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## ABSTRACT

John Rawls' concept of justice as fairness as a common good principle is founded on two arguments. The first argument concerns the critiques that were brought forth concerning Rawls' conception of justice. They were done by philosophers who either supported or objected to Rawls' concept of justice as fairness, put differently, the critiques are either positive or negative. However, the bottom line is that they are both critical and constructive at the same time. Their critiques were basically directed to Rawls' thought and position on Social Contract Theory, original position, the veil of ignorance, reflective equilibrium, priority of rights and liberties, two principles of justice, Rawls' concepts on society, persons, social cooperation, social institutions and basic structure, primary goods just to mention a few. Some of the critiques were responded to by Rawls himself. The second argument concerns a justification as to why Rawls' concept of justice as fairness is a common good principle. This is done firstly, by the author after considering the philosophers' critiques and secondly through a philosophical analysis that encompasses constructive elements of Rawls' conception of justice. The goal of this justification is to present Rawls' sense of inclusivity, objectivity, commitment, mutual responsibility and cooperation as elements that are needed to foster and uphold the common good principle.

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## ABSTRACT

*John Rawls' concept of justice as fairness as a common good principle is founded on two arguments. The first argument concerns the critiques that were brought forth concerning Rawls' conception of justice. They were done by philosophers who either supported or objected to Rawls' concept of justice as fairness, put differently, the critiques are either positive or negative. However, the bottom line is that they are both critical and constructive at the same time. Their critiques were basically directed to Rawls' thought and position on Social Contract Theory, original position, the veil of ignorance, reflective equilibrium, priority of rights and liberties, two principles of justice, Rawls' concepts on society, persons, social cooperation, social institutions and basic structure, primary goods just to mention a few. Some of the critiques were responded to by Rawls himself. The second argument concerns a justification as to why Rawls' concept of justice as fairness is a common good principle. This is done firstly, by the author after considering the philosophers' critiques and secondly through a philosophical analysis that encompasses constructive elements of Rawls' conception of justice. The goal of this justification is to present Rawls' sense of inclusivity, objectivity, commitment, mutual responsibility and cooperation as elements that are needed to foster and uphold the common good principle.*

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## I. INTRODUCTION

The desired outcome of this article is to present a discussion that is geared towards making

a justification that demonstrates the reason as to why Rawls' concept of justice as fairness is a common good principle. The philosophical critiques on Rawls' concept of justice as fairness are utilized as the solid foundations for this discussion together with the focus on how Rawls managed to respond to them. It is only after engaging into this pursuit that the author will give his justification. This article concentrates therefore, on the critiques that were done by philosophers who are deemed important and relevant according to the author. These include; Alasdair MacIntyre, Paul Wolff, Michael Walzer, Ronald Dworkin, Amartya Sen, Robert Nozick and Michael Sandel. Immediately following their critiques, the author will give a justification that validates Rawls' concept of justice as fairness as an essential element to the common good principle.

### 1.1 Alasdair MacIntyre's Critiques on Rawls' Concept of Justice

Alasdair MacIntyre is in agreement with Rawls that the equality principle with regard to human needs is the foundation of his own concept of justice as fairness. In accordance with Rawls' second principle of justice, MacIntyre endorses Rawls' consideration of his notion of the least advantaged, something MacIntyre refers to as "the worst off sector of the community," that takes into account individuals who are least fortunate in terms of money, income and other goods.<sup>1</sup> Consequently, MacIntyre is in favor with the idea that "Rawls allows that common sense views of justice connect it with desert, but argues first that we do not know what anyone deserves until we have already formulated the rules of justice... and secondly that when we have formulated the rules of justice it turns out that it is not desert that is in

<sup>1</sup> Alasdair MacIntyre, *After Virtue* 2<sup>nd</sup> ed., London: Gerald Duckworth & Co. Ltd, 1985, 248.

question anyway.”<sup>2</sup> MacIntyre’s critique is something appraisable and adds value to Rawls’ ideas of justice and the common good.

### 1.2 Paul Wolff and Michael Walzer’s Critiques on Rawls’ Concept of Justice

In his criticism of Rawls’ concept of justice as fairness, Paul Wolff reveals that Rawls’ concept of justice as fairness is asocial in nature because it completely disregards the interests of individuals.

Wolff employs the following as the foundation for his argument:

The heart of Rawls’ philosophy is the idea of the bargaining game, by means of which the sterility of Kant’s formal reason was to be overcome, and a principle was to be established that would combine strength and avoid the weakness of utilitarianism and intuitionism. The idea is original, powerful, and elegant, but it simply does not stand up. The original sketch of the bargain game was comprehensible, but it was open to crushing objections. The device of the veil of ignorance enables Rawls at least initially to avoid the pitfalls of the first model while seeming to link his philosophy to Kant.<sup>3</sup>

Michael Walzer is convinced that matters of justice are not about abstract and external principles just like Rawls purports. It is a matter of seeking implicit answers from the common practices and traditions. He reasons this way because “Any given society is just if its substantive life is lived in a certain way, that is, in a way that is faithful to the shared understanding of the members.”<sup>4</sup> Regarding Rawls’ concept of justice as fairness, the philosophers mentioned above present us with both constructive and critical critiques. When it comes to matters of justice, everyone has the right to think and act in their own way subsequently, it is something that may be appreciated. These philosophers have the

reasonable freedom and right to agree with Rawls’ theory of justice or not.

### 1.3 Ronald Dworkin’s Critique on Rawls’ Concept of Justice

Dworkin’s critique is divided into three sections which address the three ideas of Rawls’ concept of justice as fairness. These include the following; Rawls’ social theory, his idea of original position and the veil of ignorance and lastly, his reflective equilibrium.

## II. THE SOCIAL CONTRACT THEORY

Concerning Rawls’ social theory doctrine, Dworkin contends with the fact that “Rawls says that the contract is a powerful argument for his principles because it embodies philosophical principles that we accept, or would accept if we thought about them.”<sup>5</sup> He is convinced beyond reasonable doubt that Rawls’ concept of the contract has to be part and parcel of a deontological theory. It has to be a theory that considers the idea of right as both serious and fundamental within the context of political morality.<sup>6</sup> He posits that Rawls’ concept of right has to be viewed from a natural perspective and not from neither legal nor conventional perspectives and must not so ever, depend on the deliberations from legislature and social customs.<sup>7</sup> This is a constructive criticism towards Rawls’ idea of justice as fairness and so, adds value to the pursuit of our justification.

### 2.1 The Original Position and Veil of Ignorance

Dworkin claims that “Many of Rawls’s critics disagree that men and women in the original position would inevitably choose these two principles. The principles are conservative and the critics believe they would be chosen only by men who were conservative by temperament, and not by men who were natural gamblers.”<sup>8</sup> He is in agreement with Rawls that “They are men and women with ordinary tastes, talents, ambitions,

<sup>2</sup> MacIntyre, *After Virtue* 2<sup>nd</sup> ed., 249-250.

<sup>3</sup> Paul Robert, Wolff, *Understanding Rawls: A Reconstruction and Critique of A Theory of Justice*, (Princeton: Princeton University Press, 1977), 179.

<sup>4</sup> Michael Walzer, *Spheres of Justice*, (Oxford: Basilwell, 1983), 313.

<sup>5</sup> Ronald, Dworkin, *Taking Rights Seriously New Edition*, (New York: Gerald Duckworth & Co Ltd, 1997), 205.

<sup>6</sup> Dworkin, *Taking Rights Seriously New Edition*, 206.

<sup>7</sup> Dworkin, *Taking Rights Seriously New Edition*, 214.

<sup>8</sup> Dworkin, *Taking Rights Seriously New Edition*, 185.

and convictions, but each is temporarily ignorant of these features of his own personality, and must agree upon a contract before his self-awareness returns.”<sup>9</sup> His interpretation and criticism of Rawls’ idea of justice as fairness draws attention to a beneficial component required to achieve the common good and consequently, upholds a common good principle.

Dworkin argues in favor of Rawls by stating that the original position offers us the justification for embracing the two principles of justice over other constitutional foundations. This has to be done in order to secure everyone’s interest and must include an idea of antecedent interest and not actual interest. This is due to the fact that, first, the conditions surrounding the decision-making process and judgement determine the judgement of antecedent interest and second, the veil of ignorance readily hinders the parties from learning better principles that they can easily accept and adopt.<sup>10</sup> His argument is substantiated by the fact that “Rawls supposes, for example, that his men would inevitably choose conservative principles because this would be the only rational choice, in their ignorance, for self-interested men to make.”<sup>11</sup> His clear comprehension of the rationale behind Rawls’ use of the veil of ignorance is of great importance and therefore is relevant when one wants to deal with the common good.

Dworkin concurs with Rawls that the original position is of utmost importance. It serves as the foundation for Rawls’ defense of his concept of justice as fairness and which in return, makes his moral theory to present a different mental capacity or rather a new and a different psychological approach. Dworkin concludes that our moral power and sense of justice are fundamentally impacted by Rawls’ embodiment of conditions in the original position.<sup>12</sup> Consequently, a limiting power is presented by the parties’ ignorance in the initial position over the distorted interests and interests that parties

have.<sup>13</sup> Dworkin here proves that he is knowledgeable about the reason why the veil of ignorance is important concerning Rawls’ concept of justice as fairness. His criticism therefore adds value to the pursuit of our justification.

## 2.2 Reflective Equilibrium

Dworkin advocates that “Distinctive feature of Rawls’s methodology, which he describes as the technique of seeking a ‘reflective equilibrium’ between our ordinary, unreflective moral beliefs and some theoretical structure that might unify and justify these ordinary beliefs. It might now be said that the idea of an original position plays a part in this reflective equilibrium.”<sup>14</sup> Dworkin confirms that Rawls’ technique of reflective equilibrium is significant to Rawls’ readers’ day-to-day lives. This technique enables them to determine which political arrangements and decisions are just and unjust.<sup>15</sup>

Just like Rawls, he insists that it is a sole responsibility of moral philosophy in line with Rawls’ technique to provide the structure that upholds principles of justice and that is in support of people’s convictions or intuitions with two goals in mind, namely; “First, this structure of principles must explain the convictions by showing the underlying assumptions they reflect; second, it must provide guidance in those cases about which we have either no convictions or weak or contradictory convictions.”<sup>16</sup> In Dworkin’s view:

The technique of equilibrium supposes what might be called a ‘coherence’ theory of morality... based on two general models namely natural and constructive... Natural model theories of justice, like Rawls’s two principles, describe an objective moral reality; they are not, that is, created by men or societies but are rather discovered by them... Constructive model “It treats intuitions of justice not as clues to the existence of independent principles, but rather as

<sup>9</sup> Dworkin, *Taking Rights Seriously New Edition*, 185.

<sup>10</sup> Dworkin, *Taking Rights Seriously New Edition*, 188.

<sup>11</sup> Dworkin, *Taking Rights Seriously New Edition*, 190.

<sup>12</sup> Dworkin, *Taking Rights Seriously New Edition*, 194.

<sup>13</sup> Dworkin, *Taking Rights Seriously New Edition*, 215.

<sup>14</sup> Dworkin, *Taking Rights Seriously New Edition*, 190.

<sup>15</sup> Dworkin, *Taking Rights Seriously New Edition*, 190-191.

<sup>16</sup> Dworkin, *Taking Rights Seriously New Edition*, 191.

stipulated features of a general theory to be constructed.<sup>17</sup>

### 2.3 Amartya Sen's Critique on Rawls' Concept of Justice

Amartya Sen, like other philosophers, reiterates that "By far the most influential and I believe the most important theory of justice to be presented in this century has been John Rawls' justice as fairness."<sup>18</sup> Sen identifies the goodness of Rawls' conception of justice. He provides the following reasons for the claim he makes. The first reason is that fairness is crucial, fundamental and prioritized in Rawls' theory of justice. In this case, fairness must precede justice. The second reason is that Rawls advocates for the nature of objectivity for practical reasons within the public framework. The third reason is Rawls' moral powers founded on rational choices and their distinction are very useful tools in explaining his conception of justice. The fourth reason is that Rawls' commitment to prioritizing liberty as being part and parcel of the primary goods is very significant. This is because liberty is separated and it overrides other social arrangements. Rawls' concept of liberty is shared by all and determines personal liberty which gives a person's overall advantage and personal life. Liberty must therefore be taken as a basic necessity for public reasoning and social evaluation purposes. The final reason is that Rawls' theory highlights a solution to the problems of inequalities and social disparities like poverty, gender biases and social status.<sup>19</sup> Sen's criticism is very constructive because it upholds the elements and things needed whenever the common good is discussed and hence, adds value to the pursuit of our justification.

Nevertheless, Sen points out that there are indeed some weaknesses in Rawls' theory of justice which need improvement. He warns that the total priority of liberty is too extreme and dangerous. This is because at its expense, it violates personal

<sup>17</sup> Dworkin, *Taking Rights Seriously* New Edition, 196.

<sup>18</sup> Amartya, Sen, *Inequality Reexamined*, (New York: Oxford University Press, 1992), 75.

<sup>19</sup> Amartya, *The idea of justice*, (Cambridge: Harvard University Press, 2009), 62-64.

liberty and violates other human wants caused by hunger, starvation and medical neglect among others. He poses a challenge to Rawls' difference principle and insists that opportunities, variations and conversion of primary goods into good living must be put into consideration.<sup>20</sup> This same idea is well elaborated when he talks about Rawls' emphasis and distribution of social goods without considering people's capacity to use them as means to pursue their very ends and redress the actual existing inequality.<sup>21</sup>

### 2.4 The Critique of Rawls' Concept of Justice by Robert Nozick

Rawls' theory of justice has been backed by libertarian philosopher Robert Nozick. In line with this understanding, he contends that "A theory of justice is a powerful, deep, subtle wide-ranging systematic work in political and moral philosophy which 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."<sup>22</sup>

On the other hand, he is in disagreement with some of Rawls' arguments concerning his concept of justice. The first disagreement is founded on the idea of social cooperation as it relates to Rawls' definition of society as "A cooperative venture for mutual advantage."<sup>23</sup> and Rawls' two principles of justice that "Provide a way of assigning rights and duties in the basic institutions of society and they define the appropriate distribution of the benefits and burdens of social cooperation."<sup>24</sup> In Nozick's view, it presents a distributive social justice that makes Rawls' position on it to be problematic. This is due to the fact that it is challenging to decide how to distribute all the benefits of cooperation within the context and spirit of entitlement theory. He claims at the same time that Rawls does not factor

<sup>20</sup> Amartya, *The idea of justice*, 65-66.

<sup>21</sup> Amartya, *The idea of justice*, 75-84.

<sup>22</sup> Robert, Nozick, *Anarchy, State and Utopia*, (Oxford: Blackwell Publishers Ltd, 1974), 183.

<sup>23</sup> Rawls, *Theory of Justice*, 4.

<sup>24</sup> Rawls, *Theory of Justice*, 4.

in the aspect of non-cooperative situations and cases.<sup>25</sup>

The second point of contention relates to the difference principle and cooperation terms. As was previously discussed, Rawls contends that the difference principle serves as a just foundation for social cooperation between those who are advantaged and those who are not and that the conditions of cooperation must be reasonable. Nozick finds this interpretation perplexing and so, disputes the ideas of fairness of social cooperation and reasonableness of the terms of cooperation. His main reason is supported by the fact that "A deep suspicion of imposing in the name of fairness, constraints upon voluntary social cooperation... so that those already benefiting most from this general cooperation benefit ever more."<sup>26</sup> In keeping with Rawls' argument on difference principle that describes how disadvantaged persons are willing to cooperate with the advantaged one and vice versa, and therefore, there is no principle of neutrality since there is no provisional grounds for complaints from both sides. Consequently, in Nozick's view, Rawls supports the idea that a disadvantaged person should never complain when he receives less because inequality is for his advantage.<sup>27</sup>

Finally, Nozick contends that a historical understanding of distributive justice cannot be produced by Rawls' original position. This is because "If historical entitlement principle is fundamental, then Rawls's construction will yield approximations of them at best; it will produce wrong sorts of reasons for them and its derived results sometimes will conflict with precisely correct principles."<sup>28</sup>

## 2.5 Michael Sandel's Critique on Rawls' Concept of Justice

Michael Sandel totally endorses Rawls' general structure for his theory of justice, which emphasizes the importance of justice, the priority of right over good, and the priority of self

<sup>25</sup> Nozick, *Anarchy, State and Utopia*, 185-189.

<sup>26</sup> Nozick, *Anarchy, State and Utopia*, 194-195.

<sup>27</sup> Nozick, *Anarchy, State and Utopia*, 192-97.

<sup>28</sup> Nozick, *Anarchy, State and Utopia*, 2002.

over its end.<sup>29</sup> As claimed by him, Rawls adopts Kant's structure for theory of justice yet he takes a different approach since for Kant "The priority of right, or the supremacy of the moral law and the unity of the self or the synthetic unity of apperception could only be established by means of a transcendental deduction and the positing of a noumenal or intelligible realm as the necessary presupposition of our capacity for freedom and self-knowledge."<sup>30</sup>

Rawls while defending the primacy of justice insists that "The self is prior to the end which is affirmed by it; even a dominant end must be chosen from among numerous possibilities."<sup>31</sup> Sandel is in total agreement with him when he confirms that "The priority of the self over its ends means that I am not merely the passive receptacle of the accumulated aims, attributes, and purposes thrown up by experience."<sup>32</sup> He attributes two reasons to his argument. The first reason is moral in nature that advocates for the autonomy and respect of the person who holds dignity. The second reason is founded on an epistemological requirement which advocates for an independent identification of a person.<sup>33</sup>

Sandel confirms that Rawls' original position "Enables us to envisage our objective from a far but not so far as to land in the realm of transcendence."<sup>34</sup> For Sandel, Rawls' original position is equipped with two ingredients, i.e. what is not known by the parties and what is known. What is not known is the deprivation of knowledge about them and that they have a desire and value of certain primary goods. The parties are therefore made ignorant of particular ends that permit them to be fair and make rational choices that safeguard social cooperation, common interests and equal liberty for others. What is known is that parties have the ability to progress while still deciding to follow the

<sup>29</sup> Michael Sandel, *Liberalism and the Limits of Justice* 2<sup>nd</sup> ed., (Cambridge: Cambridge University Press, 1998), 15-23.

<sup>30</sup> Sandel, *Liberalism and the Limits of Justice* 2<sup>nd</sup> ed., 24.

<sup>31</sup> Rawls, *Theory of Justice*, 560.

<sup>32</sup> Sandel, *Liberalism and the Limits of Justice* 2<sup>nd</sup> ed., 19.

<sup>33</sup> Sandel, *Liberalism and the Limits of Justice* 2<sup>nd</sup> ed., 19-20.

<sup>34</sup> Sandel, *Liberalism and the Limits of Justice* 2<sup>nd</sup> ed., 24.

principles of justice.<sup>35</sup> Sandel ultimately agrees with Rawls that the three stages of the original position that must serve as the basis for the principles of justice and must be done in a procedural manner. This is why he discusses that “First comes the thin theory of the good embodied in the description of the initial choice situation. From the thin theory are derived two principles of justice, which defines in return, the concept of the good and provides an interpretation of such values as the good of the community.”<sup>36</sup>

Sandel, having said that, claims that there are objections to Rawls' conception of justice. He argues that Rawls' moral concept of a person as a subject is not compatible with the empirical features and is therefore inadequate.<sup>37</sup> He debates that Rawls' concept of a person in the original position portrays a radical incorporeal subject who cannot make any choices and who at the same time, is too formal and abstract and consequently, is incapable to have contingent motivations.<sup>38</sup> Sandel articulates clearly that Rawls' principles of justice in the original position are only discovered and not chosen as opposed to Rawls' claims. This is because they lack the spirit of deliberation and voluntarism and pave the way to cognitivism in the contractual agreement that assists in discovering and understanding the right principles to be chosen.<sup>39</sup> For Sandel, Rawls' person's self-reflection towards existing wants and desires is limited and therefore, his aims, values and conception of the good can never be the product of choice.<sup>40</sup>

## 2.6 Rawls' Replies and Clarifications

In response to Paul Robert Wolff, Rawls guarantees that people's interests are reliant on the institutions that are in place and the principles of justice that they uphold. He goes farther and makes it clearly apparent that his concept of

justice as fairness is based on individualism while also taking into account people's social nature.<sup>41</sup>

*Rawls justifies his position by stating that:*

That original position does not presuppose the doctrine of abstract individualism. This is defined as the doctrine that the fundamental aims and interests of individuals are determined independently from particular social forms; society and the state are regarded as institutional arrangements that answer to these antecedent individual ends and purposes, as specified by a fixed and invariant human psychology.<sup>42</sup>

Rawls confirms that his two principles of justice govern entitlement principle which is founded on the contributions that are attributed to the forms of cooperation and which are determined by the basic structure of the society. He reiterates that parties in the original position who enter into a contract in order to choose and adopt the principles of justice must do so in an institutional manner. This exercise, consequently, makes his theory of justice to be a social one and not as claimed by Wolff, that is, asocial.<sup>43</sup>

As maintained by Rawls, his reliance on the Kantian idea of justice was intended to address the political history of the United States, which had been devoid of consensus for a considerable amount of time and required that the basic social institutions be set up in a way that would promote the equality and freedom of morally upright citizens.<sup>44</sup> This Rawls' view makes political philosophy's goal “To propose to it certain conceptions and principles congenial to its most essential convictions and historical traditions.”<sup>45</sup>

In answer to Alexander Sydney, Rawls cites several arguments for why he is convinced that the idea of a contract is crucial to his theory of

<sup>35</sup> Sandel, *Liberalism and the Limits of Justice* 2<sup>nd</sup> ed., 24-25.

<sup>36</sup> Sandel, *Liberalism and the Limits of Justice* 2<sup>nd</sup> ed., 25-26.

<sup>37</sup> Sandel, *Liberalism and the Limits of Justice* 2<sup>nd</sup> ed., 21.

<sup>38</sup> Sandel, *Liberalism and the Limits of Justice* 2<sup>nd</sup> ed., 27-28

<sup>39</sup> Sandel, *Liberalism and the Limits of Justice* 2<sup>nd</sup> ed., 127-132.

<sup>40</sup> Sandel, *Liberalism and the Limits of Justice* 2<sup>nd</sup> ed., 159-163.

<sup>41</sup> Rawls, “The Basic Structure as Subject”, Alvin Goldman and Jaegwon Kim ed. *Values and Morals*, (Boston: Reidel, 1978), 67.

<sup>42</sup> Rawls, *Collected Papers*, Samuel Freeman ed., (Cambridge: Harvard University Press, 1999), 267-268.

<sup>43</sup> Rawls “The Basic Structure as Subject”, 62-63.

<sup>44</sup> Rawls, “Kantian Constructivism in Moral Theory”, *The Journal of Philosophy*, 88, 1980, (515-72), 517.

<sup>45</sup> Rawls, “Kantian Constructivism in Moral Theory”, 518.

justice. These arguments are better understood as (1) it “reminds” us that separateness of persons is fundamental to justice as fairness; (2) a contract “introduces publicity conditions”; and (3) “reaching a unanimous agreement without a binding vote is not the same thing as everyone’s arriving at the same choice or forming the same intention.”<sup>46</sup>

### 2.7 Justification from Researcher’s Perspective

Rawls makes use of a strictly procedural structure in his idea of justice as fairness. It includes determining how to divide social advantages and burdens, how to allocate fundamental rights and duties and how to arrive at fair and just equality of opportunity. Appropriate social structures, systems and arrangements must govern all of the aforementioned.<sup>47</sup> Rawls’ concept of justice as fairness is justified as the common good principle since the idea of the common good likewise, promotes the same considerations.

Rawls has postulated that free, equal, rational, and reasonable persons with the aim of protecting the rights of others choose and adopt Rawls’ two principles of justice in the initial position of equality in order to further their interests. In the original position, social and mutual cooperation and obligation must be evident and be realized through a social and hypothetical contract.<sup>48</sup> Rawls’ device for hypothetical agreement is designed to reveal moral principles in order to seek and ascertain reasonable grounds for reaching that agreement.<sup>49</sup> This understanding depicts the sense of inclusivity, commitment, responsibility and cooperation, things which are very vital when dealing with the common good. The purpose of the concept of the veil of ignorance is to “Nullify the effects of specific contingencies which put men at odds and tempt them to exploit social and natural circumstances to their own advantage.”<sup>50</sup> To put it another way, Rawls highlights that some mentality, behaviors

and actions that make people to be biased, prejudiced and discriminative are to be excluded in the original position. This understanding is very key because their existence is really detrimental to the existence of the common good. As a result, Rawls’ concept of justice as fairness serves as a justification for the common good principle.

Similarly, Rawls’ justice as fairness in relation to his two principles of justice addresses the problems and concerns of just institutions that are applied to the basic structure of society as well as those that deal with people who have a duty to respect the just institutions and each other. People too have a natural tendency to be good and do good to others.<sup>51</sup> Their obligation is brought to light when certain background conditions are attained without extortion, coercion or even violence. The moral principle of faithfulness and the result of the fairness principle must serve as the obligation’s navigation device. It needs to encompass implications of the fairness principle, such as the requirement to honor promises made within the social contract.<sup>52</sup> This argument supports Rawls’ idea of justice as fairness as a justification to the common good principle by claiming certain essential components of the common good.

Equal and fundamental human rights and liberties are the subject of Rawls’ first principle of justice. Permission of economic and social inequalities is the subject of the second principle.<sup>53</sup> Truly speaking, one cannot talk about the common good when human rights and people’s freedom are not considered and respected. Permitting economic and social inequalities ensures the prosperity and development of the people and the society, which in return supports the common good idea and therefore is a justification.

Last but not least, Rawls’ idea of justice as fairness is highly accommodative. In order to reconcile contradictory and inconsistent judgments, Rawls promotes the idea of reflective equilibrium. He

<sup>46</sup> Rawls, *Collected Papers*, p. 249.

<sup>47</sup> Rawls, *Theory of Justice*, 83-87.

<sup>48</sup> Rawls, *Theory of Justice*, 11-17.

<sup>49</sup> Rawls, “Kantian Constructivism in Moral Theory”, 519.

<sup>50</sup> Rawls, *Theory of Justice*, 136.

<sup>51</sup> Rawls, *Theory of Justice*, 114-15.

<sup>52</sup> Rawls, *Theory of Justice*, 343-46.

<sup>53</sup> Rawls, *Theory of Justice*, 60.

upholds that overlapping consensus is a concept that accommodates some comprehensive doctrines that can easily fit well with his theory of justice. This makes the researcher of this study assert that Rawls' concept of justice as fairness is a common good principle.

### III. CONCLUSION

A discussion on this article has been majorly on both criticisms and justification. The criticisms are from various philosophers who have various philosophical thoughts yet are guided by the libertarian and communitarian approaches. The Philosophers' primary goal has been to confront and resolve the majority of the urgent and contentious problems pertaining to Rawls' approach and his idea of justice as fairness. Both positive and negative criticisms have been their target. Rawls' primacy of justice, the contractarian process of justice as fairness, social cooperation, original position, veil of ignorance, moral powers, priority of liberty, primary goods, and the notion of the person are some of the underlying principles of their criticisms. Both sides of the criticism are significant from the perspective of the researcher since, in one way or another, they assisted Rawls in refining his theory of justice, which is evident in his other later works besides his first published book entitled "A Theory of Justice". After taking into account Rawls' position and critiques, the idea of justice as fairness to the common good principle is hereby justified.

### BIBLIOGRAPHY

1. Amartya, Sen. *The idea of justice*. Cambridge: Harvard University Press, 2009.
2. Dworkin, Ronald. *Taking Rights Seriously New Edition*. New York: Gerald Duckworth & Co Ltd, 1997.
3. MacIntyre Alasdair, *After Virtue 2<sup>nd</sup> ed.*, London: Gerald Duckworth & Co. Ltd, 1985.
4. Nozick, Robert. *Anarchy, State and Utopia*. Oxford: Blackwell Publishers Ltd, 1974.
5. Rawls, John. *Theory of Justice*. Massachusetts: Harvard University Press, 1971.

6. \_\_\_\_\_. "The Basic Structure as Subject", Alvin Goldman and Jaegwon Kim ed. *Values and Morals*. Boston: Reidel, 1978.
7. \_\_\_\_\_. *Collected Papers*, Samuel Freeman ed., Cambridge: Harvard University Press, 1999.
8. Sandel, Michael. *Liberalism and the Limits of Justice 2<sup>nd</sup> ed.*, (Cambridge: Cambridge University Press, 1998).
9. Walzer, Michael. *Spheres of Justice*. Oxford: Basilwell, 1983.
10. Wolff, Paul. *Understanding Rawls: A Reconstruction and Critique of A Theory of Justice*. Princeton: Princeton University Press, 1977.