought us to be, a principle that therefore would undercut the legitimacy of our very existence."⁶⁰

G. A. Cohen adopts different readings of the difference principle and argues what would happen if the principle were accepted strictly as it is, and what the results would be if it were accepted loosely. According to Cohen, the principle is an argument that justifies inequalities when pecuniary incentives are the primary means. Thus, talented people will produce more and earn high incomes and transfer some of their income to the worst-off. From this perspective, inequalities are a requirement to rectify the circumstances of the worst off. Cohen raises the legitimate question of whether the equality that results when all inequalities are eliminated by the common will of men leads us to the result that everyone is worse off. Continuing this critique, Cohen says that justice requires an ethos and that rules and regulations alone are not enough to achieve it.⁶¹ Because in Rawls' system, the continuity of gains of those who earn more is supported. Cohen emphasizes that it will be quite difficult to convince the worst-off about inequality, that is the difference principle, while there is equality. Trying to give incentives to the talented and fuel inequality instead of working to eliminate inequalities does not seem very acceptable from the viewpoint of the worst-off. It can be pondered that if the worst-off want equality and refuse the difference principle, whatever egalitarians defending the difference principle assert will be meaningless.⁶² In short, under the economic system Rawls tries to defend with his difference principle, the "more talented" will earn more income and the worst-off will approve support for inequalities instead of equality. At the same time, since there is no measure as to how much it will be to the advantage of the worst off, inequality will be accepted as legitimate even when the slightest difference is created. The first topic to be underlined is how this theory legitimizes inequalities.⁶³ Rawls responds to these objections by saying that in practice such results cannot emerge because his principles have a natural tendency towards equality.

"He argues that ... a rise in the expectations of the best-off will have the effect of raising everybody else's expectations throughout the system. This has provoked great hostility from collectivists who say that it is a rationalization of the traditional liberal-capitalist argument that, somehow, people can only gain from an economic process if the better off are allowed freedom to accumulate. Collectivists would argue that the better off are

60 Nozick (n 9) 226.

61 GA Cohen, *If You're an Egalitarian, How Come You're So Rich?* (4th edn, Harvard University Press 2002) 124–133.

62 GA Cohen, 'Incentives, Inequality, and Community', *The Tanner Lectures on Human Values, Stanford University* (1991) 265.; *ibid* 269.; *ibid* 326.

63 Barry (n 21) 181; *ibid* 185.

only able to be successful because of past privileges and class advantages which even a rigorous application of Rawls' fair equality of opportunity can do little to alleviate. ... It is certainly impossible to eliminate all the advantages that some have over others, ... but it may be the case that the preservation of the more serious inequalities is a product of the granting of privileges by *political* authorities, rather than an endogenous feature of the market system itself."⁶⁴

Cohen confronts this view with another objection:

"the theory constructed in *A Theory of Justice* is proposed for a context of the mutual provision in which, although people's productive powers are different in kind and extent, the activity of each enhances the reward available to all ... the question answered by principles of justice is not: who should (unilaterally) help whom and to what extent? But: how should the fruits of co-operation, a process in which everyone benefits everyone, be divided?"⁶⁵

N.P. Barry directs the same objection brought by Cohen: "On what grounds is it reasonable for the better endowed to have their talents, in a sense, used for the well-being of the least advantaged?" Rawls is prepared for such objections. According to him, social life is a collaborative activity in which the most talented can realize their opportunities only in cooperation with the less talented. This point puts Rawls into the school of social justice because this approach emphasizes the collective dimension of justice, beyond the treatment of individuals within the rules of fair play.⁶⁶ As can be understood from the expressions below, Rawls deals with social justice, which is based on solidarity among the members of the society, with an emphasis on voluntary cooperation.

"To begin with, it is clear that the well-being of each depends on a scheme of social cooperation without which no one could have a satisfactory life. Secondly, we can ask for the willing cooperation of everyone only if the terms of the scheme are reasonable. The difference principle, then, seems to be a fair basis on which those better endowed, or more fortunate in their social circumstances, could expect others to collaborate with them when some workable arrangement is a necessary condition of the good of all."⁶⁷

Criticism from a similar point of view is expressed by Schwarzschild. According to him, certain groups, such as the intellectuals and the pious, are persistent in following their good. The rest of the majority, however, want economic success and a better life for their families. Rawls' difference principle, however, restricts limits people in the economic sense. At this point, the talented, fortunate, and ambitious will object to these limitations.⁶⁸

64 *ibid* 105.

65 GA Cohen, *Self-Ownership, Freedom, and Equality* (Cambridge University Press 1995) 224.

66 Barry (n 21) 183.; Rawls, *A Theory of Justice* (n 11) 103.

67 Rawls, *A Theory of Justice* (n 11) 103.

68 Schwarzschild (n 21) 169–170.

D. Structural Reflexes of the Capitalist System During the Pandemic Period

A Marxist critique offers more holistic ways of criticizing Rawls' theory and a separate title. Rawls has no problem with capitalism, classes, and exploitation. His basic problem is to provide and secure a stable, democratic, and liberal society. To put it more clearly, Rawls' theory is based on supporting capitalism and making it work better. Fictional and procedural concepts such as the social contract, the initial state, and the veil of ignorance, which are the fundamental elements of a theory of justice, do not involve the construction of a new order as in the age of Hobbes or Locke, so they only serve to legitimize existing inequalities. A holistic critique of a theory of justice is therefore only possible by criticizing the capitalism on which it is built. As other authors have pointed out, if we look outside the box of Rawlsian theory, which encompasses many procedures and is constantly being revised with a reflexive balance, the first thing we find is convincing the capitalist class to give up their profits and to integrate into this system. This is actually a proposed practice that goes against the nature of the capitalist system. Capitalism constantly has to enable profits for its very existence and cannot adapt itself to such a distribution relationship.⁶⁹ At this point, we can say beforehand to those who will remind the welfare state and/or social state practices that economically and intrinsically capitalism has the capacity to make room for such practices to protect the system itself. But these are only acceptable and applicable as long as they do not push the limits that the system imposes.

The well-ordered society argument will not be enough to persuade capitalists of Rawls' understanding of distribution according to Rawls, a well-ordered society refers to a society built by the public reason of reasonable, equal, and free people, and in which a democratic, overlapping consensus prevails. The economic system envisaged in such a society has a capitalist nature and, at the same time, the principles of distributive justice are expected to be applied.

The construction and continuity of such an order require a high level of economic prosperity in the country. This, in turn, involves extracting surplus value from other countries, in other words, exploiting them. Rawls, in his work "The Law of Peoples", tries to realize justice as fairness in the international sphere. He mentions five types of domestic societies: 1. reasonable liberal peoples, 2. decent peoples, 3. lawless states, 4. societies burdened by unfavorable conditions, 5. benevolent absolutisms. With the exception of reasonable liberal peoples and decent peoples, according to Rawls, these peoples do not participate in the creation of justice⁷⁰

⁶⁹ Falling profit rates and slowing/stopping of capital accumulation are structural features of capitalism. The "Capitalist Crisis" drives small capitalists into bankruptcy and recruits them into the army of the unemployed/workers. Large capitalists and capital groups usually grow larger after the crisis. In addition, some of the workers become unemployed in times of crisis; workers who still have not lost their jobs have to endure lower wages and worse working conditions. But the "Capitalist Crisis" never brings the end of capitalism, that is, it does not destroy capitalism. For a more detailed discussion, the law of falling profit rates can be examined. Karl Marx, *Kapital Cilt: III*, (Yordam Kitap 2015).

⁷⁰ John Rawls, *The Law of Peoples: The Idea of Public Reason Revisited* (Harvard University Press 1999) 4.

It is about laying the groundwork for intervention against liberal and reasonable peoples, peoples who are not considered liberal and reasonable by The Law of Peoples. It is based on the idea that there is a valid reason for intervention against these peoples for a legitimate foundation. According to Rawls, the aggressiveness of unlawful states and their efforts to solve their problems by force are sufficient grounds for intervention with them. From the thinker's point of view, lawless states are aggressive and dangerous; even if they do not have such characteristics, they could only get to that level by force and pressure. The conclusion is that lawless states should not be negotiated with because they have aggressive and violent tendencies and that they should be intervened with, even by way of war. However, it is criticized for reflecting only the perspective of decent and liberal peoples. Rawls' point in The Law of Peoples is that interfering with others can be justified. The limits of this interference are very uncertain, leaving the door open for the powerful countries to politically and economically exploit others that are not reasonable, liberal, and decent to secure prosperity at home. Under these conditions, argues Rawls, a well-ordered society can maintain the just order by confiscating surplus value (I would also point out that this does not mean that exploitation within the country has ended). This interpretation, which sounds like a fictional story, is indeed telling of globalized neoliberalism. However, as Wallerstein said, from the beginning the world capitalist economic system has taken the form of "central capitalist countries" and "peripheral capitalist countries" from the moment it first emerged, and the transfer of wealth and power from the periphery to the center has occurred and continues to occur through various mechanisms. While this transfer enriches the center, it impoverishes the periphery. The powerful capitalist states of the center play a crucial role in the regular functioning of this flow. Therefore, the central capitalist countries are in the position of the exploiters and the peripheral capitalist countries are in the position of the exploited.⁷¹

There are other objections related to the framework I mentioned above. It is clear that capitalism not only does not allow the sharing of profit, but also considers extraordinary circumstances such as war, natural disasters or epidemics as opportunities to make even more profit. The giant monopolies have made enormous profits in the last two years, thanks to the practices carried out under the so-called pandemic measures and the trillions of dollars were distributed under one name or another. However, those who earn a living from their work around the world have gone through, and are still going through, a great process of impoverishment during this time. The experience of vaccines during the pandemic is proof that capitalism never cared about humanity. A cure for the disease was found, but it was not properly applied. The failure of the

71 *ibid.* See also, Immanuel Wallerstein, *The Capitalist World-Economy* (Cambridge University Press 1980) 1–25. Also the center-periphery relationship produces the development-underdevelopment relationship along with it. As the center develops, underdevelopment develops in the periphery. Therefore, the development-underdevelopment relationship is a product of the capitalist system.

Covid 19 vaccine distribution is another example of the Rawlsian theory of justice being unworkable due to capitalist profiteering. These vaccines are distributed very unevenly around the world. While less than 1% of people in low-income countries have received their first vaccination, in many wealthier countries more than half of the population has already been fully vaccinated. Therefore, despite the availability of 17 vaccines and the administration of more than three billion doses, millions of the most vulnerable people, such as frontline health and social care professionals and other individuals with underlying health conditions, remain unprotected.⁷² Despite this, giant pharmaceutical companies are still not sharing the necessary information about the vaccine, creating an obstacle for anyone who wants to get the vaccine.

The development of AstraZeneca's vaccine most strikingly recapitulates the situation. The technology for this vaccine was developed by a publicly funded laboratory at the University of Oxford, with an analysis of more than 100 studies published between 2002 and 2020. It was also considered and announced at the outset as an open-license vaccine that could be used free of charge by any manufacturer. However, eventually, it has become a vaccine to which AstraZeneca owns the rights. The Gates Foundation, which donated \$750 million to Oxford for vaccine development, forced the university to sign a special vaccine agreement with AstraZeneca, and through the influence of this "philanthropic" capitalist, the vaccine, which was to be distributed to the world at very low prices, became the property of the giant drug monopoly AstraZeneca.⁷³

The pandemic conditions in which humanity finds itself in a very difficult situation have created the most likely opportunity to observe Rawls' theory of justice as fairness, even if it is not in its ideal state. It is clear that those who are already poor, those who are unemployed in the process, and those who for various reasons have difficulty meeting their basic needs are the most disadvantaged segment of society. Again, according to Rawls' theory of justice, justice as fairness is realized through a transfer from the advantaged to the disadvantaged. As I mentioned above, Rawls did not answer the question of how to persuade the rich to do this. For my part, I suppose it is reasonable to expect the rich to participate in a pandemic like Covid by ceding some of their profits. However, the reports, articles, and statistics published by Oxfam show otherwise.

72 Also see 'Monitoring Metrics Related to the Global Covid-19 Vaccination Strategy in a Changing World: July 2022' (2022) Meeting Report <<https://www.who.int/publications/m/item/monitoring-metrics-related-to-the-global-covid-19-vaccination-strategy-in-a-changing-world--july-2022-update>>.

73 Jayati Ghosh, 'The Political Economy of Covid-19 Vaccines' *The India Forum* (3 March 2021) <<https://www.theindiaforum.in/article/political-economy-covid-19-vaccines>> accessed 15 October 2022., see also 'They Pledged to Donate Rights to Their COVID Vaccine, Then Sold Them to Pharma' <<https://khn.org/news/rather-than-give-away-its-covid-vaccine-oxford-makes-a-deal-with-drugmaker/>> accessed 17 October 2022.. "The answer to one of the most important public health questions of our time — who gets access to vaccines? — was mostly determined neither by political representatives nor scientists, but by corporate executives." Zain Rizvi, 'Reclaiming Global Public Health' <<https://blog.petrieflom.law.harvard.edu/2022/09/20/reclaiming-global-public-health/#more-31291>> accessed 18 October 2022.

Lockdowns, restrictions on freedom, discussions about the possibility of denying medical care, and numerous other changes in people's everyday behavior have been triggered by the COVID -19 pandemic. The pandemic shines a spotlight on a host of important justice issues that will require our attention for some time to come.

The COVID -19 pandemic has brought to light a sickening underbelly of the neoliberal economic model and brought into striking contrast the increasing inequality that characterizes our societies.

One of the striking results is that inequalities are much deeper during the Covid period;

“The rise in private wealth has also been unequal within countries and at the world level. Global multimillionaires have captured a disproportionate share of global wealth growth over the past several decades: the top 1% took 38% of all additional wealth accumulated since the mid-1990s, whereas the bottom 50% captured just 2% of it.

This inequality stems from serious inequality in growth rates between the top and the bottom segments of the wealth distribution. The wealth of richest individuals on earth has grown at 6 to 9% per year since 1995, whereas average wealth has grown at 3.2% per year. Since 1995, the share of global wealth possessed by billionaires has risen from 1% to over 3%. This increase was exacerbated during the COVID pandemic. In fact, 2020 marked the steepest increase in global billionaires' share of wealth on record.”⁷⁴

In the other study published by Oxfam, titled “Power, Profits and the Pandemic”, it is predicted that the 32 most profitable companies in the world will make 109 billion more profit in 2020 than in previous years, while 400 million people have lost their jobs.

I would like to support my theses with a long quote from the Oxfam article:

“Oxfam analysis demonstrates the extent to which some companies are making excessive profits during the pandemic. Studying the financial statements of the most profitable firms across the USA, Europe, Japan, South Korea, Australia, Brazil, India, Nigeria, and South Africa, Oxfam found 32 companies are expected to make considerably more in 2020 than in previous, very profitable years. In fact, 32 of the world's most profitable companies are together expected to rake \$109bn more during the pandemic than the average of the four previous years, which were already quite profitable. As many of the world's billionaires are also some of the largest shareholders in these companies, the 25 wealthiest billionaires increased their wealth by a staggering \$255bn between mid-March and late-May alone.

Some would argue that corporates have made up for this with their tax payments and the generosity of their philanthropy, but the evidence does not support this. To the contrary, the US government is estimated to have lost around \$135bn in revenue due to corporate tax avoidance in 2017. In contrast, corporate philanthropy has amounted to less than

74 'World Inequality Report 2022' <<https://wir2022.wid.world/executive-summary/>> accessed 15 October 2022.

\$20bn a year. Similarly, in India, companies' \$6bn corporate social responsibility contributions pale in comparison to the estimated loss of \$47bn in government revenue due to corporate tax avoidance annually.

At a global level, Oxfam analysis has found that the world's largest companies' donations during COVID-19 on average amounted to 0.32% of operating income for 2019 and thus do not constitute an adequate contribution considering the financial costs of this crisis and the extent of corporate profits.⁷⁵

According to the "World Inequality Report 2022", wealth disparities around the world are more pronounced than income disparities. With only 2% of the world's wealth in their possession, the poorest half of the population has virtually no money. In contrast, 76% of the world's wealth is owned by the richest 10% of people. The lower 50% of people own an average of \$4,100, while the richest 10% own \$771,300.⁷⁶

One of the main conclusions of this report is that inequality is not inevitable, but a political choice. According to the report, income and wealth inequality has increased almost everywhere since the 1980s as a result of a series of deregulation and liberalization initiatives that have taken different forms in different countries.⁷⁷

In conclusion, I can briefly summarize the situation as follows: Capitalism will never give up its profits. It only carries out social democratic or welfare state practices such as ensuring its own continuity and preventing crises of capitalism. That's why Rawls' theory of justice is a theory that has no reality under capitalism, and so I think it creates an ideology of the benevolence of capitalism while at the same time legitimizing inequalities.

III. Conclusion

Criticism of Rawls' model of justice is not limited to the above. The fact that Rawls' views on justice are still intensely debated is due to the dire state that inequalities have reached in our world today.

Rawls seeks an answer to the question of how people can live in peace and tranquilly within a liberal order in a pluralistic society. Therefore, the theory of justice aims to create a "pluralistic and tolerant" society in which different good and cultures can coexist.

It has long been known that liberalism alone cannot achieve equality among classes. The legitimacy of liberalism is even more questioned in today's conditions where the gap between rich and poor has become a chasm. In this context, Rawls

75 Uwe Gneiting, Nicholas Lusiani and Irit Tamir, 'Power, Profits and the Pandemic' (Oxfam GB for International 2020) <<https://www.oxfam.org/en/research/power-profits-and-pandemic>>.

76 'World Inequality Report 2022' (n 70).

77 *ibid.*

presents the question of how wealth should be distributed in a liberal society as a problem of justice.

In his theory of “justice as fairness,” which seeks to reconcile liberty and equality, Rawls tries to overcome conflict over limited resources by viewing social collaboration as justice. Limited resources and different plans that each individual wants to realize for a good life are necessary to achieve social collaboration. The concept of justice is not limited to income distribution. According to him, the basic structure of society is the primary object of justice. Social institutions are essential for people to have a fair starting position.

According to the difference principle, which is crucial in Rawls' theory of justice, “social and economic inequalities should be for the greatest benefit of the least advantaged members of society.” In some ways, this looks like a principle that protects the most disadvantaged, but it is a guarantor of the capitalist system. In other words, this conception of justice does not eliminate inequalities but minimizes conflicts for the continuation of the system. It tries to create “justice as fairness” without tearing down the limits of liberalism but also taking into account the ever-deepening gap between classes.

Since the COVID-19 pandemic, which disrupted and changed the daily lives of people all over the world, debates on justice came to the forefront on issues such as lockdowns, restriction of freedoms, the right to refuse medical treatment, and compulsory vaccination. With people's health and well-being under threat, it was necessary to ask whether Rawls' theory of justice could be a solution to these problems. Poverty is not only low monetary income but also not being able to access basic human requirements, medical treatment, education and employment

To quote a report published on January 17 by Oxfam: “The wealth of the world's 10 richest men has doubled since the pandemic began. The incomes of 99% of humanity are worse off because of COVID-19. Widening economic, gender, and racial inequalities—as well as the inequality that exists between countries—are tearing our world apart. This is not by chance, but choice: “economic violence” is perpetrated when structural policy choices are made for the richest and most powerful people. This causes direct harm to us all, and to the poorest people, women, and girls, and racialized groups most. Inequality contributes to the death of at least one person every four seconds.”⁷⁸

In the coronavirus pandemic, all kinds of inequality, especially income inequality, became an important indicator of who will get to live and who will die. If millions of people had access to the vaccine, they would not have died. In this period, it was

78 ‘Inequality Kills’ <<https://oxfamlibrary.openrepository.com/bitstream/handle/10546/621341/bp-inequality-kills-170122-en.pdf;jsessionid=287BCECEE53DE85B319E0C548F97C087?sequence=9>> accessed 19 January 2022.

observed yet again that capitalism never misses an opportunity to turn disasters into profit. Rawls' distributive justice theory is not practically applicable under capitalism. However, even though this theory does not have a way to achieve justice but has its importance by keeping the pursuit of justice alive.

Peer-review: Externally peer-reviewed.

Conflict of Interest: The author has no conflict of interest to declare.

Financial Disclosure: The author declared that this study has received no financial support.

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