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John Rawls' Justice As Fairness: A Political Conception

Politik Bir Anlayış Olarak John
Rawls'da Hakkaniyet Olarak
Adalet

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John Rawls' Justice As Fairness: A Political Conception

Abstract

The impact of John Rawls' "justice as fairness" in contemporary society is far and wide since it provides an ethos and condition of fairness as the essential factor in the dispense of justice in the public domain. What made Rawls different is the idea that "justice" and "rationality" can motivate people to undertake social cooperation. As society provides the setting for individuation and the pursuit of good, it motivates people to pursue social collaboration because it is good. Considering the fact that pluralism and diversity of worldviews frame the social life of the individual, Rawls uses the approach of political liberalism to decipher the connection between the individual and the state. Rawls' political liberalism presupposes the possibility of shared ideals of justice among different reasonably comprehensive views, and this underlies the basic structure of society and social cooperation. An important aspect of "justice as fairness" is that it does not claim to provide a complete moral or metaphysical doctrine or interpretation of what justice is all about. Instead, "justice as fairness" emphasizes the act of making decisions and choices. Rawls' "justice as fairness" has brought transcendent justice into the domain of human decisions and choices. In this article, a critical assessment of political liberalism is made to justify "justice as fairness as a political concept".

Keywords: Philosophy, John Rawls, Justice, Political Liberalism, Reasonable Comprehensive Doctrines.

Politik Bir Anlayış Olarak John Rawls'da Hakkaniyet Olarak Adalet

Öz

John Rawls'un "hakkaniyet olarak adalet"inin çağdaş toplumdaki etkisi, kamusal alanda adaletin dağıtılmasında temel faktör olarak bir ahlak ve adalet koşulu sağladığı için oldukça kapsamlıdır. Rawls'u farklı kılan husus, "adalet"in ve "rasyonellik"in insanları sosyal iş birliği yapmaya motive edebileceği fikridir. Toplum, bireyselleşme ve iyilik arayışı için bir ortam sağladığı ve faydalar sunduğu için insanları sosyal iş birliğini sürdürmeye motive eder. Çoğulculuğun ve dünya görüşlerinin çeşitliliğinin, bireyin toplumsal yaşamını çerçevelediği gerçeğinden hareketle Rawls, birey ve

devlet arasındaki bağlantıyı deşifre etmek için politik liberalizm yaklaşımını kullanır. Rawls'un politik liberalizmi, farklı makul kapsamlı görüşler arasında paylaşılan adalet ideallerinin mümkün olduğunu varsayar ve bu, toplumun temel yapısının ve sosyal iş birliğinin temelini oluşturur. “Hakkaniyet olarak adalet”in önemli bir yönü, adaletin neyle ilgili olduğuna dair tam bir ahlaki veya metafizik doktrin ya da yorum sağlama iddiasında olmamasıdır. Aksine, “hakkaniyet olarak adalet”, karar verme ve seçim yapma eylemini vurgular. Rawls'un “hakkaniyet olarak adalet”i, aşkın adaleti insani kararların ve seçimlerin alanına getirir. Bu makale, siyasi bir kavramsallaştırma olarak “hakkaniyet olarak adalet”i haklı çıkarmak için siyasi liberalizmin eleştirel bir değerlendirmesini yapmaktadır.

Anahtar Kelimeler: Felsefe, John Rawls, Adalet, Politik Liberalizm, Makul Kapsamlı Doktrinler.

Introduction

Questions about justice, human nature and political issues have been appearing as part of the ongoing discourse on understanding the predicament humanity is in for a long time.¹ In modern society, there is apparently a consensus that pluralism is an integral feature of modern democracy.² This characterization re-imposes two widely linked but still different ideologies, democracy and liberalism.³ The factor that apparently connects these two ideologies is the similarity with which human nature is identified. In liberalism, the individual

¹ Gregg Barak, “People’s justice for everyone”, *Contemporary Justice Review: Issues in Criminal, Social, and Restorative Justice*, 15:2 (2012), 177-180.

² See: G. F. Gaus, “Reasonable Pluralism and the Domain of the Political: How the Weaknesses of John Rawls's Political Liberalism Can be Overcome by a Justificatory Liberalism”, *Inquiry: An Interdisciplinary Journal of Philosophy*, 42:2, (1999), 259-284; A. Gutmann, “Introduction”, In Charles Taylor *et al.* Ed *Multiculturalism: Examining the Politics of Recognition*, (Princeton: Princeton University Press, 1994), 3-24; P. B. Lehning, “The Coherence of Rawls's Plea for Democratic Equality”, *Critical Review of International Social and Political Philosophy*, 1:4, (1998),1-41.

³ K. July Baier, “Justice and the Aims of Political Philosophy”, *Ethics* 99, (1989), 771-791.

claims to be under democracy, proceeding from the moral and ethical basis in which he is located, “the whole force of the community, the person and goods of every associate, and by means of which each, uniting with all, nevertheless obeys only himself, and remains as free as before”.⁴ In this regard, the free, rational, and autonomous individual are the main qualities of the human personality. But these qualities raise the question of “how liberal foreigners (free and rational individuals) can be transformed into democratic citizens?”

Considering the fact of pluralism and diversity of worldviews framing the social life of the individual, John Rawls uses the approach of political liberalism to decipher the connection between the individual and the state. “In the face of this reality, one cannot maintain a position of indifference towards the state and as long as the vast terrain of social relationships and communities existing *alongside* the individual... the state is not taken into account.”⁵ “This is simply denying the veracity of the public domain composed of people with different perspectives and world views, but nonetheless, capable of some forms of social cooperation, which is problematic.”⁶ . Rawls' political liberalism presupposes the possibility of shared ideals of justice among different reasonably comprehensive views, and this underlies the basic structure of society and social cooperation.⁷

In this article we will make a critical assessment of political liberalism in order to legitimize the political conceptualization of

⁴ J-J. Rousseau, *Of the Social Contract & Discourse on Political Economy*, 1762; 1755. trans. Charles M. Sherover, (New York: Harper, 1989), 1 ch 6.

⁵ J. Chaplin, “Beyond Liberal Restraint: Defending Religiously-Based Arguments in Law and Public Policy”, *University of British Columbia Law Review*, 33:3, (1994), 81.

⁶ Lehning, “The Coherence of Rawls's Plea for Democratic Equality”, 1-41.

⁷ Lehning, “The Coherence of Rawls's Plea for Democratic Equality”, 1-41.

"justice as fairness". To achieve this, the article will be divided into five sections. To clarify the issue raised in this research, the critical concepts required in each section will be discussed. In the first section A brief explanation of "justice as fairness" will be given to help understand Rawls' view of justice. Similarly, it serves as a stand for understanding how Rawls' political liberalism justifies "justice as fairness as a political conception." In the second chapter, a broader coverage will be given to the theory of "reasonable comprehensive doctrines" and the concept of "overlapping consensus", both of which are fundamental to understanding the condition of pluralism that constitutes Rawls' main concern: "How is it possible for there to exist over time a just and stable society of free and equal citizens, who remain profoundly divided by reasonable religious, philosophical, and moral doctrines"⁸ In the third chapter, political understanding will be discussed. In the fourth chapter, the thesis of the research will be discussed and the rationale of the thesis will be presented. In the fifth part of the article, some criticisms of Rawls' position are discussed. In the conclusion part, the main themes discussed are given together with the author's opinion. As a result, political liberalism offers the political approach of "justice as fairness" and, as such, a valid understanding of justice in a pluralistic global society.

1. "Justice as Fairness": A Brief View

Rawls states, "the fundamental idea in the concept of justice is fairness"⁹ and there are two principles of justice in which fairness is manifested:

⁸ J. Rawls, *Political Liberalism*, (New York: Columbia University Press, 1993), xxvii.

⁹ J. Rawls, "Justice as Fairness: Political not Metaphysical", *Collected Papers: John Rawls*, (New Delhi: Oxford University Press, 1999), 47. Also see Muhammet Caner Ilgaroğlu,

“First, each person participating in a practice, or affected by it, has an equal right to the most extensive liberty compatible with a like liberty for all; and second, inequalities are arbitrary unless it is reasonable to expect that they will work out for everyone’s advantage, and provided the positions and offices to which they attach, or from which they may be gained, are open to all.”¹⁰

These principles of justice are considered part of the vision of a decent society, and they can only be derived from its “original position” under “the veil of ignorance”.¹¹ The “original position” is a hypothetical method formulated by Rawls. It provides a starting point that the principles of justice may have reached. In the "original position", the primitive equality of the parties is defended, even if they come to “the original position” with the idea of following the interests of the parties in the best way, since they do not have information about their identity within the group. In this regard, "the veil of ignorance" does not end the selfish interests of the people, but it acts as a form of limitation to selfishness. As such, through the veil of ignorance, even if the parties are selfish, their selfishness is controlled by the assumption that they are not aware of the results of their desires and pursuits.¹² In effect, as their selfishness is immobilized by "the veil of ignorance", parties in "the original

“Verili Bir Değer Duygusu Olarak Adalet”, *Felsefe Dünyası* 74 (2021), 118-135.
<https://dergipark.org.tr/tr/download/article-file/2048990>

¹⁰ Rawls, “Justice as Fairness: Political not Metaphysical”, 48.

¹¹ P. Mondal, “Justice as Fairness: A Quietist Reading of Rawls”, *Politikon: South African Journal of Political Studies*, 35:1, (2008), 107-127. Also see Nazan Yeşilkaya, “John Rawls ve Robert Nozick’in Adalet Üzerine Düşünceleri”, *Pamukkale Üniversitesi İlahiyat Fakültesi Dergisi* 7 (2020), 480-496.

¹² Mondal, “Justice as Fairness: A Quietist Reading of Rawls”, 107-127.

position" formulate bases of justice on which they will all agree. In this regard, it can be argued that Rawls eliminates selfish motivation and, in turn, creates openness to reaping mutual benefits, which results in the cooperation of the parties in their original position.¹³

In addition, Rawls' "original position" eliminated the notions of emotional justice and instead established the concept of justice derived from people's agreements: "For once we think of moral principles as a legislation for a kingdom of ends, it is clear that these principles must not only be acceptable to all but public as well."¹⁴ From this point of view, Rawls does not deny the perceived selfishness of people, but in this way he has found a way by which it can be overcome and left unmoved. In this sense, "justice as fairness" is an independent conception of political justice that is impartial, as guaranteed by "the veil of ignorance". In this case, the basic structure of justice and society was stipulated, studied, and agreed upon by the parties in "the original position".

An important aspect of "justice as fairness" is that it makes no claim to provide a complete moral or metaphysical doctrine or interpretation of what justice is all about. Instead, "justice as fairness" emphasizes the act of making decisions, choices, and choices as the integral gradient in understanding and achieving justice. Rawls' "justice as fairness" has brought transcendent justice into the domain of human decisions and choices. This has become the procedure adopted by people, as they recognize that natural differences and a multitude of worldviews characterize the human condition, and human nature is primarily selfish. In this context, the "original

¹³ A. K Sen, "The Idea of Justice", *Journal of Human Development*, 9:3, (2008), 331-342.

¹⁴ J. Rawls, *A Theory of Justice*, (Oxford: Clarendon.1972), 252.

position" and the "veil of ignorance" and "justice as fairness" have established the public sphere in which the principles of justice are allowed to be applied. As such, 'justice as fairness' has provided the basis for the supposition that the idea of society is an ongoing and fair system of cooperation from one generation to the next and "the idea of citizens who are free, equal, capable of engaging in social cooperation."¹⁵

From this perspective, "justice as fairness" paved the way for the possibility of making a reasonable agreement more feasible and by rendering the principles of justice; simple and lexicographically. Ordered the balancing of justice is made possible with the attainment of greater consensus becoming more of a reality and not just a heuristic device.¹⁶ As such, "justice as fairness" is "... framed to apply to what I have called the 'basic structure' of a modern constitutional democracy."¹⁷

"Justice as fairness" is only one of the several conceptions of justice, but what it has given is not only the procedure in which the principle of justice arrives, but it has also created the frame in which the distribution of identified primary goods is to be undertaken in the society. In this sense, it creates the assumption that "justice as fairness" can only exist in the case of fairness. This scenario raises concern about how the public sphere, together with its citizens, can pursue justice when differences and plurality infiltrate the reality of the public sphere. In other words, what will bind people to social cooperation, despite the obvious fact of pluralism?

¹⁵ Rawls *Political Liberalism*, 25 -27.

¹⁶ Public Policy", *University of British Columbia Law Review*, 33:3, (1994), 81.

¹⁶ Lehnig, "The Coherence of Rawls's Plea for Democratic Equality", 1-41.

¹⁷ Rawls, "Justice as Fairness: Political not Metaphysical", 389.

2. Reasonable Comprehensive Doctrine and Overlapping Consensus

Rawls attributes reasonableness to people and claims that it is this power that allows people to have political discourse, agreement, disagreement, and the sharing of values. In the context of the reasonable comprehensive doctrine, Rawls establishes that people in society enter the public sphere with different conditionings, traditions, values, philosophy, religion, culture, morality, and other views that seek to provide a complete explanation of the human condition. This doctrine attests to the reality of diversity as observed in a democratic society. In fact, Rawls himself maintains that pluralism may be considered a problem in a democracy, but it is a necessary problem that provides depth and stronger support for consensus in society.¹⁸

In this sense, the reasonable comprehensive doctrine can be considered as a non-political point of view that determines and limits the fact of diversity in society. Since everyone differs based on religion, traditions, morals and values, differences do not constitute an obstacle to the creation of public. Instead, it becomes the condition for the creation of the public and political domain.

Public reason is based on two important assertions pertinent to the individual person. First, the person who possesses reason subscribes to various and different comprehensive views that seek to provide a comprehensive view of human life and condition. However, the reality of other people posits a limit to my comprehensive views, in the same way, that my view serves as a limitation for the other person. In this condition, it can give rise to conflict, it can establish a

¹⁸ Rawls, "Justice as Fairness: Political not Metaphysical", 389.

tentative alliance, or can create a deep sense of unity that is genuinely based on plurality. It gives rise to conflict when there is no meeting between the parties or individuals. There is a tentative alliance when the agreement rests on superficial commonalities. Finally, a stronger sense of unanimity is attained when public reason is used to arrive at the point wherein agreement is struck using public reason. This is possible because the purpose of “public reason” is the “public good”. Its subject is the public good and the fundamentals of justice and “justice; and its nature and content is public, being given by the ideals and principles expressed by society’s conception of political justice and conducted open to view on that basis.”¹⁹

In this sense, public reason is a method or process adopted by the members of society that enters the debate, justifies actions, and claims, and establishes “political conceptions of justice”. The whole point of public reason is the “conduct their fundamental discussions within the framework of what each regards as a political conception of justice based on values that the others can reasonably be expected to endorse and each is, in good faith, prepared to defend that conception so understood.”²⁰

Second, public reason proffers the opening wherein the diversity of comprehensive views is bridged. Thus, it allows for the possibility of overlapping consensus. Rawls sees in public reason the reality of some similarities that may be present in differing comprehensive views and used this as the point for arriving at a more solid consensus.²¹ In this regard, Rawls offers the position that consensus is

¹⁹ Rawls, “Justice as Fairness: Political not Metaphysical”, 213.

²⁰ Rawls, “Justice as Fairness: Political not Metaphysical”, 216.

²¹ Rawls, “Justice as Fairness: Political not Metaphysical”, 390.

arrived at not by searching for commonalities and imposing it on the other, but by searching for similarities and upon identification of these possible similarities, the discourse, debate, justifications, and public conception of justice and other values are justified, endorsed, and even defended when the need arises.

In this context, “reasonable comprehensive doctrine” presents the supposition that the reality of pluralism does not discount the possibility of consensus. Public reason, both as a method and as a description of the public domain, asserts the possibility of the members of the society coming to an agreement. This brings us to an important point the connection between “comprehensive doctrine” and “overlapping consensus”.

The viability of the reasonable comprehensive view is made possible by overlapping consensus. Overlapping consensus is the “convergent public justification drawing from our various comprehensive doctrines.”²² This presents the supposition that consensus is made possible by the reality of the various comprehensive views that are present in society. With this, pluralism becomes problematic but a necessary condition for the establishment of the political conception of justice. The comprehensive view becomes the crucial element in the political conception of justice because it is anchored on the supposition that despite the different views held by the people, there is the possibility for shared ideals and conceptions. Thus, the possibility of identifying and establishing

²² Gaus, “Reasonable Pluralism and the Domain of the Political: How the Weaknesses of John Rawls's Political Liberalism Can be Overcome by a Justificatory Liberalism”, 265.

structures of society that adheres to the principles of justice is turned into reality.²³

There are several criticisms raised against Rawls concerning the apparent connection between 'comprehensive doctrine' and "overlapping consensus." Gaus and Rossi argue that Rawls claims that comprehensive views are philosophical, moral, and religious views that a person holds as they enter the public realm and that through overlapping consensus the political basis for the structures of a just society is formulated, yet it is not political.²⁴ Gaus questions the possibility and viability of this position. He asserts that how can the element of comprehensive view yields the political when its primary focus is non-political.²⁵ In the same manner, Lehning asserts how Rawls can assert the adherence to political conceptions that are drawn from overlapping consensus when it is easier for the citizens to subscribe to the tenets of their views, rather than subscribe to the conceptions of politics.²⁶ In addition, from the practical perspective, laws are agreed upon in a consensus but are enforced and citizens are coerced to follow under threat of punishments. From these criticisms, it seems that the connection between RCV and the overlapping consensus is tenuous and forced. As such, the relationship between

²³ Lehning, "The Coherence of Rawls's Plea for Democratic Equality", 1-41.

²⁴ See: Gaus, "Reasonable Pluralism and the Domain of the Political: How the Weaknesses of John Rawls's Political Liberalism Can be Overcome by a Justificatory Liberalism", 259-284 and see: E. Rossi, "Justice, Legitimacy and (normative) Authority for Political Realists", *Critical Review of International Social and Political Philosophy*, 15:2, (2012), 149-164.

²⁵ Gaus, "Reasonable Pluralism and the Domain of the Political: How the Weaknesses of John Rawls's Political Liberalism Can be Overcome by a Justificatory Liberalism", 259-284.

²⁶ Lehning, "The Coherence of Rawls's Plea for Democratic Equality", 1-41.

comprehensive views and the overlapping consensus is filled with inherent conflicts and contradictions.

On the other hand, if the connection between RCV and the overlapping consensus is to account for the stability of democratic society amid the reality of a plurality of views (which is one of the significant concerns of Rawls), it can be concluded that overlapping consensus provides a more solid reason for the support of the political conceptions of justice. Since in overlapping consensus the possibility of meeting among RCVs in society is ascertained. Hence, overlapping consensus does not rest on the struggle and rift brought by the plurality of ideals. Rather, it points to the idea of searching for commonalities that can lower the tones of discontent and disagreement.

3. The Political Conception

There is a distinction between “a conception and conception”. A *conception* seeks to provide a fully comprehensive explanation of all the values and virtues “within one rather precisely articulated system; whereas conception is only partially comprehensive when it comprises a number of, but by no means all, *nonpolitical values and virtues* and is rather loosely articulate.”²⁷ In the previous discussion, it has been inferred that overlapping consensus provides the method in which the reality of a plurality of comprehensive views is addressed not by denying the validity of competing claims but by ascertaining the viability of shared similarities that can become the point of

²⁷ Gaus, “Reasonable Pluralism and the Domain of the Political: How the Weaknesses of John Rawls's Political Liberalism Can be Overcome by a Justificatory Liberalism”, 266.

consensus. In this regard, it can be inferred that as political conception is drawn from similarities in various RCVs, then it posits the possibility that political conceptions can be understood via public reason. It also introduces the possibility that, when consensus is reached, political ideas will be accepted by reasonable people and thus supported by them.

In this condition, Rawls is showing the notion that RCVs lay down the fundamental elements in the creation and development of political conception. It may be the case, that there is an apparent inconsistency in the nature of the two ideals, but then, it also highlights the idea that political conception is a different ideal from RCVs. The nature of the political is such that it is not religious, social, moral, philosophical, or other non-political values and virtues, but it draws from it, from RCVs. Hence, emphasizing the fact that justice is not transcendental, but is a concrete ideal drawn from a human understanding of the human condition. In addition, it does not demand a complete articulation of the human condition but seeks to understand the public domain. Finally, by drawing from RCVs, the political conceptions become moral based on the presupposition that “is a moral conception worked out for a specific kind of subject, namely, for political, social, and economic institutions.”²⁸

The negative approach to understanding the connection between RCV and political conception presents the idea that (1) political conception is not an abstract reality, but it is drawn from existing conceptions. (2) Political conception is narrow as it does seek to explain the entirety of the human condition, but it cannot be denied that its influence permeates all facets of human existence. As

²⁸ Rawls, “Justice as Fairness: Political not Metaphysical”, 11.

such, it creates a need for more clear-cut boundaries separating the private from the public domain. (3) Political conception is not derived from any metaphysical realities, but it is drawn from comprehensive views regarding the human condition. As such, it does not come from anywhere, but it is based on the explanations and articulations of the human condition. In this regard, reasonable comprehensive doctrine, overlapping consensus, and political conceptions are three notions that are necessarily connected as the notion of “justice as fairness” is justified by political liberalism.

4. The Thesis: It’s Affirmation

Political liberalism justified “justice as fairness as a political conception” based on the following premises:

(1) Political liberalism recognises the reality of divergence and plurality as essential in the creation of political conception. “Justice as fairness” is not anchored on any specific ideology or connotations of justice, but it is based on the supposition that the persons in the public domain share the common ideal towards the achievement of the good life.

(2) Liberalism justifies "justice as fairness as a political conception" because liberalism creates the paradigm wherein the possibility and reality of pluralism are not stifled but it is instead used as one of the fundamental elements in the human condition. “Justice as fairness” under liberalism seeks to balance the competing value claims in the public domain.²⁹

²⁹ See: C. Fehige, “Justice beyond desires”, in Davion, V. & Wolf, C. Ed. *The Idea of a Political Liberalism Essays on Rawls*, (Oxford: Rowman & Littlefield Publishers, 2000).

(3) "Justice as fairness" is justified as a political conception under liberalism because it does not seek to explain and elucidate the entire human condition and predicament, but it settles important issues in the political, economic, and social dimension of human existence. In addition, justice as fairness is cognizant of the limitations that are encountered by human persons. In the presence of the reality of these limitations, the distribution of primary goods becomes basis for the basic structures of the society, the "basic social, economic, and political institutions of society".³⁰

(4) Liberalism supports "justice as fairness as a political conception" because it addresses the issue of inequality that is pervasive in the public arena. It recognises the necessity of establishing social structures and institutions that will prevent the perpetuation of inequality. It consciously seeks inequality in society by ensuring that all are benefitted and that everybody achieves the "good" in one form or another.

(5) Liberalism justifies "justice as fairness" as it is the political conception that does not hinder divergence. Rather it flourishes in diversity as it practices respect, equality on basic liberties, the opening of opportunities for everybody, and reasonableness.³¹

5. The Critique

The idea of "justice as fairness" is not without criticisms. Although some counterarguments were already raised in section five

³⁰ A. T. Baumeister, *Liberalism and the Politics of Difference*, (Edinburgh: Edinburg University Press, 2000).

³¹ See: C. Kukathas, *John Rawls Volume I, III, IV*, (New York: Routledge, 2003) and C. Kukathas & P. Pettit, *Rawls A Theory of Justice and its Critics*, (Cambridge: Polity Press, 1990).

of the research, Rossi's, and Sen's criticism of Rawls' justice as fairness is presented. They are chosen on the premise that their works question the foundation of Rawls' "justice as fairness" claim. In effect, their counterarguments tackle the foundation of Rawls' "theory of justice".

According to Rossi, one of the primary concerns with "justice as fairness" is the position that it is a moral discourse that has been integrated into the political arena. Rossi claims that Rawls tries to draw the notion of "justice" and "good" from the moral discourse and yet maintains that "justice as fairness" is a purely political conception. The problem with this approach is the idea that the political is not moral and vice versa. This means that the conception of "good" and "justice" should not be taken from preconceived connotations of "justice" and "good" in morality. This does not imply that politics is amoral, but it also does not mean that politics should borrow connotations from moral discourse. Moreover, Rossi claims by integrating concepts of morality into political discourse, the real problem, and concerns of justice in the political sense are missed out. As such, even if Rawls tries to break from the sentimental and emotional connotations of justice, it could not. Since at the heart of "justice as fairness" is the issue of "justice" and "good" in the context of morality and not the political.

Sen asserts that although Rawls provides a powerful explanation and connotation of justice in "justice as fairness", it still fails to present a cogent argument as to why social cooperation should be undertaken. In "the original position" under "the veil of ignorance", social cooperation is premised on rewards and benefits in the pursuit of "good". However, the asymmetrical relationship existing between human persons provides compelling reasons for social cooperation.

This is evidenced by mothers who take care of their children not because they may gain something, but because they see the children do not have the capacity to fend for themselves.³²

In the same way, if somebody can effect positive change in society and thus reduce injustice and inequality, the assumption is that the person will undertake actions that will effectively reduce or even eliminate injustice. This motivation is not taken from cooperation but from the idea of effective power. Moreover, Sen highlights that more elements need to be considered aside from fairness, happiness, advantages, cooperation, and obligation. Capabilities are also central to understanding human obligation.³³

In effect, these two criticisms question the internal validity of “justice as fairness”. As such, it can be argued that there are irreconcilable inconsistencies in Rawls’ theory of justice. In addition, the criticisms are significant on the premise that theories are supposed to connect the abstract with the actual, the concepts with the real. However, if theories cannot bridge the gap between the abstract and the real, then the theory fails. Therefore, Rossi’s and Sen’s counterclaim are critical as it points to the gaps that Rawls’ “justice as fairness” is unable to bridge, for Rossi the distinction and divide between moral and political, and for Sen, the reality of asymmetrical relations and effective power as the explanation for social cooperation.

³² See: A.K. Sen, “Human rights and capabilities”, *Journal of Human Development*, (2005), 151-166 and Sen, “The Idea of Justice”.

³³ See: Sen, “Human rights and capabilities” and Sen, “The Idea of Justice”.

Conclusion

The impact of Rawls' "justice as fairness" in contemporary society is far and wide since it provides an ethos and condition of fairness as the essential factor in the dispense of justice in the public domain. In this regard, it could be inferred that Rawls' concept of justice accounts for political liberalism in such a way that central to justice are respect, equality, rationality, reasonableness, freedom, and autonomy of the person. This is carried over in the public domain. What made Rawls different is the idea that "justice" and "rationality" can motivate people to undertake social cooperation. As society provides the setting for individuation and the pursuit of good, it motivates people to pursue social cooperation because it is good.

This argument may be a sufficient reason for social cooperation, but it does not provide the necessity for social cooperation. In this regard, "justice as fairness as a political conception" within the frame of political liberalism is circular. This is maintained on the premise that fairness becomes the necessary condition to have "justice" in society. As such, one must subscribe to all the connotations and definitions of fairness as given by Rawls for "justice as fairness" to work. If this is not followed, then, fairness as the condition for justice becomes insignificant; therefore, justice will not be attained. Likewise, political liberalism is treading on a shallow connection. It does not give a solid frame for social cooperation because the nature of the liberal stranger is such that there is no overwhelming demand in becoming a conscientious citizen. From these viewpoints, the following are the recommendations of the study.

(1) The idea of "justice as fairness" in liberal politics is abstracted from reality. Liberalism fails to account for the fair distribution of

primary goods in the condition of globalisation. As such, there is a need for further articulation of the political connotation of “justice as fairness”. (2) There is a need to integrate “justice as fairness” in other human interactions and not just limit it to the political. In the same way, there is no point in creating a democracy between the political and other facets of humanity. Since, all of it converge in human experience, the human condition. “Justice as fairness is a political conception” that is justified by political liberalism. As such, addressing the issue of ‘unfairness’ in political liberalism within the context of globalisation may open a new paradigm and understanding of “justice as fairness” as a political conception.

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