

A Critique of John Rawl's Hypothetical Contract as
Means of Determining Justice from the Angle of
Political Realism

Sami Sinokki
Tikkurilan Lukio
Filosofia

Tiivistelmä

John Rawlsin *A Theory of Justice* (suom: Oikeudenmukaisuusteoria) on ollut dominoiva aihe poliittisessa filosofiassa viimeisen kolmenkymmenen vuoden aikana. Siinä Rawls yrittää luoda universaalia oikeuden määrittelemis metodologiaa ja käyttää hyväkseen länsimaisen filosofian perinteistä ammentavaa hypoteettista sopimusta. Siihen osaa ottavat alistetaan tietämättömyyden verhon alle, joka estää heiltä kaiken tiedon omista fyysisistä piirteistään, sekä sosioekonomisista tilanteistaan. Tietämättömyyden verhon alla osaanottajat voivat määritellä yhteiskunnan, sillä olettamuksella, että tulevat myöhemmin itse sitä asuttamaan ja näin oletetusti luovat oikeudenmukaisen yhteiskunnan.

Rawls nojaa vahvasti ajatukseen, että tietämättömyyden verho pistää jokaisen osaanottajan täysin samantarvoiseen asemaan, josta seuraa täydellinen reiluus. Rawls näin yhdistää vahvasti oman käsityksensä reiluudesta poliittiseen oikeudenmukaisuuteen. Työssäni keskityn pääasiallisesti tähän yhdistykseen ja sen implikaatioihin käytännön tasolla. Tutkimus kysymyksen voikin määritellä seuraavasti:
Onko Rawlsin käsitys reiluudesta kelvollinen ja onko tämän käsityksen yhdistäminen poliittiseen oikeudenmukaisuuteen perusteltua käytännön tasolla?

Esseen aikana kritisoin Rawlsin menetelmää poliittisen realismin näkökannalta ja määritän, että poliittinen oikeudenmukaisuus on käytännön termi, jonka kelvolliseen määrittelemiseen vaaditaan tietoa fyysisistä olosuhteista, sekä sosioekonomisesta tilanteesta. Ensiksi tarkastelen Rawlsin metodologian hyväksymisestä seuraavia käytännön implikaatioita, joista pääsen johtopäätökseen, että Rawlsin reiluudenkäsitys ei ole perusteltu yhdistettäessä poliittiseen oikeudenmukaisuuteen käytännössä. Tämän jälkeen tarkastelen kyseisen problematiikan teoreettisia аспекteja, joista pääsen johtopäätökseen, että Rawlsin reiluudenkäsitys on epäkäytännöllinen ja ristiriidassa käytännön vaatiman poliittisen oikeudenmukaisuuden käsityksen kanssa.

Abstract

John Rawls's *A Theory of Justice* has been a dominating topic of discussion in the past three decades of political philosophy. In it Rawls tries to establish a conception of justice that utilizes the social contract methodology as means of determining justice. Rawls's particular variant of this is the original position, in which the participants are hypothetically obscured by a veil of ignorance, which forbids them any knowledge of their physical qualities and their socioeconomic circumstances. From these circumstances the contractors are to determine societal justice as if they were to inhabit the society subsequently. Rawls places cardinal emphasis on fairness and he closely associates this with justice and the premises required for justice. The speculation presented in this essay will focus on this association and its implications on the necessary practical conception of justice. The research question can be formulated as: Is Rawls's association of justice with fairness justified in practical terms and furthermore is this association plausible in the first place?

During the essay I will adopt a stance resembling that of political realism and claim that justice is a practical concept, which requires that the contemporary societal circumstances are taken into account. I will first inspect the practical implications of the usage of Rawls's methodology and hence reach the conclusion that in practise Rawls association cannot be justified in the terms of fairness. I will then inspect the theoretical aspects of the reasons for this and reach the conclusion that the association is implausible; because Rawls's idealistic conception of fairness is inconsistent with the required practical notion.

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1. Introduction

In 1971, John Rawls published his massively influential book *A Theory of Justice*. It is commented to have revived the previously declining study of political philosophy and it is also regarded as one of the most influential philosophical publications of the 20th century. One of the driving motivations for Rawls to publish *A Theory of Justice* was the intention of establishing a universal methodology for determining problems of justice. To do this Rawls utilizes the traditional concept of a social contract. As Rawls himself announces: “*My aim is to present a conception of justice which generalizes and carries to a higher level of abstraction the familiar theory of the social contract as found, say, in Locke, Rousseau and Kant*”¹ The method of a social contract as known in the western tradition of philosophy involves a hypothetical contract among hypothetical entities, which conceptually serves to prove a particular point. Rawls’s particular variation of the social contract is known as the original position.

In the original position hypothetical entities are shrouded by a thick veil of ignorance, which acts as an abstract blindfold and so prevents the contractors from any awareness of their socio-economic and biological circumstances.² This includes such matters as the participant’s gender, race, religion, possessions, natural assets and any specific conceptions of good, that the individual might possess³. Essentially however, it is more relevant to illuminate the issues known to the entities in the original position. According to Rawls’s the parties in the original position know only basic economic theory and that they want to obtain the most of economic and social benefits for themselves, but are mutually disinterested⁴. They also possess a particular, but vague conception of good(s). This conception of the good is an indispensable part of Rawls’s theory. It declares that the people in the original position only desire what Rawls refers to as primary goods. The

¹ Theory of Justice. – p. 10.

² Theory of Justice. – p. 11.

³ An Introduction to Political Philosophy – p. 171.

⁴ Theory of Justice – p. 17.

primary goods include: “*rights and prerogatives of authority, and income and wealth*”⁵. Rawls claims that these primary goods are over any other conceptions of good, because they facilitate and enable the quest for any other possible conceptions of good that an individual might seek⁶. From these grounds the contractors participating in Rawls’s abstraction must then make decisions about the social justice of a society, as if they were to inhabit the given society afterwards.

Ideally the practical role of the original position would come out in a well-ordered society, which is in essence Rawls’s utopian society⁷. In the current societal situation; the practical role of Rawls’s contract method should provide a framework of public justification among people who possess divergent conceptions of the good⁸. Also it should serve as a foundation for creating just social institutions⁹. Rawls provides us with a strongly proceduralist approach to the problem of justice. The rudiments for his procedure and his whole conception of justice lie in the notion of fairness. Rawls identifies justice with fairness, which is explicit in the alternative reference to his theory: “*justice as fairness*”¹⁰, however he does not imply that the notions of justice and fairness are the same¹¹. The entities shrouded by the veil of ignorance are supposedly equal in every aspect, from which results that the treatment of each individual is fundamentally fair. Decisions committed under such profoundly fair circumstances are bound to result in fair and hence just conclusions.

The fairness of the procedure is however, by no means obvious and Rawls’s whole notion of fairness can be questioned, particularly from practical basis, because Rawls’s theory is highly idealistic and his methodology allegedly universal. Therefore the opposing views

⁵ Theory of Justice – p. 80.

⁶ Theory of Justice – p. 54.

⁷ A Rawlsian well ordered society can be understood as a utopian society in a sense, that it is the ultimately just society, where his methodology of determining justice can be easily be utilized in practice. Essentially a well ordered society is effectively regulated by a public conception of justice. “*It is a society where: (1) everyone accepts and knows that the others accept the same principles of justice, and (2) the basic social institutions generally satisfy and are generally known to satisfy these principles.*” Theory of Justice – p. 4.

⁸ Cambridge Companion – p. 29.

⁹ Theory of Justice – p. 7.

¹⁰ Reading Rawls – p. XIV.

¹¹ Theory of Justice – p. 11.

are likely to resemble political realism, which is a stance that I will adopt at least to a certain extent, during this essay. The imperative question required by such a standpoint and from which the criticism towards Rawls's theory will derive from can consequently be formulate as:

Is Rawls's association of justice with fairness justified in practical terms and furthermore is this association plausible in the first place?

2. A Hypothetical Contract as a Rational Position

The validity of all hypothetical contracts has often been criticized by a reoccurring argument, which requires vindication, particularly in the case of Rawls, due to the enormous substance of hypothetical matters in his theory. This argument is efficiently illustrated by Gerald Dworkin:

“A hypothetical contract is not simply a pale form of an actual contract; it is no contract at all”¹²

The statement makes a strike at the most apparent flaw when dealing with the practical treatment of abstract contract theories. A fact of course is that the contract has never taken place in any historical realm nor is it in anyway an actual contract in the legislative sense. When such circumstances are considered, it is a natural prerequisite to ponder: Why should one take any interest in contracts, which are actually no contracts at all? Rawls responds to this directly in the end of *A Theory of Justice*:

“The conditions embodied in the description of this situation are ones that we do in fact accept. Or if we do not, then we can be persuaded to do so by philosophical considerations of the sort occasionally introduced. Each aspect of the original position can be given a supporting explanation. Thus what we are doing is to combine into one conception the totality of conditions that we are ready upon due reflection to recognize as reasonable in our conduct with regard to one another.”¹³

This validation confides on Rawls argument that humans are fundamentally equal¹⁴ and the conditions embodied by the original position are fair. We should therefore accept the

¹² An Introduction to Political Philosophy – p. 187.

¹³ Theory of Justice – p. 514.

¹⁴ What Rawls means by free and equal beings is: *“That they have, and view themselves as having, fundamental aims and interests in the name of which they think it legitimate to make claims on one another; and they each have, and view themselves as having, a right to equal respect and consideration in*

methodology as reasonable conduct towards one another. Rawls's assertion of humans as free and equal is by no means uncontroversial, but I find it reasonable enough to accept in the context of social justice. However, this does not entail it in anyway that conditions embodied by the original position are reasonable or fair conduct in regards to one another.

3. The Practical Implications of the Supposed Fairness in the Original Position

As mentioned Rawls states that the conditions embodied in the original contract are what rational people would consider as reasonable and just when determining our conduct in

determining the principles by which the basic structure of their society is to be governed." Theory of Justice – p. 475.

regards to others. This is because the original position purportedly places us on an even and fair state of affairs with our contemporaries. In such conditions no entity has an unfair advantage over another and the decisions made result in a social institutions and judgments that are just and acceptable to all entities. As I already accepted Rawls's conception of humans as free and equal beings, it would perhaps seem reasonable for me to accept the conditions embodied in the original position also. Nevertheless I can hardly find any such fundamental fairness as alleged by Rawls when examining the practical implications of his position.

Rawls's idea about humans as free and equal beings states that all humans: "*view themselves as having, a right to equal respect and consideration in determining the principles by which the basic structure of their society is to be governed*"¹⁵ This is a notion that is indeed accepted in most democratic societies and the social systems in these societies are often constructed under such principles. Nevertheless Rawls states that modern social institutions and systems are not just, because they provide an unfair advantage to certain individuals. Many people would agree with the provided notions, but even Rawls accepts, that people are by no means equal in their natural abilities or in their mental processes¹⁶. Regardless of this, Rawls insists on adopting the relatively strict veil of ignorance to obscure the natural abilities of the participants in the original position. From this one cannot but ponder: If the distinctions of natural abilities and conceptions good among individuals are an ineradicable part of human existence and therefore unavoidable; why would Rawls insist on abstracting from them when trying to determine justice on a practical level?

Rawls's response to such observations would be based on his cardinal emphasis on fairness. Rawls would comment that simply providing equal opportunity for everyone would merely guarantee a negative of conception equality¹⁷. He does not consider this fair enough because unjustifiable inequalities, such as natural abilities would continue to

¹⁵ Theory of Justice – p. 475.

¹⁶ Theory of Justice – p. 444-445.

¹⁷ To clarify the negative conception of equality: A situation of negative equality only provides an opportunity for equality, but does not guarantee it. This meaning that there is no external restraining force on equality, for example a discriminative government. Cambridge Companion – p. 78-79.

exist. As a response to Rawls's claim, many people would heavily oppose that there is any unfairness in utilizing their natural abilities, even if they are underserved. Most people feel that these natural abilities are an integral part of their identity and many would consider it an attack on their independence, if exclaimed that they have no right to benefit from these abilities.¹⁸ Although many would consider such an attack on independence of individuals intrinsically inequitable, from a certain point of view the idea of such complete equality definitely sounds fair. However, I think Rawls fails to properly recognize the vast unconnected space¹⁹ between his abstract construction and the practical existence we occupy.

As we have noted so far, Rawls's main justification for the use of the original contract method lies in his claim that the methodology is fundamentally fair and equal; therefore we should accept it and embrace mutual respect for one another. Since Rawls intensely relies on the fairness aspect of his doctrine, I will argue that because of the extremely abstract nature of the hypothetical situation, it can actually result in an abundant unfairness when applied in practice, which thus poses a problem to Rawlsian notion of fairness.

4. An Inherent Practical Unfairness in the Application of Rawls's Hypothetical Conditions

To instigate the speculation about the previously declared problems in the practical implications of Rawlsian conception of fairness I will provide a hypothetical example:

¹⁸ Cambridge Companion – p. 79.

¹⁹ Vast unconnected space serves as a metaphorical expression to elaborate that the hypothetical conditions created by Rawls are too abstract or unrealistic to be efficiently applied or compared to the actual conditions we inhabit.

Imagine a person of average natural abilities and social background, but with an immense motivation to succeed. Due to his great motivation he works twice as much as the other people of similar backgrounds and abilities, and so manages to earn a relatively huge fortune. It could even be said that he has solely lived for work and earning the status and possession are his ultimate and only ambition. He earns this fortune by means that by most people consider totally just and fair: By working hard, being honest in his trade and being fair. Now imagine that a Rawls influenced government takes over the society that this person inhabits and decides to remodel the whole society by using the method of the original position. Each person in this society is then obliged to enter a high-tech machine, which objectively creates the conditions of the original contract and they then must decide on the conditions of their new society.

This provides an extremely abstract example of a situation where the Rawlsian methodology is utilized in practice. The person in the example would be forced to forget and neglect everything he has earned and thrived for. Such circumstances in themselves could already be considered rather unfair because the exemplified person would be forced to commit into a drastically life changing contract, without knowledge about his actual aspirations. He would be forced to make an irreversible decision, which would almost certainly alter the fundamentals of his existence, without really knowing who he is. How could one possibly regard this conduct as fair?

Rawls would probably legitimize this by repeating his emphasis on the indispensable equality of the conditions embodied in the original contract. Albeit the person would be forced to choose without knowing his identity, so would everyone else. This would result in a type of elementary equality, which would guarantee ultimate fairness in regards to each entity. I believe a response as the one assumed, would merely be distracting one from a certain inherent unfairness apparent when applying the methodology in practical situations like the one exemplified.

The point is that Rawls essentially disregards the present pragmatic state of affairs. The fairness and equality of the hypothetical contract methodology would certainly be exceedingly difficult to refute, if it actually took place in an existent and factual original position. In this case we would have never inhabited a society before and we would set about to create something previously inexistent, where no entity could possibly be deprived of anything. This extremely hypothetical scenario however is not factual, nor does it therefore have significant relevance to our present situation. When applying the original contract methodology to our current situation, we would not be creating something formerly inexistent, but altering the present from hypothetical basis. This would unavoidably and unfairly cause certain entities to lose something that they had previously obtained fairly.

Reflect back to the example provided earlier. If the person in the example would formulate his choices as Rawls assumes each rational entity would and therefore adopt the difference principle²⁰. The person would certainly end up being deprived of much of his previous monetary possessions, through social institutions, that would become notably more egalitarian. This person, who had worked a number of immensely burdened years to earn his fortune, would now have to share a part of it with not only the worst-off, but perhaps also with people of similar abilities and background as he himself, who were just not as motivated to work and succeed in a way that he was. Rawls certainly does acknowledge the necessity of economic differences²¹ as long as they work for the benefit of the least advantaged however in practise it cannot be avoided, that certain entities gain undeserved benefits on the expense of others. This can be observed empirically in numerous nations with an excessive welfare system, where a large share of the capital is directed to the less motivated in addition to the people who are worst-off. This happens,

²⁰ The difference principle is a principle which according to Rawls each rational entity would adopt in the original position. Summarized in shortened terms it basically means that an entity will choose conditions of economic differentiation, which enable the worst of to be as well-off as possible, while still maintaining adequate overall economic conditions. Every rational entity according to Rawls would choose this, because it provides the most security in a case where one discovers himself to be one of the worst-off in society. The societal institutions created in accordance with the difference principle would therefore be significantly more egalitarian than they usually are in practice. Theory of Justice – p. 68.

²¹ Theory of Justice. – p. 13.

because on a practical level it is extremely difficult to distinguish the once who are in real need of the monetary supplements from the so called free loaders.

5. Altering Our Current Institutions from Hypothetical Foundations

Many people might object to the previously illustrated example by claiming that the entity exemplified had more than he required and therefore it is just to take away the excess. This indeed seems plausible, predominantly if the person owned a great abundance of capital. Nevertheless, this does not take away the fact that the person would be deprived of something he had fairly and justly earned by intensive labour. This I think can as a result be considered an unfair scenario. One might object to my proclamation by provokingly claiming that on these bases taxation on general could be considered unfair or that by such statements I am unfoundedly backing up disproportionate capitalism. However, one alleging such an objection would probably be missing my point entirely and it indeed does require elaboration. The foremost point of the critique is that in the given situation the person had managed to gather his affluence in the particular circumstances of the previous society he inhabited. Completely changing these circumstances would be like switching the rules of a game whilst it is still proceeding. To elaborate:

Imagine that you are in the midst of playing a board game with your friends. To make it more interesting, you have made a bet with your friends and the winner is bound to get an extravagant sum of money. The success in the game is determined by a combination of chance and skilful playing. You have spent the previous days studying the dynamics of the game and by skilful manoeuvring obtained the lead from your contemporaries. You are especially cheerful, because your lead is rather impressive and the situation is looking rather positive to you. Then suddenly in the midst of the game, your friends decide to change the rules of the game to your disadvantage...

The unfairness of this situation is notably explicit and it effectively exemplifies my point that the original contract methodology does not provide fair results in regards to everyone when utilized in practise. Rawls would certainly object and an objection elaborated in consideration with the example would probably be: what if the rules of the game were unfair from the very beginning? And what if the friends you are playing had no other options than to play the game with these unfair rules? It is essential to acknowledge such expostulation and it must be conceded that the economic starting points of different

individuals are certainly not on an equal level in our present societies and therefore the rules of the game are indeed unfair to certain entities. Nevertheless it does not erase the fact that the game has been proceeding for a long time with the given rules and at this point it would be immensely unfair towards certain entities to change the rules of the game. The only way we could possibly manage to eradicate unfairness entirely, would be to determine fair and equal rules in regards to everyone at the beginning of the game. However, in the world, in our society, in our existence, we cannot possibly go back to the beginning and like demonstrated, changing the rules at this point undoubtedly results in unfairness towards some entities.

To this one might claim that the unfairness present in the beginning is much greater than the unfairness present when changing the rules and therefore this would render my objection insignificant in some sense. On the contrary, it is not insignificant by any means, because Rawls is not trying to determine what is more just or more unjust than something else, but what is just. He is essentially claiming that his methodology provides us with justice and therefore the resolutions reached by the usage of his method should be just towards everyone. This expresses that there is a congenital unfairness present in the situation, regardless of do we accept Rawls's methodology or not, and it also indicates a defect in Rawls's association of fairness with justice.

6. Is Rawls's Association of his Conception Fairness with Justice Plausible?

As I have progressively began to elaborate: there is something ineluctably problematic in Rawls's association of fairness with justice. This something is the vast unconnected space between Rawls's idealistic framework and reality²². Rawls's conception of fairness is in no way a practical discernment, but instead it is fundamentally idealistic because it regards humanity²³ as independent of its circumstances. The association of such a conception of fairness with justice is in no manner plausible, because justice²⁴ is ultimately a practical concept, which is necessary for civilized interaction in societies and in such conditions justice should also be determined in accordance with the reality where these societies exist. To elaborate some of the provided notions:

Imagine a 400m race in the Olympics. The athletes participating are bound to possess diverging natural abilities and distinct conditions of fitness. The athletes then participate in the same hypothetical original position simulator described in a former example, in order to determine fairest or most just race possible. If the athletes would adopt the principles that Rawls claims, chiefly the difference principle; none of the athletes would want risk the chances of being worse off and therefore create a race of foremost equality. A decent possibility therefore is that the race would be conducted so, that the athletes with the least natural abilities and most insubstantial condition of fitness would be allowed a slight head start to maximize equal chances for each athlete.

I doubt that even a Rawlsian would consider such conduct justified and would undoubtedly object immensely to the use of the given example. One could claim that in the presented situation, the athletes would not be treated equally, but this protestation would not be very reasonable from a Rawlsian point of view because they would actually be treated in a fundamentally equal manner just as Rawls proposes; by eradicating the unfair advantages they obtain through their natural abilities. A Rawlsian also might claim

²² The notion of reality is extremely controversial and it requires specification By reality I am referring to merely ordinary everyday existence as seen in practical terms and it should not be understood as anything else.

²³ Humanity in this case referring to a more particular understanding of human interaction, by the means of justice and fairness.

²⁴ Political justice in particular.

that the example bears no exigency to political justice because life at least in modern day societies is not comparable to a contest for victory, which is ultimately purposed to entertain the gathering audience. One could even claim that social institutions are in essence purposed to create civilization by the disparagement of such Social Darwinism. This however, cannot be considered a very plausible protest and I am by no means advocating Social Darwinism as a political theory.

Rawls himself states that the parties in the original position are rationally self-interested²⁵; regardless he does not propose a theory of egoism because the conditions embodied by the original position are not purposed to manifest a theory of human nature²⁶. However, from this is apparent that even in the original position there exists a particular type of contest, just as in the example provided. The entities submitted to the original position are mutually disinterested, but wanting the most for themselves, as are the exemplified athletes²⁷ and therefore the example is extremely applicable. It serves to depict the fundamental quintessence of our natural abilities in the process of determining justice. Rawls's conception of fairness is thus incompatible with the justice required by our contemporary society, where natural abilities are ineradicably a part of ones consciousness.

The problem is an inherent aspect of Rawls's intention to formulate fairness and justice from basis that do not exist and have never existed to our practical everyday existence; it inevitably results in an inconsistency. Ronald Dworkin exemplifies this powerfully:

“Suppose I did not know the value of my painting on Monday; if you had offered me 100\$ for it then I would have accepted. On Tuesday I discovered it was valuable. You cannot argue that it would be fair for the courts to make me sell it to you for 100\$ on

²⁵ “Moreover, the concept of rationality must be interpreted as far as possible in the narrow sense, standard in economic theory, of taking the most effective means to given ends” Theory of Justice – p. 12.

²⁶ Cambridge Guide – p. 492.

²⁷ Of course the athletes might not be mutually disinterested, due to colliding interests and tension in natural human interaction, but basically if the athletes had never met each other, the only thing that would matter for each athlete would be their own qualification.

Wednesday. It may be good fortune that you did not ask me on Monday, but that does not justify coercion against me later.”²⁸

This again indicates us to the precise root of the problem, which I already began to elaborate on the prior section, but it is also closely intertwining with subject matter of this section. What Rawls identifies as fairness is a type of fundamental equality, an ideal, which does not describe reality as we conceive it. He then associates this with a notion of justice, which by all means is a necessary practical concept of civilized existence. As Rawls himself proclaims: “*At any time we can enter the original position*”²⁹, therefore also submitting to the very practical nature of justice. From this is quite apprehensible to conclude that a concept of fairness or of justice requires that the circumstances and practicalities are taken into consideration. This I elaborated in a prior example: in the case of the Olympics, most people would deem the race completely fair and just, if it was conducted in an ordinary manner, without giving subsidies to athletes of inferior natural abilities. This notion of fairness takes natural abilities and circumstance into account and is therefore plausible as a practical conception. It is also indeed what most people do associate fairness with.

²⁸ Reading Rawls – p. 19.

²⁹ Theory of Justice – p. 17.

7. Conclusion

During the course of this essay I have adopted a stance resembling some variants political realism and endeavoured to illuminate that justice is a term of an essentially practical nature. I have also described that Rawls's theory of Justice confides profoundly on his conception of fairness. This conception is extremely peculiar because it is mostly incompatible with the commonly held notion. In order to determine fair treatment for all participants for the purpose of formulating justice, Rawls insist on abstracting away from our natural abilities and our circumstances. What he considers a fair scenario is hence very much independent from the circumstances of our contemporary society. By doing so, he does not manage to eradicate unfairness, but merely creates unfairness of a different type, at least as observed in the hypothetical examples of the usage of Rawls's methodology in practise.

This hence reveals that Rawls's conception of fairness in association with justice is implausible on practical basis. If one kind of unfairness is generated, when another is eradicated, then I do not think we can consider the methodology procedurally fair. The main problem identified is that the abstract conditions embodied by the original position, were a just society is supposed to be determined, bear no relevance to our contemporary conditions. Our natural abilities and circumstances are indelibly a part of our existence, and should thus be taken into account when we are to determine justice. Rawls however, associates a conception of fairness, were these are iniquitously eradicated into the practical necessary concept of justice. Consequently Rawls's conception of fairness as fundamentals of determining justice is inconsistent with the notion of justice required in practise and the association of the two is fundamentally implausible in the given context.

Bibliography

Daniels, Norman. *Reading Rawls: Critical Studies on Rawls' 'A Theory of Justice'*. 1975.

Stanford California: Stanford University Press. Reprinted: 1989.

Dworkin, Ronald. "The Original Position". From: *Reading Rawls: Critical Studies on Rawls' 'A Theory of Justice'*. 1975. Stanford California: Stanford University Press.

Reprinted: 1989.

Freeman, Samuel. *The Cambridge Companion to Rawls*. 2003. New York: Cambridge University Press.

Nagel, Thomas. "Rawls and Liberalism". From: *The Cambridge Companion to Rawls*. 2003. New York: Cambridge University Press.

Nussbaum, Martha C. "Rawls and Feminism". From: *The Cambridge Companion to Rawls*. 2003. New York: Cambridge University Press.

Rawls, John. *A Theory of Justice*. 1971. Harvard University Press. Sixth printing, 2003.

Wolff, Jonathan. *An Introduction to Political Philosophy*. 1996. New York: Oxford University Press.

