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JUSTICE AS A DIVERSITY MANAGEMENT TOOL ACCORDING TO JOHN ROLLS AND WILL KYMLICKA

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ABSTRACT

Justice is one of the most important researches in political philosophy. Perhaps it can be said that all political philosophers have been exposed to the discussion of justice in some way. The historical roots of this research extend to political ideas in the ancient era to the present day. The most important issue in the discussion of justice is to make the imbalanced relations in society defensible. From a legal point of view, justice is expressed in fair legal decisions. From the point of view of political philosophy, justice is considered a characteristic of the social institution, not individuals. And this research is a link in ideas and considerations between the issues of diversity and justice.

The main thesis of this research is to test the effectiveness of taking the theory of justice as a fair tool for managing diversity. This research will be divided into two parts. The first is concerned with (the veil of ignorance) that John Rawls* proposed to manage diversity to reach a unified and rational concept of justice through different and diverse understandings and patterns of thinking depending on the diversity of individuals in terms of ethnic, cultural and cognitive aspects. The second part is concerned with the perceptions of Will Kymlicka** On justice as an approach to dealing with diversity to reach a society described as a just society, Kymlicka says: "It is necessary to respond to such different values as justice, freedom and common justice in order to reach a just society" (Doherty, 2009).

INTRODUCTION

John Rawls, Professor of Philosophy at Harvard University, is considered one of the greatest theorists of this century, and **Robert Dahl** spoke of him saying: "Rawls was able to discover Archimedes' fulcrum with regard to justice and political philosophy. The book (Contemporary Political Philosophers) was rightly considered Rawls's theory of justice is complex, grand and authoritarian. In 1972 Rawls became famous in the world, some even raised him to the level of Plato and Kant, and the New York Times Weekly magazine defined his book as one of the five most important books of 1972 (de Crispin and others, 2012).

If there is an idea that organizes society in an equitable order based on cooperation, who sets the equitable conditions for cooperation? Is the appointment by a different authority than the cooperating persons? By divine law? Or is each individual aware of these conditions based on a system of moral values? That is, by rational intuition or by reference to natural law? Or is the issue resolved through an agreement reached by cooperating individuals according to mutual benefit?

And **justice as fairness** adopts the last answer, and that the reason for this is that citizens, based on the assumption of reasonable diversity, cannot agree on a moral authority, such as a sacred text, religious authority, inherited tradition, natural law or a system of moral values (Rawls, 2009).

John Rawls believes that in the first case reason can discover a general origin about justice, as well as two special origins in this section:

As for the general principle of justice, it is: "All the first and basic social values (such as: freedom, equality in capabilities, wealth, gains, and buildings of self-esteem, are either distributed equally; or the interests of all are taken into account - at a minimum - when there is no equality).

Rawls denies "all interests" as utilitarian's see it. It is liberal, and accepts obtaining more profit for individuals, as well as inequality, provided that this includes a recurring profit for all persons, especially the disadvantaged classes of society, in a way that guarantees the improvement of their conditions. It also adds an equal opportunity clause.

The First Principle of Justice:

Every person should have an equal right to the broadest basic liberties that do not conflict with the similar liberties of others. This principle guarantees the original rights of citizens in the liberal-democratic political system (the principle of equality for individuals in basic rights and functions).

The Second Principle of Justice:

social and economic inequality must be arranged so that it includes the interests of all, and guarantees the same access to office for all (Rawls, 2009). Right, according to Rawls, takes precedence over good. The primacy of

individual rights over social goods has an ontological (existential) and epistemological (epistemological) aspect. There are three basic differences between right and good:

- It is possible to agree on the principles of justice and (the right) in the initial position
- The understanding of people in relation to the (good) belonging to each of them is different
- The right and the principles of justice are limited; Because of the veil of ignorance (Sullivan and Pecorino, 2002).

FIRST SECTION

The Veil of Ignorance as A Tool for Equitable Diversity Management

Rawls was initially exposed to a statement of how the social body is formed. In the social contract individuals can be visualized independently of the relevant constraints. This does not mean that the codification and discovery of the origins of justice are temporally ahead of the social contract. Individuals, when placed in the social contract, are assumed to be behind a veil of ignorance (Veil of Ignorance). By paying attention to the emptiness of the mind from the constraints of the social contract, we must see how we arrive at the principles of justice. The assets that are extracted in this way are included in the core of the social contract, and thus the authenticity of the individual is preserved, and individuals have good relations with each other (Rawls, 2011). The "first state" of Rawls is taken from Kant's natural, hypothetical state. On this basis, there is no temporal progress in (the first case), and Rawls proceeded to transfer the model of the social contract from the study of the foundation of society to the study of justice.

John Rawls confronts the issue that each member of society is logically attracted to choosing a principle that will benefit him according to his social and economic status. The rich man believes that taxes are unfair and are social measures, while the man of low social and economic status thinks the opposite, and thus Rawls imagines a hypothetical situation that presents conditions necessary for a fair procedure (Rawls, 2011). The veil of ignorance for Rawls is the curtain that unites individuals and prevents them from knowing their social positions that they occupy according to gender, race, abilities, etc. (Salih, 2015). Individuals are in a state of complete ignorance of everything that is individual or personal that belongs to them, they are ignorant of their social, economic and cognitive status, to which generation they belong and which projects they are planning, they are ignorant of political systems, constitutions and laws (Weinstock, 2010). In addition, it is - the veil of ignorance - according to Rawls, which makes a unified choice of a distinct conception of justice possible. Everyone would prefer it in a collective agreement (Doherty, 2009). The goal behind the veil of ignorance is to prevent each party from taking sides in its personal interest by choosing principles that serve its goals (Doherty, 2009). According to Rawls, these individuals must reach one of the first two principles: freedom and equality, which aims to guarantee equal freedoms and rights for all, and the second principle: is

divided into the principle of difference, and into the principle of equal opportunities. The principle of difference requires that social and economic inequalities are organized for the benefit of the less fortunate (Bouzid, 2009). As for the principle of equal opportunities, equal opportunities for each, it states that each person has the same opportunities to access various jobs and social situations. This principle takes precedence over the principle of difference, because it leads to equality in the field of opportunities in favor of improving the specific conditions of each individual (Doherty, 2009).

SECOND SECTION

Diversity And Cultural Rights According to Will Kymlicka

Will Kymlicka believes that "any theory of justice should define what people's interests are and look at them comprehensively, and also must take into account the consequences of believing that those interests are of equal importance" and that Kymlicka formulates his liberal view of justice based on the idea of combining independence Self and culture (Majid, 2010). In his book "Citizenship of Multiculturalism: A Liberal Theory of Minority Rights," Will Kymlicka talks about pluralism and cultural diversity, saying: "It is a concept of political commitment, as it guarantees the principles of individual freedom and equality." He also talks in this book about the rights of national minorities and indigenous peoples (Kymlicka, 2009). Will Kymlicka states that the international community has been unable to confront the problem of the groups and conditions facing them, and that the relationship between justice and security guarantees international norms and standards in a promising image for the future, as it recognizes ethnic minorities and indigenous peoples as legitimate representatives and equal partners in governance in democratic societies (Kymlicka, 2009). And liberals in general oppose granting any rights to groups based on the individual's cultural affiliation to this or that group, given their belief that granting rights based on cultural affiliation necessarily creates a deep inequality of a morally arbitrary nature between citizens and that divides them into two categories, one of which is first-class citizens and the other is Second-class citizens (Majid, 2009). In order to avoid such a situation, contemporary liberals put forward the idea of the neutrality of the state, which says that the state should not resort to rewarding or punishing any of the beliefs related to a decent life, but rather it - the state - should provide a neutral ground so that the various conflicting conceptions of the good can continue and develop In which (Majid, 2009). Kymlicka also emphasizes both human rights and minority rights and the need to respect them in the new international order, and his goal behind this is to protect minority rights in a way that makes them able to strengthen the democratic process and the rule of law instead of strengthening allies, enemies, winners and losers with a new framework for democratic coexistence and cooperation within multinational states (kymlicka, 2009). Kymlicka also emphasizes that minority rights are essential to achieving justice based on Rawls's own view: "Justice requires the removal or compensation of arbitrary and unjust deprivations, especially if the deprivation is eloquent, effective and continuous from the moment of birth, and if this compensation does not include On collective rights, it is not permissible to give cultural minorities the

ability to give the majority the same way to live and work based on their culture and language”(Majid, 2010).This disparity can be viewed from the standpoint of being an eloquent and arbitrary deprivation morally, just like the racial and class inequalities that liberals are often concerned with in general. That protects the cultural community from the interests and interests of the community itself (Majid, 2010). Kymlicka works to make his cultural perspective on justice based on two main principles: cultural freedom and cultural equality:

Cultural Freedom:

That is, the individual is able to make his own decision about how he wants to live his life, in other words, the individual is convinced that his choices are not infallible, and therefore they are subject to change **Revisable** (Majid, 2009).In this regard, Will Kymlicka says: “If we measure the indicators of the democratic basis in the West, such as cultural freedom, peace and economic prosperity, we see that none of the countries that followed the path of multiculturalism progressed to civil war or chaos, faced military coups, or suffered economic collapse. On the contrary, it was the most peaceful, stable and prosperous society on Earth” (Kymlicka, 2009).

Cultural Equality:

Kymlicka attempts to fill a loophole that Rawls neglected in his theory of justice, according to which it is fair for individuals to enjoy equal shares of the main benefits as long as this inequality was not caused by the efforts of the individual and his choices, and that inequality extends to include cultural affiliations as well as social inequalities (Kymlicka, 2009).State policies in the areas of education, language, citizenship, and government employment are all systematically in favor of the language and culture of the majority, and harm and deprive the language and culture of the minority. By avoiding cultural minorities from the situation in a state of weakness and surrender to the decisions of the majority and those state policies (Kymlicka, 2009).Compensation for the state of cultural deprivation does not include other cultural groups, but includes national minorities in Kymlicka only, because national minorities have been forced to integrate into the nation-state, unlike immigrants who have voluntarily chosen to abandon their culture, as they immigrated to the new country (Majid, 2010).

THIRD PART

Justice as a Diversity Management Tool according to John Rolls and Will Kymlicka

Will Kymlicka aims behind this - his view of justice - to achieve a balance between the importance of the individual and the importance of the group, that is, between individual freedom and cultural affiliation, because society is originally made up of individuals and cultural groups, not just individuals (Majid, 2010).It can be said that Rawls's theory of justice in its broad outlines does not escape criticism, and the difficulty in the theory of justice is that

when Rawls presented his theory in 1971, he stated that it was a comprehensive theory, and in this capacity it entered into competition with other comprehensive perceptions such as Kantian transcendentalism (Bouzid, 2009). And that this justice is difficult in installments on reality, because it applies only to a few societies, that is, those he calls constitutional or liberal democracies, and therefore Rawls abandoned some of his perceptions because the "realism of pluralism" prompted him to abandon his claim to the universality of his theory of justice (Bouzid, 2009). Will Kymlicka believes that the goal of liberal philosophers is to transcend utilitarianism, especially Rawls's theory of justice. In fact, Rawls' theory, as summarized by Will Kymlicka, ranges between utilitarianism and egalitarianism and leads to unacceptable inequality (Doherty, 2009). Kymlicka also sees that Rawls' theory neglects the fact that individual actors cannot exercise the decisions set by the liberal ideal about a person, his success and the ability to choose, if they are not within a social context that gives them a set of life choices, as it is impossible to choose from a vacuum, which requires that it be The actor in the context of choice, and national cultures in particular, are, in Kymlicka's view, such contexts (Weinstock, 2010). In addition, the defenders of multiculturalism, such as Kymlicka and **Bijo Parekh**, criticize Jason Rawls's theory of justice, and Will Kymlicka criticizes Rawls's theory on the grounds that the divergence of identities in the nation-state is then a fundamental fact that must be dealt with as it is (Majid, 2009). **Parekh** agrees with Kymlicka's idea, as the first sees that Rawls' society is against pluralism, since Rawls, like many liberals, shows a clear sensitivity in this regard that pushes him to accept moral pluralism without cultural pluralism, since this society takes into account the interests of cultural groups, such as indigenous peoples, national and ethnic minorities, and immigrants (Majid, 2010). Kymlicka asserts that ignoring the value of a particular group's interests, such as the cultural group's interest in recognition, identity, language and cultural belonging, or underestimating these interests by the state, will lead to members of that group feeling disadvantaged even if their basic civil and political rights are respected (Majid, 2010). **Raymond Bourdon**, professor of sociology at the Sorbonne, believes that the principles adopted by Rawls are not in line with the provisions of the general meaning, and thus according to Rawls, a society with few differences between the richest and the poorest, and he believes that there is no justice in a society in which there are great differences between the two groups (Doherty, 2009). Returning to Will Kymlicka, he based his idea of justice on the propositions espoused by John Rawls, especially the question of the equality of resources within the nation-state (Majid, 2009). In addition, Kymlicka's view of justice leads to forcing cultural groups, especially national minorities, to integrate culturally, even if those groups were not originally willing to impose their values and traditions on other groups (Majid, 2009).

CONCLUSION

Justice today is taken into account in global contexts and has become within the circle of interests of the primary and secondary international units, and this matter was achieved after a historical process as justice was and still is the focus of the interest of philosophers from the past and present, starting from the Greeks to the egalitarian trend and others, and it is worth noting that John Rawls, although he was criticized and criticized for his theory of justice, but

what should be focused on is that this philosopher has opened a door to philosophical discussion in one of the most important issues that touch on the essence of humanity, and on the worst perceptions if Rawls was wrong in everything he adopted. The name of his theory expresses his good will to address social rifts. We cannot put an end to the social sciences, especially those related to thought and philosophy or putting final decisions on issues, because that is tantamount to obliterating those sciences. On this basis, it can be said that any theory of justice cannot be the final form of justice or represent the essence and reality of justice according to the Kantian concept and his transcendental methodology. For this reason, Rawls' theory of justice cannot be considered an ultimate tool for managing diversity, but it is the closest and optimal despite the criticisms raised against it, because it was a real response to bridging the gap between the class that occupies the top of the social hierarchy and the less fortunate of individuals. In top of that It must be noted that Rawls was a realist perfectionist and that his approach to perfection is by projecting what can be projected onto reality, for this reason, it is necessary to carefully consider Rawls's intellectual legacy, because it at least represents a first step towards thinking and reconsidering the social, economic and political divisions that were and still are the starting points for the suffering of the less fortunate social classes.

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