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## Justice from the Perspective of John Rawls and Allameh Tabatabaei

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### Abstract:

Justice has always been the most basic issue and the most important ideal of man since the beginning of civilization on earth, and for this reason, humans have tried to turn it into reality. Parallel to this importance, the thinkers of every age have tried to explain the limits and gaps and realize it. Because the lack of justice in the society causes the emergence of discrimination, oppression, corruption, and the lack of public consensus, and a society based on injustice and heterogeneity emerges. As a result, in order to pass from this society and move towards a healthy society where justice is based, idealistic thoughts are created to reach the desired society. This creates schools, movements and revolutions. This process shows the importance of the fact that in the process of the evolution of civilization, human beings have always had the concern of justice in front of them and it is not limited to a specific group or nation. People everywhere and at all times have the desire to achieve justice. In this article, while examining the origin of justice in the thoughts of John Rawls and Allameh Tabatabaei, this concept was compared from the perspective of two thinkers. Rawls from the contemporary West and Allameh Tabatabaei from contemporary Islam are among the most prominent philosophers and thinkers in the world who look at the concept of justice with different intellectual bases. But their theoretical output has similarities in the field of the concept of justice. In this article, using the Ricoeurian hermeneutic method, the challenges in the thoughts of Rawls and Allameh Tabatabaei in the field of justice were investigated.

**Keywords:** John Rawls, Allameh Tabatabaei, Justice, Discrimination, Corruption, Ricoeurian hermeneutics

### Introduction

In the Western world, the issue of justice has been raised for a long time and it has been addressed as one of the basic issues of society from the past until now, in this regard we can mention the thoughts of Socrates, Plato and Aristotle and the reactions of the opposite thoughts of this movement in ancient Greece. Plato emphasizes justice to such an extent that it can be said that the most discussed topic in Plato's book named Republic is about justice and its explanation. In the first, second, fourth, and eighth books, Plato has extensively discussed justice and the righteous. (Lotfi, 1974, pp. 1-549) In his opinion, the foundation of government and society is based on justice. Basically, from the point of view of many ancient philosophers, especially in Greece, justice has mainly been the concept of things being in their natural state and natural dignity, and as a result, fair and natural attributes have been considered synonymous and the same for most of them. On the other hand, they considered this state and natural dignity as a desirable and ideal state; Therefore, placing everything in its natural status is the basis of the Greek thought about justice. (Bashiriyeh & Ghaninejad, 1997, p. 5)

In the liberal thought of the contemporary West, justice also refers to the protection of individual fundamental rights and has a descriptive aspect. Although, in this view, justice is considered beyond naturalness. Some also believe in the spontaneous order of society, which is subject to natural

and involuntary forces. If, according to some, the first conception of justice is not related to the public sphere of society and political and social institutions, in the second conception, especially what is discussed in the thought of Thomas Hobbes and David Hume and their followers, it is also based on agreement and contract and it is purely utilitarian, not moral and virtue-based. (Jamshidi, 2001, p. 14). In Kant's point of view, justice becomes a characteristic of social institutions and is meaningful in relation to others and in the form of fairness. John Rawls is also one of these thinkers in the 20th century, who has a special place in terms of attention to political philosophy. It is because justice in the form of fairness had been raised among thinkers before, but it was given depth and comprehensiveness by John Rawls; In such a way that his works have been compared with great philosophers like Kant.

In Rawls's theory of justice, moral and political theories have been discussed in relation to each other, and sciences such as psychology and economics have been used to explain them. The purpose of Rawls's theory of justice is to define and defend the specific concept of systematic social and moral justice from liberal justice. According to Rawls, justice is the foremost virtue of social systems and a virtue that cannot be ignored in any way. The importance of John Rawls is not only because of the revival of political philosophy, but Rawls was able to establish a compromise between the principles of

freedom and equality and draw the relationship between the two in such a way that neither freedom is sacrificed nor equality is meaningless.

Therefore, Rawls states two principles for the specific concept of justice:

The first principle: "Each person should have an equal right to the broadest general system of fundamental freedoms that is compatible with the system of freedom for all."

The second principle: "Social and economic inequalities must be adjusted in such a way that:

a) Provide the most benefit to the least benefited persons, in a way that is compatible with the principle of fair savings.

b) Jobs and positions should be open to all under the conditions resulting from equality of opportunities" (Rawls, 2005, p. 8).

The concept of justice in socialist thought and attitude, although it is considered one of the fundamental principles, but it basically means distributive justice or justice in the distribution of products, facilities and products. This side of justice has been mentioned especially since the time of Aristotle, which means "from each person according to his ability and to each person according to his needs". In other words, the issue of justice in this view is only economic and can be solved only with rational economy. (Tadayon, 1994, pp. 256-261)

In the field of Islamic thought and civilization, justice and its explanation have a special place, and political philosophers such as Farabi, Ibn Sina, and Khajeh Nasir al-Din Tusi have also dealt extensively with the category of justice and utopia.

This view, which is considered to be kind of social, is mainly focused on the proportionality of merits and entitlements. (Asil, 2001, pp. 167-168) In the present era, perhaps it can be said that Allameh Tabatabaei among other Islamic philosophers has made more efforts to examine the concept of justice and works have been written in this regard. "Tafseer al-Mizan" is one of these works in which the concept of justice is explained and, while stating two introductions in the first stage, it has proposed the theory of justice. These two introductions clearly show the necessity of justice in the first step and the value of justice in the second step. Allameh has presented his views on concepts such as the concept of justice, the definition of social justice, the necessity of justice, and the source of the value of justice. From Allameh Tabatabaei's point of view, linking justice to human employment creates three controversial cases.

The first point is that civilized man is not natural and civilized by necessity.

The second issue is that, according to this analysis, justice is no longer a virtue, but a social emergency.

And finally, the third issue emphasizes that justice is no longer a value per se, but an instrumental and contractual value. (Vaezi, 2014, p. 8)

As it can be seen, Allameh is considered an interpreter of the Qur'an and a philosopher. Therefore, his perspective deals with social justice by using religious sources and texts and the text of the Holy Quran from the perspective of a philosopher in the present era in the Islamic society, and

in the meantime, John Rawls is also a thinker in the field of liberal democracy and a philosopher of the 20th century on the other side. They can be considered suitable options for dealing with the concept of justice on behalf of the two schools of Islam and the West in the present era and comparing it with each other.

As a philosopher of the present century, whose thoughts on justice can be examined in the school of liberalism, John Rawls has based most of his thoughts on this concept and tried to find a solution to the two-faceted puzzle of freedom and equality in the modern and postmodern era. This concept has been of high importance among Islamic thinkers from the beginning until now, and its importance has not diminished in the eyes of Muslim philosophers in the present era. Allameh Tabatabaei has also addressed this topic with a religious-philosophical approach. Drawing attention to the fact that two philosophers in two different schools at the same time dealt with the category of justice brings to mind the idea that the concept of justice is still one of the main components of any government and society, therefore, it is necessary to write this article in this direction.

### **Background and research records**

From the point of view of Allameh Tabatabaei and John Rawls about the concept of justice and utopia, as well as other Islamic and Western thinkers from two different perspectives in conflicting schools, many works have been written so

far, although they are mainly presented separately, the most important of which is the most frequent in the reference of researchers. It is basically stated as follows: Moghimi (2014) in an article titled "John Rawls's Thought System, Sources and Findings" discussed the topics presented in the theory book about justice and tried to acknowledge the fundamental importance of the theory of justice, contrary to the perception. It is common to show that Rawls as a political philosopher is trying to explain a good and virtuous government, his intellectual foundations as a neo-Kantian theorist are based on the moral perception of politics, and justice is also in the center from this point of view. His attention is given to the possibility of expanding this concept in providing a good government.

Ramezani (2013) in the article "Employment theory" and the origin of the value of "justice" discussed the point of view of Tabatabaei scholar based on the interpretation of Morteza Motahari, Ayatollah Mesbah Yazdi and Professor Javadi Amoli. The author stated in this article: "Justice" discussion is one of the fundamental discussions of Islamic political philosophy, and among this, the category, value and origin of justice is one of the challenging discussions.

Due to the differences among the commentators of Allameh's words, this research shows that Allameh's words about the principle of justice being rooted in the nature of human employment and profit-seeking is not a value assessment by him.

Rather, Allameh is trying to express the requirements of the basic human nature minus religion and nature. Therefore, he believes that this nature should be trained by religion. With this statement, the views of Motahari, Mesbah Yazdi and Javadi Amoli can be combined with Allameh's views, and only the point of view on this issue is different.

Rasekhi and Saeedi (2012) in an article entitled "The place of justice in the thought of Allameh Tabatabaei" stated: In the view of Allameh Tabatabaei, the goodness of justice is creditable, and he considered the mentioned goodness and badness to be creditable matters, and the criterion for distinguishing justice is reason and Sharia. From Tabatabaei's point of view, man is forced to accept social justice and freedom is realized within the framework of justice and morality. According to this article, the difference in rank and talent in society is a requirement of social justice.

In a book titled "Justice in Contemporary Islamic Political Philosophy", Ramezani (2011) tries to explain the fundamental concept and place of justice in political affairs and its relationship with the most important concepts and elements involved in politics, such as freedom, prosperity, equality, security, power, legitimacy, etc. in the political thought of Allameh Tabatabaei and three of his students Morteza Motahari, Mesbah Yazdi and Javadi Amoli. This book has been written in six chapters.

Yazdani Moghadam (2010) discussed the issue of justice in an article entitled "Goodness and badness and social justice

from the point of view of Allameh Tabatabaei". For the first time, this article presents a specific analysis of the nature of good and bad, social justice, its place and role in social and political life in the political thought of Allameh Tabatabaei. Yazdani Moghadam believes that with the interpretation that Allameh Tabatabaei provides about good and bad and social justice, on the one hand, the ability to refer to these concepts is preserved, and on the other hand, the ability to be flexible and change and evolve has been included in them.

Marion Young (2010), a professor of political science at the University of Chicago, in the book "Commitment to Justice" with an introduction by Martha Nussbaum, has examined the responsibility of humans to justice and efforts to eliminate structural injustice. In the studies conducted by Young about justice, it has been examined and compared with other concepts. She studies concepts such as global justice, democracy and difference, continental political theory, ethics, international affairs, gender and race in relation to each other. Young believes that in order to eliminate injustice, its structural factors must be eliminated. She makes people aware of their responsibility towards justice and believes that in order to eliminate the structural factors of injustice, a model and theory with an emphasis on responsibility should be presented. She calls this model social communication and expands this idea by clarifying the nature of structural injustice. The transition from individual responsibility to political



responsibility, structure as a matter of justice, malpractice versus responsibility, and the model of social communication are among the titles of this book.

Vaezi (2009) has discussed John Rawls's thoughts in a book entitled "Criticism and Review of Theories of Justice". The first chapter of the book is written differently from other chapters and includes the author's findings in the field of justice research. From the second chapter onwards, the ideas of justice in the thought of classical philosophers, empiricists, pure rationalism, liberal type socialism (John Rawls), libertarians and liberal socialists have been examined. In the criticism section, Vaezi has not adopted the same method. In some critiques, another thinker has criticized the discussed point of view, in some others he has written his own critique, in some he has criticized with religious and transcendental foundations (John Rawls's critique with the concept of nature) and in some with the internal foundations of that school. This happens a lot in the criticism of John Rawls's theory and the use of the concept of nature. Because the very concept of nature requires reasoning.

Shariati Sabzevari (2008) in the book "Essay on Principles of Philosophy and Realism Method" has discussed the description and writing of Morteza Motahari's articles, which he wrote during his lifetime, describing and explaining the views of Allameh Tabatabaei. The most important of which are such as realism and idealism, science and perception, the value of

information, the emergence of plurality in perceptions, credit perceptions, existing issues, theology in a special sense.

Vaezi (2005) in the book "John Rawls: From Theory of Justice to Political Liberalism" stated that: The most important competitor of religious thinking is liberalism. In this book, he tries to criticize Rawlsian liberalism as one of the most important tendencies of liberalism. Vaezi believes that linking justice and liberalism, examining the content of justice and discussing the political and social contexts of justice has made Rawls an outstanding thinker in liberal thought. In the above book, he summarized Rawls's thought in ten parts and criticized it, and finally he deals with Rorty's understanding of political liberalism and Habermas's criticisms of Rawls.

Akhavan Kazemi (2005) in the book "Examination and Criticism of John Rawls's Theory of Justice" while briefly mentioning the criticisms of Rawls's thought by Western thinkers such as: Brian Barry, Michael Sandel, Alasdair MacIntyer, Charles Taylor, Michael Walzer, which are mainly considered Congregationalists. In this text, he has criticized Rawls's thoughts through three issues. First, presenting a new interpretation of social contract theory, second, extensive use of Kant's understanding of rationality, and finally, criticizing utilitarianism and trying to provide an alternative. Finally, he has stated the main criticisms of John Rawls by critics in ten issues.

Afzali (2004) in the article "Rawls's theory of justice, seeking justice or anti-justice" believes that Rawls's theory of justice is not a novel thing and his main thought is based on the contract theory of Hobbes and Rousseau and on the other hand on the moral philosophy of Kant. In this text, he limited John Rawls's principles based on justice to three principles, first: the principle of equal freedom, second: the principle of fair equality of states, and finally: the principle of difference, and he follows his examination of this thought in this framework.

Mahmoudi (2002) in the article "The Question of Justice in the Opinions of John Rawls and Shahid Motahari" while stating the origin and intellectual origin of the two thinkers, he criticized John Rawls and mentioned the shortcomings of this thought, and at the end this is the result. The example of John Rawls cannot have a place in Islamic societies including Iran.

Sadr Haghighi (2005) in his dissertation "The Incompatibility of Justice and Freedom in Rawls's Thought" by examining the thought of American political philosopher John Rawls and showing the internal inconsistencies governing his theoretical system, tried to show that there are two objections to Rawls's theory of justice. First, Rawls's theory of justice as fairness is in conflict with the principles of Kantian ethics. In other words, the presence of a kind of hidden utilitarianism in the mind of the theory of justice as fairness makes it lose its moral validity. Second, Rawls has chosen the conditions under which the

principles of justice are extracted in a completely arbitrary way.

Mehranfar in (2003) in his dissertation "Comparative study of the place of justice in Islamic management and western management schools" tried to study the management styles and Islamic management to investigate justice, which is a performance criterion in the Islamic system, in western management schools.

Zarghani (2011) in his dissertation "The relationship between political freedom and social justice in the three schools of liberalism, Marxism and Islam" by examining the theoretical foundations in ontology, anthropology etc., the opinion of each of the previous schools about existence and mankind, the foundations and goals of law and politics, and the originality of the society or individual have been explained and then discussed the topics of freedom and justice. In the following, in two separate sections, each of freedom and justice and the different types and areas of these two are taken into consideration and the opinion of each of these schools is expressed in this regard, and then to the discussion about the relationship between political freedom and social justice from the point of view of these three schools.

Zivari (1999) in his dissertation "Extracting the Basics of Economic Justice in the Opinions of Contemporary Islamic Economists and Thinkers" addressed the economic dimension of justice and pointed out issues such as equality, distribution, economic justice, directions of growth and development. In this thesis, the theories and ideas of contemporary economists

such as Friedrich Hayek, Albert Hirschmann, John Rawls, Robert Nozick, Amartya Sen, Gunnar Myrdal, Raul Perbisch, Jan Tinbergen, Lundberg and Squire, Gerald Miro, Joseph Stiglitz and some Contemporary Islamic thinkers such as Seyyed Mohammad Bagher Sadr, Morteza Motahari and Imam Khomeini have been used.

In any case, what has been done and mentioned in the background of the research is clear, all of them have addressed one of the dimensions in question, both Islamic and Western schools, and this is also seen in the conflict of opinions. Therefore, in this article, we are trying to deal with the concept of justice from the point of view of John Rawls and Allameh Tabatabaei.

### **Research purposes**

The main goal of this article was to identify and explain the differences and commonalities of the theoretical foundations of justice in the political thought of John Rawls and Allameh Tabatabaei. Therefore, the main question is: Based on what principles did John Rawls and Allameh Tabatabaei draw and explain justice and rules? In response, it can be said that it seems that the origin of justice is different from the point of view of both philosophers, in such a way that John Rawls considers the origin of the legitimacy of justice to be an agreement or choice of the constitution according to the demands of the people of that society. Meanwhile, Allameh Tabatabaei, based on Islamic thoughts, considers the origin of the

legitimacy of justice to be a necessity, not a worldly social contract, and people can use religious teachings to understand it. It is thought that indicators such as considering the essence of justice (its individuality), paying attention to the economic components and considering the poor and the disadvantaged in the realization of justice and drawing the Utopia are among the points of commonality and components such as the reproduction of wealth. The origin of the legitimacy of justice and some concepts such as freedom are considered to be the points of difference between two contemporary thinkers in the field of justice.

### **Hermeneutic method**

In the Columbia Encyclopedia, hermeneutics is defined as the theory and practice of interpretation. In the translation of the word into Persian, hermeneutics is translated as interpretation and understanding which of course, interpretation is a more accurate translation, because it means hidden behind everything, and this is what is meant by hermeneutics. The word hermeneutics is originally derived from the word Hermes. In Greek mythology, Hermes is a god who is the son of Zeus, and Zeus is the one who takes God's messages and delivers them to humans. Hermes, in fact, transfers what is beyond human knowledge and thought to the field of his thinking and causes the discovery of hidden secrets and meaning in everything, so hermeneutics means discovering the secrets of a text. In other words, the science



of hermeneutics or the theory of understanding is the science and technique of understanding the language and intention of the speaker (speech) or author (text) or the interpretation of the words of others, in what they said. Therefore, it is different from translation. The key to understanding hermeneutics is language. Hermeneutics seeks to understand social and political behavior through a deep internal examination of the nature of human imagination, thought processes, and motivations.

Hermeneutics seeks to understand the intention of the creator of a work or at least to approach it, and this is what Foucault interprets as breaking the iron cage of the mind (Manouchehri, 2007, p. 23).

Hermeneutic methodologists believe that it is not possible to understand human phenomena except by considering the context, text, environment and time in which those phenomena were formed. Every component of social and human phenomena should be interpreted considering the conditions, time, and context from which they arose. In this way, the historical dimension of each phenomenon should be taken into account, so that the sequence of phenomena shows a kind of continuity from the past to the time of study. On the other hand, the intentions, motivations and desires that shape human and social phenomena should be realized by placing the researcher in the place of the subject we are researching. In that way, the researcher will achieve an interpretation that has caused the formation of human behaviors or phenomena (Ahmadi, 2004, p. 64). The data analysis method of this research will

be a comparative method. The method of collecting research data, library and documentary studies, is by using note-taking, it is worth mentioning that the methodology and analysis tools of this writing will also be based on hermeneutics. And since it can be said that Ricoeur's text-centered hermeneutics is considered one of the appropriate methods for analyzing this treatise, therefore, the process of this movement takes place from the text to the context.

According to Ricoeur, the text interpretation process consists of three elements: explanation, understanding, and appropriation. The element of explanation, which is also called Locationary aspect, has a linguistic dimension and examines the vocabulary system and linguistic structure governing the text and the levels of verbal communication of the text. Interpretation starts from this stage and reaches the element of understanding, which is understanding the meaning of the text. The third element, which forms the third stage of interpretation and Ricoeur calls it the trans textual aspect, refers to the interpreter's involvement with the meaning of the text, that is, the intention of the text, which is semantic. This is not an attempt to reach the hidden meaning behind the text, but something that is revealed in front of the text. In the shadow of the interpretation approach, the text opens up a world for the interpreter that belongs to him (Ricoeur, 1981, p. 461).

In this article, the researcher considers the process of interpreting the text as a holistic and cumulative process by using the hermeneutic approach based on the text of

Paul Ricoeur; That is, the text should be viewed as a whole and seek to understand its meaning, and not to put together the meanings of individual sentences. When we look at the text as a whole, its constituent elements and components are considered to be some main and some secondary, and based on this, a text is looked at in various perspectives. In any perspective, main components and elements are considered as secondary components and elements; Therefore, it is a text open to multiple readings and interpretations (Ricoeur, 1981, p. 462).

In fact, in this way, we first guess the meaning and then, through the available sources, we come to the conclusion that the mentioned thinkers have started to produce texts in a specific discourse frame and mode (Western and Islamic schools), so considering these conditions, we will interpret their thoughts.

### **The structure and theoretical foundations of John Rawls's thought about justice**

#### **liberalism**

Liberalism is an ambiguous word. The definition of liberalism both due to the historical movement and different tendencies among its supporters and due to its characteristics and constituents has caused it to face a certain complexity as Andrew Vincent in the book "Modern Political Ideologies" (Vincent, 1999, p. 392) By examining the texts written about liberalism, he points out the existence of at least nine interpretations and explanations about it.

The Oxford Political Science Culture defines liberalism in general as "the belief that the goal of politics is to preserve individual rights and maximize freedom" (Lin, 2002, p. 475). In a broader explanation, while acknowledging the diversity and plurality of concepts in this regard, for the concept of liberalism, he mentions a recognizable identity that "the commonality of all the diverse species belonging to the liberal tradition is a certain perception with a distinctly modern character of man and society. Some of the elements of this perception are: individualism that defends the moral superiority of the individual against any claim by the social group. Egalitarianism that grants equal moral status to all human beings and denies the relevance of any distinction in moral value between human beings in terms of legal or political order. Universalism that specifies the moral unity of the human species and gives secondary importance to specific historical affiliations and cultural forms. Improvementism which acknowledges the improvement of all social institutions and political arrangements. (Gray, 2002, p. 32)

#### **Sources and findings in Rawls's thought system**

Rawls's discussions about the concept of justice have made this concept become the focus of his political thought in such a way that some researchers, including Bashiriyeh, evaluate the focus of Rawls's discussion and efforts to solve the problem of justice. In the review and explanation of Rawls's views, it is tried to show that

Rawls as a political philosopher is trying to explain a good and virtuous government and his intellectual foundations as a theory while acknowledging the fundamental importance of the theory of justice. The neo-Kantian philosopher is based on the moral understanding of politics, and justice is the focus of his attention from this point of view, which gives him the possibility of expanding this concept in providing a good government.

### **John Rawls and Justice**

Rawls's opinions as a liberal thinker rightly show that when the neoliberal thought tries to depict the political life of a society by distancing itself from the field of moral concepts only in the field of the concept of freedom, it can only emphasize the limited field of government activity. A prominent thinker such as Rawls, adhering to the modern moral theory, believes that justice, as a significant concept in political and social life, provides appropriate requirements for the political structure. In fact, his thought, with all its components, creates a system that ultimately leads to the deep insights of his political philosophy. Rawls, in his political works, which was examined as a normative approach, tries to provide a convincing reason regarding the necessity and legitimacy of the existence and at the same time the activity of the state by using the moral theory. This necessity and legitimacy are based on a method such as its inferential foundations based on freedom, equality and use of modern and defensible rationality (at least according to Rawls), is clearly distant

both from the concept of the minimal neoliberal state and from the concept of the inclusive and totalitarian state. Taking advantage of ethics in the field of explaining and presenting political and management solutions of the society as a way to fight the crises facing the society is one of the concerns that still occupy the minds of liberal thinkers.

It is not without reason that Francis Fukuyama considers "the moral crisis, social disintegration and distrust of American citizens towards politics and government as the biggest problem of this country. From his point of view, the greatest support of the United States of America during the era of economic prosperity was not material capital, nor technical knowledge or management, but moral values. (Kazemi, 2002, p. 1370) As mentioned in the research hypothesis, the discovery and application of ethical ideas in the field of political relations and action turns "justice as fairness" into a suitable solution for establishing order and organizing the political-social structure.

### **The importance of John Rawls's thought**

It is enough for his importance that not only the most prominent philosophers and professors of political philosophy have paid special attention to his views and opinions and tried to elaborate and criticize his works, but also famous thinkers whose main field of work was not political thought have turned to his views. And they have criticized his intellectual achievements. So far, nearly five thousand books and articles have addressed Rawls in some

way and explained or criticized his theory of justice and political thought. Most critics have praised the depth, comprehensiveness and effectiveness of his ideas. In the importance of Rawls's thinking, Robert Nozick points out that contemporary political philosophers must either work within the framework of Rawls's theory or explain not paying attention to him (Vaezi, 2005, pp. 14-15).

These are the aforementioned characteristics that made Rawls a prominent figure among a generation of thinkers of his time and even after that. In such a way that some have praised him for presenting his views, especially regarding justice, and some have criticized him. Thus, the thinkers who are familiar with Rawls are generally divided into two groups: the first group has merely criticized his views without offering an alternative, and the second group has sought to provide alternative ideas in addition to criticizing Rawls's views. Robert Nozick is one of the prominent figures of the second group, while Rawls proposes the theory of "justice as fairness", Nozick proposes the theory of "justice as entitlement". John Rawls, as a political thinker and philosopher who thought in the form of liberalism school, sought a new and strengthened design of this school. He has done this by changing the foundations and principles of liberalism that existed before his theory of justice. In fact, Rawls and thinkers who think more or less like him have come to the conclusion that the current mechanism in the Western political and social system

needs to be revised in the arrangement of principles and even its content in order to be logically accepted among fans and followers and to be an answer to its critics. Rawls took a step in this way by being in the Kantian tradition. The tradition of Kant, which places politics and justice not in the form of pleasure, profit and benefit, but under the set of ethics. Also, Rawls is among the social contract theorists by proposing the agreement of people about the principles of justice in the field that he calls the veil of ignorance.

His discussion about justice is focused on the construction of society in general and its constituent institutions. Social institutions determine the way people have access to resources and include the rules for determining rights and privileges, reaching political power, and accumulating capital. Rawls's theory of justice is organized around some basic concepts. Concepts such as: first status, veil of ignorance, fairness, impartiality and principles of justice. The meaning of "justice as fairness" which is the essence of Rawls's theory of justice is as follows: fairness is related to the moral method of reaching the principles of justice and justice is related to the results of fair decision making (Bashiriyyeh, 2008, p. 117). All of Rawls's efforts have been in this direction to present justice as a contractual concept and in principle to present it as a moral virtue beyond the contract. For this purpose, he needed to find a basis for this moral virtue, so he took refuge in the analytical tool of a hypothetical situation called the veil of ignorance, which is

a condition in which people make decisions regardless of their interests and behind the veil of ignorance about their privileges or shortcomings.

According to him, in those conditions, people do not take into account their interests, nor out of urgency to protect their interests, but in an impartial way, they establish principles that can be called the principles of justice. In fact, the principles of justice are the principles that can be established in such a situation and only humans in a state of complete neutrality can establish them. He considers it reasonable to explain the principles of justice in impartial conditions, but there is a reason beyond the instrumental reason and as a result, there is a moral virtue called fairness in the existence of a person; Therefore, influenced by Kant and his anthropology, he believes that man has moral virtues, which are the foundation of his tendency towards impartial principles, that is, the principles of justice. In other words, Rawls says that in order for people to choose the principles of justice based on fairness and for these principles to flow in all the elements of society through institutions, they must, in the first situation, which is the situation that governs the choice of the principles of justice, from any personal desire, Carnal instinct and purposefulness and attitude according to profit etc. should be abandoned. This state appears only with the presence of a veil of ignorance in front of people's eyes.

In order to make such a thing possible, Rawls makes a huge and famous innovation in his "first state" that is, the "veil of

ignorance". This means that no one knows their place in the society, their class status or their social position and status, and they do not know how much their share of natural gifts and abilities, intelligence and strength and other things are. The parties to the contract do not (even) know what their understanding is of the other and what is their special psychological desire (Lessnoff, 2008, pp. 334-335). Certainly, the contract that Rawls refers to does not have much in common with the older concept of the social contract used by the contract holders before him, such as Hobbes and Locke. Because here, people are not looking for common benefit or profit through the social contract, as Hobbes proposed security and wealth, property and freedom, but instead looking for the resolution of contradictions [personal desire, sensual instinct, attitude according to profit, etc.] This curtain of abstract ignorance prevents these contradictions and eases the determination of the principles of justice proposed by it by the members of the society.

Of course, this is not because Rawls thinks that humans do not have common interests in society, but because what raises the issue of justice is conflicting interests. Rawls's contract, quite deliberately, exemplifies only one aspect of human nature and the human condition. The situation that occurs in this contract is not realistic, unlike the natural situation [as stated by other parties to the contract], and it is not intended to be realistic. This situation is not an unsatisfactory state of life that the social contract provides the possibility to



escape from (Lessnoff, 2008, pp. 332-333).

In general, Rawls imagines a situation in which society members or their representatives choose principles to manage social life in conditions of neutrality, i.e., ignoring random factors. (Bashiriyeh, 2008, p. 120). In fact, it is here that people can draw the path of justice and the path of their life in general, and because they make a choice in this way, they do not feel regret, despair or unhappiness after their choice, and this is the condition of justice. The basic interpretation of Rawls's principles of justice is as follows:

**First Principle:** Every person is supposed to have an equal right to the broadest basic freedom compatible with the similar freedom of others.

**The second principle:** social and economic inequalities are supposed to be organized in such a way that: a) it is reasonably expected to benefit everyone. b) depend on jobs and positions that are accessible to everyone (Rawls, 2008, p. 110).

The meaning of the first principle is that fundamental freedom should be a general right in such a way that everyone can benefit from it and be able to use it equally. The meaning of the first paragraph of the second principle is that economic and social inequalities should be adjusted in such a way that it includes the most benefits for the least benefited people, which of course does not require absolute equality (Hosseini Beheshti, 1999, p. 50).

Of course, a few points are important here: in Rawls's principles of social justice, the

principle of freedom (the first principle) precedes the principle of equality (the second principle) and this is always constant. So that if the principle of freedom is to be changed, it will be in such a way that freedom will be limited only by freedom. This means that, for example, if there is a conflict between two meanings of freedom, the freedom that will be useful for more people will be considered. This precedence originates from two reasons: a) the sanity of the people who chose these two principles as criteria for the fairness of the social structure and its content, and b) the principle of alphabetical order and priority (Mahmoudi, 1997, p. 114). In other words, under the special concept of justice, the desire to maximize the wealth of the poorest class is met only if the maximization of equal basic freedoms and fair equality of opportunities has been done before that (Lessnoff, 2008, p. 380). In fact, in his theory of justice, John Rawls used these two criteria to measure the fairness or unfairness of various institutions of society, such as the political system, economic structure, basic laws, education system, the way of ownership of economic resources and means of production, judicial system and other institutions. It is considered important and fundamental to the society (Vaezi, 2005, p. 18).

### **"Theory of justice" according to Allameh Tabatabaei**

Allameh Tabatabaei, after going through two introductions, proposed the theory of justice. These two introductions

not only prove the "necessity of justice", but also clearly show the "value of justice". The first introduction is that man has a "self-employment" meaning that he wants to use everything for his own benefit, and in the second introduction, it is accepted that man has no choice but to pay attention to "self-interest" It does not benefit others" and therefore must accept social life, and then they concluded that a human being, for his own benefit, inevitably observes the "benefit of others" out of necessity: "social justice". The sign of "nature of employment" in human beings has been the foundation stone of this theorizing and based on that, it has justified the "social life of humans" and since then it has been transferred to "justice". In the present study, two issues of "human nature" and "value of justice" are more important, so we will discuss them in more detail and ignore the origin of society.

### **Human nature and the value of justice**

Allameh Tabatabaei, like many other philosophers, started his discussion from "human nature" and by exploring human nature, he sought to discover its relationship with justice. For political philosophers, not only "human nature" is an issue, but in their eyes, most of the discussions of political philosophy are formed based on this issue (Bashiriyeh, 12-13). Allameh Tabatabaei started the discussion of the society's value system from here and proceeded with the analysis of "human nature". Allameh believes that humans are such by nature that they look at everything and everyone as "tools for themselves" and

just as they go for food and clothes to meet their needs, with the same motivation they follow other human beings to meet their needs. Allameh considers the emergence of social life and the convergence of human beings to be the result of the same "nature of employment" that everyone respects the "profit of others" for their "profit" and "social justice" for the benefit of all. Approaching and coming together is a type of employment and use that is done for the benefit of instinctive feeling and then in every case a person will find a way to use his fellows and because this instinct is similar in everyone. It exists and gives the result of community.

And finally, the final result of his detailed discussion is that: Man, guided by nature and evolution, continuously wants his benefit from everyone (employment credit) and for his own benefit, he wants everyone's benefit (community credit) and for Everyone's benefit requires social justice (the recognition of the goodness of justice and the badness of injustice).

### **Individual justice and social justice**

#### **Individual justice**

Individual justice is that a person avoids lies, backbiting and other major sins and does not persist in committing other sins, and a person who has this attribute is called righteous, and according to Islamic regulations, if he has academic merit, he can become a judge, a leader or be employed in other social jobs, but a person who is deprived of this dignity and religious character, even if he is a scholar,

cannot benefit from these benefits. (Tabatabaei, 2008, p. 224).

### **Social Justice**

Social justice is that a person does not abuse the rights of others and sees everyone as equal before the law and does not violate the right in the implementation of religious regulations and does not deviate from the right path without being influenced by emotions and feelings. Social justice is to treat each member of the society as they deserve and to place them where they deserve to be placed, and this is a social trait that people are assigned to do. (Tabatabaei, 2008, p. 478).

According to Allameh, what mankind has needed from the beginning is the formation of society. People in the society think about their own profit and desires, and there are always people who want to dominate others and trample on their rights. There is no other way to solve this problem except to provide a power that can overcome other powers and bring everyone under its command. Those who want to violate others should be brought back to the middle ground and all the forces of the society should be equalized in terms of strength and weakness, and they should put each one in their place and give them the right of each owner of the right. Allameh does not accept the rule of one person over the people; Because this type of government leads to oppression of the people. History has proven this many times that the rule of one person over the people is not going anywhere. Human

societies gradually came to the conclusion that monarchy should be conditional, which after some time they realized that it does not ensure human happiness. Then people turned the monarchy into the presidency. According to the said contents, it is clear that human beings cannot consider themselves without the need of having a guardian position. Allameh says: Property is one of the essential assets of social life. (Al-Mizan, Vol.3, p. 261).

### **Differences and similarities between Rawls's and Allameh Tabatabaei's thought in the field of justice**

The first difference is that Allameh is an Islamic philosopher who looks at all his surrounding issues, including justice, from an Islamic perspective, and in addition to the material things in the concept of justice, he considers spirituality as the basis for examining justice, while Rawls as a Western political philosopher, who is among liberal thinkers, and pays attention to justice only from the material aspect.

Second, unlike Allameh, the community is the focus of his discussion, and a person cannot find meaning without a community. Rawls considers the individual sacred in itself and cannot imagine society without the individual who is its constituent.

In Allameh Tabatabaei's analysis, vows and keeping vows are always needed by the individual and the society. By reflecting on human social life, we realize that all benefits and social rights are based on the general social contract and the subsequent

sub-contracts and contracts, and social relations, transactions and exchanges are based on a "practical contract"., even if the aforementioned practical contract is never discussed; That is, the social contract is a practical contract.

On the other hand, according to Rawls, the relationship between social justice and contract is as follows: social justice is credit prior to social life that leads to social life. Social justice itself is a practical contract which its content is mutual employment. At the same time, social justice does not return to the contract; That is, its origin is not a contract prior to social justice. Rather, social justice itself is the common social contract. Both the content of this contract is justice and its implementation. Social justice or social contract is also a common social reference that is the source of survival and continuation of social life, and with its negation, that social life is disrupted and divided, and it is forced to rule the society by tyranny and force. (Rawls, 1997, p. 81)

But according to the investigations, the points of commonality between the two can be considered more than the points of difference; Because both have paid attention to justice, and secondly, they both consider justice to be a form of moderation and avoidance of extremes, and both of them seek to promote a political thought based on justice for their respective societies. Thirdly, both of them have well understood the difference between other societies and religions and do not seek to impose their desired methods of justice on other societies. Fourthly, that both of them

pay attention to the existence of a legal procedure on the establishment of justice.

### Conclusion

In general, it can be said that Allameh's political thought is based on ethics, and a policy based on ethics will be responsible for creating justice. He places the political system of Islam in the framework of Sunnah and Quran. He believes that a justice-centered society can be considered in which submission to God is the essence of that system. For this reason, Islam, which is founded on this basis, does not only seek to adjust the will of humans, but also includes religious duties that are also based on divine teachings, and guarantees the implementation of such duties and laws determined for them are the goodness of the government and social people, which is done through the duty of enjoining what is good and forbidding what is bad. In addition to the mentioned cases, Allameh establishes a relationship between justice and expediency and considers justice to be the same as expediency.

On the other hand, Rawls's theory of justice, in putting a new plan of justice as fairness in the framework of a theory, was on the field of liberal literature, which had certain borders with Marxist theories. Rawls formulated justice in two principles related to freedom and social and economic inequalities. In fact, Rawls placed the fundamental principle of freedom in the heart of the justice issue and in the first priority. His great work was to bring the issue of social and political justice and from the heavy and rigid space of left-wing ideologies and raised it on free and



critical grounds. This transformative shift, which in an unimaginable way, led the field to serious and generative discussions about social, political and economic justice.

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