

John Rawls' Concept of Justice as Fairness

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Abstract

In order for justice to be fair, Rawls' central argument in this paper is founded on the idea that, using the veil of ignorance, all participants who are free, equal, rational, and reasonable must procedurally formulate the principles of justice in the original position. This has to be done through hypothetical Social Contract Theory. The Conditions and circumstances for the contract play a vital role in this pursuit. They are meant to create a good environment for the formulation of the two principles of justice. They promote the spirit of social cooperation. Original position together with the veil of ignorance enables the parties involved to get rid of prejudice and discrimination that come about due to their social status and backgrounds. Therefore, the purpose of Rawls' concept of justice as fairness is to formulate principles of justice that serve as a framework for basic terms of cooperation within a well-ordered society that is driven by its basic social structure. Finally, Rawls' principles of justice must be complemented by the following: maximin rule, reflective equilibrium, overlapping consensus, and the public use of reason.

Keywords

Justice, Fairness, Social Contract, Free and Equal, Rational and Reasonable

1. Introduction

Rawls' concept of justice as fairness entails the procedure intended to be followed when formulating his two principles of justice. He proposes that the following are part and parcel of the procedure to be undertaken. The first one deals with the conditions and circumstances for the contract, since justice as fairness can only be actualized through a social contract. The second is the original position, and finally, the formulation of his two principles of justice. Rawls maintains that his two principles of justice must be complemented by the Maximin Rule, reflective equilibrium, overlapping consensus, and the use of public reason. This is followed by contemporary criticisms that justify that philosophers have interacted either

positively or negatively with Rawls' concept of justice as fairness. Finally, this paper is entirely qualitative and includes a conceptual exposition. Data are gathered from the relevant books and articles, which are critically examined and constructively analyzed in order to arrive at a logical and well-supported conclusion.

1.1. Conditions and Circumstances for a Contract

The conditions for a contract must create a fair environment where citizens who are equal and free really feel most comfortable. This compels Rawls to argue that "But their agreement, like any other valid agreement, must be entered into under appropriate conditions. In particular, these conditions must situate free and equal persons fairly and must not allow some persons greater bargaining advantages than others. Further, threats of force and coercion, deception and fraud, and so on, must be excluded" (Rawls, 1985b: p. 235). He states that the circumstances of justice are "Normal conditions under which human cooperation is both possible and necessary" (Rawls, 1971: p. 126). He elaborates that in order to pursue justice as fairness, two circumstances need to be taken into account, namely, objective and subjective. By objective, he means the possibility and necessity of human cooperation that makes moderate scarcity understood to cover a wide range of situations (Rawls, 1971).

Rawls postulates that "The subjective circumstances are the relevant aspects of the subject of cooperation, that is, of the persons working together. Thus, while the parties have roughly similar needs and interests, or need and interests in various ways complementary, so that mutually advantageous cooperation among them is possible, they nevertheless have their own plans of life" (Rawls, 1971: p. 127). These circumstances are natural and are meant to curb other fundamental social, philosophical, and religious problems caused by comprehensive pluralism. They are meant to secure coordination, efficiency, and consistency within the political understanding of justice (Rawls, 1971). He finally posits that these circumstances must "Reflect the fact that in a modern democratic society citizens affirm different, and indeed incommensurable and irreconcilable, though reasonable, comprehensive doctrines in the sense of which they understand their conceptions of the good" (Rawls, 1971: p. 6).

1.2. The Concept and Significance of Original Position

Rawls defines original position as an "Appropriate initial *status quo* which insures that the fundamental agreements reached in it are fair" (Rawls, 1971: p. 17). That being the case, it is meant for citizens of equal liberties who choose basic principles to the extent of guiding their political decisions. The original position is equivalent to the state of nature that was advocated for by the classical theory of the social contract (Rawls, 1971) and that is why it serves as an "Unifying idea by which our considered convictions at all levels of generality are brought to bear on one another so as to achieve greater mutual agreement and self-understanding" (Rawls, 1985b: p. 238).

The conception of justice as fairness starts with the idea of the original position. Parties in the original position must both be rational and autonomous representatives of citizens. They must seek a fair system of cooperation with respect to a fair agreement for themselves (Rawls, 1993). Parties in the original position are thus regarded as trustees of members of society. They must advance the interests of those they represent rather than maximizing their own well-being and interests (Rawls, 1971). Their original agreement must be founded firstly, on agreement that facilitates the principles for the basic structure and secondly, on “An agreement on the principles of reasoning and the rules of evidence in the light of which citizens are to decide whether the principles of justice apply, when and how far they are satisfied, and which laws and policies best fulfill them in existing social conditions” (Rawls, 2001: p. 89).

The original position is both hypothetical and non-historical for the reason that, firstly, it is a device for representation and secondly, it is used to eliminate bargaining advantages based on social, historical, and natural backgrounds which easily hinder conditions for fair agreement among free and equal persons (Rawls, 1993). Inasmuch as the original position is a device of representation, it is at the same time “A thought-experiment for the purpose of public and self-clarification” (Rawls, 2001: p. 17). Original position is thus used “To model both freedom and equality and restriction on reasons in such a way that it becomes perfectly evident which agreement would be made by the parties as citizens’ representatives” (Rawls, 1993: p. 25).

Rawls clarifies that to avoid confusion, misunderstanding, and misinterpretation of his idea of original position, a distinction has to be made concerning “That of the parties in the original position, that of citizens in a well-ordered society, and finally, that of ourselves, of you and me” (Rawls, 1993: p. 28). Parties are mere artificial creatures inhabiting our device of representation. Citizens are both reasonable and rational persons with both rational and full autonomy. You and I are those who have the most reasonable conception of justice as fairness, considered convictions or judgments of political justice, and generally are capable of examining, adjusting, and revising them (Rawls, 1993). That is why he maintains that the parties or representatives are “Characters who have a part in the play of our thought-experiment” (Rawls, 2001: p. 83). The role of the original position is to track down all parties’ or citizens’ representatives’ assumptions and their implications in one framework. He explains thus that the original position must model two things respectively. First, it must model fair conditions that guarantee fair terms of cooperation among parties that are representative of citizens who are free and equal. Second, it must model acceptable and reasonable restrictions for parties while choosing the principles of justice for the basic structure (Rawls, 2001). These two reasons clearly highlight the significance of the original position, which connects Rawls’ conceptions of the person and social cooperation with the specific principles of justice (Rawls, 1993).

Rawls contends that rational choices regarding the principles of justice made

by parties must be made behind the veil of ignorance. The ‘veil of ignorance’ is an imagined device. It is meant to impose constraints on matters of social and political life. Citizens who choose the basic structure of society in the original position have morally arbitrary features and knowledge hidden from them. This imagined device is meant to impede the existence of prejudices in order to guarantee the sense of fairness in matters of political considerations that are not tainted by particular socio-economic backgrounds (Rawls, 1993). That being the case, Rawls argues that:

“The fact that we occupy a particular social position is not a good reason for us to propose, or to expect others to accept, a conception of justice that favors those in this position. Similarly, the fact that we affirm a particular religious, philosophical, or moral comprehensive doctrine with its associated conception of the good is not a reason for us to propose, or to expect others to accept, a conception of justice that favors those of that persuasion. The same idea is extended to information about people’s race, ethnic groups, sex, and gender...” (Rawls, 1993: pp. 24-25)

The significance of the veil of ignorance is to eliminate and deprive parties of the knowledge founded on the backgrounds and contingencies of the social world. These include “One’s place in society, his social status, his fortunes about the natural assets and abilities, his intelligence and strength, his notion of the good, his plan of life, economic or political situation, one’s level of civilization and culture, and one’s generation” (Rawls, 1971: p. 137). The veil of ignorance puts fairness at the center of the political conception of justice and prevents the parties from making partial and unconscious assumptions. Finally, it puts restrictions upon reasons that favor principles of justice designed for the basic structure of a well-ordered society (Rawls, 2001).

The next section treats Rawls’ maximin rule or principle. It is a decision-making approach that prioritizes maximizing the least amount of outcome. The difference principle advocates for how social and economic inequality must be managed so that inequality can be overcome. These principles are both connected in the sense that they need each other for their applicability.

1.3. Rawls’ Maximin Rule/Principle

Rawls specifically affirms that when a need arises, the maximin rule plays a vital role in the conception of justice as fairness. This is because this type of rule helps parties in the original position to make decisions when confronted by uncertain social circumstances and conditions with respect to the rule of probability. The role of this rule is to help the parties “Identify the worst outcome of each available alternative and then to adopt the alternative whose worst outcome is better than the worst outcomes of all the other alternatives. To follow this rule in selecting principles of justice for the basic structure, the parties involved in the original position must focus on the worst social positions that would be allowed when that

structure is effectively regulated by those principles under various circumstances” (Rawls, 2001: p. 97).

For clarity purposes on the maximin rule, Rawls maintains that parties in the original position must consider social conditions and circumstances that need rational guidance that are in agreement with the principles of justice in the basic structure of a well-ordered society. This is designed to help parties not to rely on mere probabilities on matters pertaining to the fundamental rights of their representatives. The parties must only be concerned with what they can guarantee with complete satisfaction and fundamental significance. He, however, warns that the maximin rule is only a ‘heuristic device’ in the sense that it is only used to help the parties discover something for themselves. It is not to be taken as a sensible way for making deliberations, and therefore, it is not a must that parties in the original position use it (Rawls, 2001: pp. 97-99).

2. The Principles of Justice, a General Presentation

Rawls argues that the role of the principles of justice is to foster fair terms of social cooperation. This is done only when the principles help in “Choosing among the various social arrangements which determine the division of advantages and for underwriting an agreement on the proper distributive shares” (Rawls, 1971: p. 126). In simpler terms, Rawls’ idea of the principles of justice is designed to focus on who should get what, how, and why. This is only achieved when just laws exist, which first govern just institutions and then safeguard the freedom of equal and free citizens (Rawls, 1971: pp. 3-4). Just as Rawls claims, the principles of justice are the foundation through which the basic structures of society are built. His two principles are adopted from the four stages of political development. The first stage deals with the selection and adoption of the principles of justice in the original position behind the veil of ignorance. The second stage deals with the constitutional convention. It is the actual basic structure of the political body that governs and assigns rights and duties to citizens. The third stage deals with the legislature, which is responsible for making and passing laws that are just and fair. The last stage deals with the judiciary, which empowers administrators to apply rules or laws that oblige citizens to adhere to them (Rawls, 2001).

Rawls reasons that the principles of justice emerge from a ‘fair agreement or bargain’. The principles must be acceptable to rational and free persons who enjoy the initial position of equality in order to define the fundamental terms of their association and develop further their own interests (Rawls, 1971: pp. 11-12). He elaborates that “These principles are those which account for the considered judgements of competent persons concerning justice of political and social institutions” (Rawls, 1963: p. 282). He contends that the main work of these principles of justice is to “Provide a way of assigning rights and duties in the basic institutions of society, and they define the appropriate distributions of the benefits and burdens of social cooperation (Rawls, 1971: p. 4). He supports that the principles of justice are derived from analytic construction through a proce-

dure that entails the following conditions: “(i) that if the principles one proposes are accepted, the complaints of others will be similarly tried; (ii) that one’s complaints will be heard until everyone is roughly of one mind as to how complaints are to be judged; and (iii) that the principles proposed and acknowledged on any one occasion are binding, failing special circumstances, on all future occasions” (Rawls, 1963: p. 283).

Rawls vigorously defends the idea that there must be criteria through which the principles of justice are justifiable and are made satisfactory. Firstly, the principles must meet the threshold of moral judgment based on moral insights. Secondly, they must be reasonable after undergoing criticisms and an open discussion, and must be accepted by competent moral judges. The reasonableness must result in free and willing allegiance among citizens. Thirdly, they must have the power or capacity to function in the midst of diverse, conflicting, and mistaken opinions. They must, at the same time, be in a position to contain and suffice any arising criticism or difficulty caused by judgments of other moral agents (Rawls, 1985a: pp. 187-188). He formulates two principles of justice and explains that these principles are meant to “Simply express the most important general features of social institutions in which the administrative problem is solved in the best way.” (Rawls, 1985a: p. 187) He, however, urges that justice must have justifiable principles that consequently result in a rational judgement. The reason behind his thinking is founded on the fact that the main aim of ethics is to formulate justifiable principles intended to be used and to be given preference to in cases of conflicting interests so that they are made reasonable (Rawls, 1951). These two principles of justice must hence be seen as the foundation upon which the basic structures of society are built. For example, the first principle highlights the importance of both the basic structure with the constitution, whether written or not (Rawls, 2001).

2.1. The First Principle: The Principle of Liberty

Rawls argues that the first principle is applied to the basic structure of a well-ordered society. The constitution plays a role in guaranteeing the exercise of the basic liberties (Rawls, 2001). He defines liberty as “A complex of rights and duties defined by institutions” (Rawls, 1971: p. 239). His initial version of the first principle is as follows: “Each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others (Rawls, 1971: p. 60). But according to his updated version of his theory of justice, it states that “Each person is to have an equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberties for others” (Rawls, 1999: p. 53). The second formulation states that “Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all” (Rawls, 1971: p. 302). He is therefore in favor of the idea that basic liberties and rights are both analytical and historical (Rawls, 2001: p. 45). This means that the list of basic equal liberties is drawn from two dimensions. The first dimension is from a historical point of view. In this case, the list depends on var-

ious constitutions from different democratic regimes that have proven themselves realistic and workable. He warns, however, that this kind of information is not meant and needed for parties in the original position behind the veil of ignorance. The second dimension stems from the social conditions that enable people to possess two moral powers throughout their lives (Rawls, 1993). Rawls thus lists some of the basic liberties as follows: liberty of conscience, freedom of thought, political liberties, freedom of assembly and speech, freedom of association, freedom of property ownership, and rights and liberties safeguarded by the rule of law (Rawls, 1971). For this reason, he continues to argue that:

“Equal political liberties and freedom of thought enable citizens to develop and to exercise these powers in judging the justice of the basic structure of society and its social policies; and second, that liberty of conscience and freedom of association enable citizens to develop and exercise their moral powers in forming and revising and in rationally pursuing (individually or, more often, in association with others) their conceptions of the good. Those basic rights and liberties protect and secure the scope required for the exercise of the two moral powers in the two fundamental cases just mentioned: that is to say, the first fundamental case is the exercise of those powers in judging the justice of basic institutions and social policies; while the second fundamental case is the exercise of those powers in pursuing our conception of the good. To exercise our powers in these ways is essential to us as free and equal citizens.” (Rawls, 2001: p. 45)

Rawls contends that basic liberties secure reasonable and favorable conditions and circumstances for the political conception of justice as fairness. This is so because basic liberties are specified by institutional rights and duties that entitle citizens to do various things if they so wish and that forbid others from interference. Basic liberties are a framework of legally protected paths and opportunities (Rawls, 1993: p. 325). Basic liberties give rise to both liberty and the worth of liberties. Therefore, ignorance and poverty, such as the inability to obtain material wealth, do not strip people of their right to liberty. Consequently, he insists that basic liberties together with their priorities and fair distribution are the same for every citizen. However, what varies amongst citizens is the value or use of basic liberties. All citizens, regardless of their social or economic status or position, are entitled to political equal liberties. In this case, citizens must promote fair opportunities and values, such as the ability to hold public office, the ability to influence political elections and decisions, and access to political and public facilities (Rawls, 1993).

2.2. The Second Principle: The Principle of the Social and Economic Inequalities

In his initial articulation of the second principle, Rawls states that “Social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone’s advantage, and (b) attached to positions and offices open to all (Rawls, 1971: p. 60). The purpose of the second version is to eliminate the uncer-

tainty surrounding everyone's advantage, which is open to all. It says that "Social and economic inequalities are to be arranged so that they are both (a) to the greatest expected benefit of the least advantaged and (b) attached to offices and positions open to all under conditions of fair equality of opportunity" (Rawls, 1971: p. 83). The third and complete formulation states that "Social and economic inequalities are to be arranged so that they are both: (a) to the greatest benefit of the least advantaged, consistent with the just savings principle, and (b) attached to offices and positions open to all under conditions of fair equality of opportunity" (Rawls, 1971: p. 302).

Rawls argues that social and economic inequalities should be regulated at all costs. The reason behind this regulation is based on the need to ensure equal share and treatment among citizens, control of dominance, monopoly, and arrogance as means to eradicate the feelings of superiority and inferiority complexes (Rawls, 2001). He justifies that the second principle of justice has two features, namely, the principle of fair equality of opportunity and the difference principle. The principle of equal opportunity is meant to make systems and cooperation concerning society's social, political, and economic life that are determined by primary goods to produce just outcomes. He defines primary goods as "Various social conditions and all-purpose means that are generally necessary to enable citizens adequately to develop and fully exercise their two moral powers, and to pursue their determinate conceptions of the good" (Rawls, 2001: p. 57). This is only possible firstly, when institutions of the basic structure of society are just, and secondly, when they promote the greatest satisfaction of citizens (Rawls, 1971). This idea compels Rawls to adduce that:

"Fair equality of opportunity here means liberal equality. To accomplish its aims, certain requirements must be imposed on the basic structure beyond those of the system of natural liberty. A free market system must be set within a framework of political and legal institutions that adjust the long run trend of economic forces so as to prevent excessive concentrations of property and wealth, especially those likely to lead to political domination. Society must also establish, among other things, equal opportunities of education for all regardless of family income." (Rawls, 2001: p. 44)

Rawls declares that the difference principle is a principle of distributive justice. That is why he asserts that the difference principle "Is justifiable only if the difference in expectation is to the advantage of the representative man who is worse off, in this case, the representative unskilled worker. The inequality in expectation is permissible only if lowering it would make the working class even worse off" (Rawls, 1971: p. 78). He argues that the difference principle should distribute and maximize expectations of the least advantaged, whereby the well-off take care of the worst off. Those who are better off must contribute towards uplifting the situations and welfare of the least advantaged (Rawls, 1971). This is only possible when the difference principle is applied to just institutions. He affirms that the difference prin-

principle is also the principle of reciprocity. It allows the existence of great inequalities in wealth and income with the intention of fulfilling the condition that benefits the least advantaged and others as well (Rawls, 2001). He finally insists that the difference principle should allow some citizens to be richer than others in terms of wealth and income, as a greater means to achieve their ends. The basic structure of society must therefore “Maximize primary goods available to the least advantaged to make use of the equal basic liberties enjoyed by everyone” (Rawls, 1993: p. 326).

2.3. Rawls’ Revised Principles of Justice

The following are the updated principles of justice proposed by Rawls:

“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).” (Rawls, 2001: pp. 42-43)

Considering the protection of the basic equal liberties, Rawls argues that the first principle is prior to the second, that is, equality of opportunity and the difference principle. For this reason, he states that “This priority means that in applying a principle (or checking it against test cases) we assume that the prior principles are fully satisfied. We seek a principle of distribution (in the narrower sense) that holds within the setting of background institutions that secure the basic equal liberties (including the fair value of the political liberties as well as fair equality of opportunity” (Rawls, 2001: p. 43). Similarly, the concept of fair equality of opportunity comes before the difference principle in the second principle. For this reason, the former allows citizens to use their talents and abilities and take on social positions and public office (Rawls, 2001). The first principle’s priority makes Rawls assert that “(a) a less extensive liberty must strengthen the total system of liberties shared by all; (b) a less than equal liberty must be acceptable to those with the lesser liberty” (Rawls, 1971: p. 302). Similarly, the second principle’s priority compels him again to assert that “(a) an inequality of opportunity must enhance the opportunities of those with the lesser opportunity; (b) an excessive rate of saving must on balance mitigate the burden of those bearing this hardship” (Rawls, 1971: p. 302). Therefore, he concludes that while in terms of priority, the second principle is applied to the background institutions, but at the same time, it must incorporate the first principle’s needs (Rawls, 2001).

3. Rawls’ Justification of Justice as Fairness

Three arguments justify Rawls’ concept of justice as fairness. These include reflective equilibrium, overlapping consensus, and the idea of the public use of reason.

3.1. Reflective Equilibrium

The foundational idea of citizens as free and equal persons is contained in Rawls' earlier argument, from which his concept of reflective equilibrium originates. The citizens possess both what he refers to as the power of reason, that is, reasoning, imagination, and judgment, as well as the power of the sense of justice. He terms the first power as intellectual, which makes him contend that political justice requires thoughtful judgments and convictions that enable citizens to express their capacity, opportunity, and desire to make wise judgments (Rawls, 2001). Rawls, however, clarifies that judgments may often be in constant conflict with each other and so are inconsistent. They also create different comparisons that are emancipated from other persons. In this case, citizens' reasonableness and rationality are at stake. In keeping with this argument, he uses the idea of reflective equilibrium firstly, to defend consistency and coherence regarding political justice, and secondly, to fight the problem of conflicts. Reflective equilibrium advocates for revision, suspension, and sometimes withdrawal of some political judgements designed to accommodate a reasonable agreement required for political justice (Rawls, 2001).

There are two types of reflective equilibrium: narrow, wide, and full. Narrow reflective equilibrium accommodates only a few revisions on the political judgements that a person makes, presents, and gives explanations for. These revisions must be consistent with a person's general conviction, principles of justice, and particular judgments. Wide and full reflective equilibrium takes into consideration alternative conceptions of justice together with their arguments and reasons, which again are consistent with a person's general conviction, principle of justice, and particular judgment. In a well-ordered society, this is only feasible and achievable when everyone supports the common understanding of justice since full reflective equilibrium is characterized by its practical aim, reason, reflections, and its non-foundationalist aspect (Rawls, 2001: pp. 30-32).

3.2. Overlapping Consensus

Rawls argues that the overlapping consensus' primary goal is to make the "Idea of a well-ordered society more realistic and to adjust it to the historical and social conditions of democratic societies, which include the fact of reasonable pluralism" (Rawls, 2001: p. 32). He argues further that the idea of overlapping consensus is consequently intended to accommodate "Various reasonable comprehensive doctrines that endure in the society regulated by it." (Rawls, 1993: p. 12) He maintains that reasonable pluralism comes about due to comprehensive doctrines based on moral, social, and philosophical views, which at the same time make citizens have conflicting views. Nonetheless, he maintains further that his concept of justice as fairness is socially and politically situated, and that it is a non-comprehensive doctrine derived from ideas of basic structure and public political culture. This leads him to conclude that, as long as they are consistent with moral and political principles, reasonable comprehensive doctrines must support the political idea of justice to the extent that they are accepted by citizens. The concept of overlapping

consensus ultimately becomes reconciliatory and unitive (Rawls, 2001).

Founded on Rawls' theory of justice, overlapping consensus is a mechanism used to hinder a state's excessive use of power as a means to control one or more comprehensive doctrines. This may easily result in experiences of brutality, corruption, disputes, social class, and the like within society. It offers security and stability in constitutional regimes that enhance fundamental ideas for political conceptions of justice. It creates room for reasonable persons to enter into free and open discussion and come up with reasonable conclusions (Rawls, 2001). He maintains that overlapping consensus should not be taken as a mere '*modus vivendi*' that only accepts certain authorities. This is because the idea of both consensus and political conceptions is understood as a moral conception. Overlapping consensus encompasses also principles and standards that involve ideas of persons, basic structure, and institutional arrangements that are established on both moral focus and grounds (Rawls, 2001). It must, at the same time, take into account both political convictions and constructivism. This is because these two considerations do not criticize reasonable comprehensive doctrines and their judgments and validity that entail political convictions, which are arrived at by reasonable persons who utilize their power of practical reason. Political constructivism, which at the same time concerns the political concept of justice, must be both accurate and reasonable, particularly when taking its goals into account (Rawls, 1993).

3.3. The Idea of Public Reason

Public reason offers rules, guidelines of evidence, and principles of reasoning. To reach a fair and reasonable consensus on principles of justice, these rules, guidelines, and principles of reasoning determine what sort of considerations should be made in the pertinent public inquiry. However, "Public reason is the form of reasoning appropriate to equal citizens who, as a corporate body, impose rules on one another backed by sanctions of state power" (Rawls, 2001: p. 92). Its aims to foster both political legitimacy and power that is vested in equal and free citizens. It covers relevant information and knowledge, components of the constitution, fundamental justice-related questions, and public policies justified by citizens. Citizens must publicly present their political views and values to each other as a sign of mutual respect because their political values are of two types. The first type of political values is included in the category of principles of justice. Among other things, these encompass the values of equal political and civil liberty, fair equality of opportunity, social equality, and reciprocity. The second type of political values is public reason. These include free, reasonable, and informed public inquiry. Fundamental judgments, inferences, facts, and fair-mindedness are all necessary components that propel citizens to arrive at the concept of public civility (Rawls, 2001).

4. Contemporary Criticisms

Alasdair supports Rawls' equality principle since it allows the common sense of

justice as fairness (MacIntyre, 1985). Michael Sandel confirms that Rawls' original position "Enables us to envisage our objective from afar but not so far as to land in the realm of transcendence" (Sandel, 1998: p. 24). Ronald Dworkin supports Rawls' version of the social theory because it is part and parcel of a deontological theory. In his view, men and women in the original position are normal human beings who make themselves ignorant while fully aware of their ordinary tastes, talents, ambitions, just to mention a few, for the purposes of entering a contract. He concurs with Rawls that our moral powers and sense of justice are impacted by Rawls's inclusion of the conditions in the original position. In his view, Rawls' reflective equilibrium determines which political arrangements and decisions are just and unjust (Dworkin, 1997). Michael Walzer disagrees with Rawls in the sense that issues of justice are not merely abstract and external principles. This is because society can only be just when its members live a subjective life that is guided by a shared and common understanding (Walzer, 1983). Amartya Sen outlines the following weaknesses of Rawls' theory of justice. Firstly, total priority of liberty is too dangerous, and secondly, Rawls' difference principle is problematic since it does not consider opportunities and conversion of primary goods into good living (Sen, 1992). Robert Nozick disagrees with Rawls. He does not support Rawls' social cooperation as a "venture for mutual advantage". In his view, Rawls' distributive justice lacks entitlement theory. The difference principle does not promote the principle of neutrality, and cooperation terms are only imposed in the name of fairness (Nozick, 1974). These and other contemporary criticisms confirm that there have been many philosophers who have interacted with Rawls' concept of justice as fairness.

5. Conclusion

Both conditions and circumstances of a contract, in Rawls' view, played a vital role in creating an ample environment to formulate his two principles of justice. This is because they created, firstly, an atmosphere where social cooperation enhanced the smooth formulation of the principles of justice. Secondly, they gave room for efficient and consistent coordination required for the formulation of the same principles of justice. Rawls' original position permitted the existence of mutual agreement and understanding among the parties involved and therefore, made them free and equal, rational and reasonable at the same time. It also played a role as a bargaining advantage while considering their individual backgrounds. It secured their liberties and equality. Rawls' veil of ignorance eradicated prejudices and all sorts of discrimination that enhanced the spirit of fairness. The two principles of justice were meant to help legislators and the custodians of the constitutions to be just and fair in their operations. They helped in assigning the basic rights and duties to citizens, distributed to them benefits and burdens, and were therefore meant for social and political institutions and for the basic structure of a democratic society. The main role of the first principle was to protect and promote the basic liberties and rights of the citizens. The role of the second principle was to promote

economic inequalities that got rid of rivalry, dominance, and competition in order to promote fair equality of opportunity and citizens' abilities and talents. The Maximin rule played a key role in accommodating available alternatives. Reflective equilibrium resolved conflicts and inconsistencies that arose from considered judgments. Overlapping consensus accommodated comprehensive doctrines that came from philosophy and religion, among others. Public use of reason dealt with the application of rules that governed public considerations.

Conflicts of Interest

The authors declare no conflicts of interest regarding the publication of this paper.

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