

Oakeshott and Rawls as Successors to the 'Social Contract Theory' for the Origin of Society, Justice, Rights and Duties: A Critical Analysis

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Abstract

Since the inceptions of biological lives, the pages of history are full of evidence that not only human beings but also all the rest of biological existents have ever strived to safeguard their lives as well as their possessions. But life is not a smooth highway, there are many hurdles and a lot of trespassers who not only assault others' lives or usurp the possession or usurp or destroy the property of others. Thus there emerged the concept of one's rights and the duty of others. For this idea, there was a need for a ruling authority that could safeguard the rights of the suppressed and punish the oppressors. Thus there needed to be a ruler or a head along with a code of laws to decide based on Justice. That was the preamble of establishing a society or the raw idea of the Social Contract theory. Here is a critical, comparative and logical analysis of various aspects of this theory, presented by many thinkers.

Key Words: General Will, Justice as Fairness, Original Position, Rights and Duties, Social Contract, State of Nature, Veil of Ignorance

Introduction

The normal reality is that all individuals are not equivalent and all have different qualities e.g. some have great physical strength or others are weak; some have intellectual abilities some are mentally restarted; some are diligent others are lazy, some are poor while others have borne with a silver spoon in their mouths, many are dumb and deaf but some are great orators. All these are natural facts and they are beyond human capacities but there are inequalities created by the humans themselves. These inequalities have been done by the powerful oppressors to the weak due to their power, money, strength or intelligence. Traces of this behavior might be found even in primitive human beings belonging to the Paleolithic or the Neolithic ages till to modern times.

That is why there has been a debate about: what are the circumstances in which a person might be able to secure one's life and property. To what extent anyone is authorized to act according to one's own will or to what extent does anyone have liberty? Is there any limit or rule to possess a property? Is there any institution which can control the powerful or influential ones in case they try to usurp or snatch others' possessions? Is there any system of laws which can guide or can provide safeguards to the victims against the oppressors? What are the limits which can allow or restrict a person to do or not to do any act? What is the line of demarcation which distinguishes between one and others' sphere of action, will, power or responsibility? All these questions have been discussed in the philosophy of political science under the topic of 'Justice' between 'Rights and Duties'. Therefore, we may roughly consider 'justice' as a system of regularizing the human relations in a society. To establish a 'society' in which everyone has one's rights and can perform one's duties, thinkers like Plato and Aristotle, Locke, Hobbes, Rousseau, Moore, Kant and Rawls and so on have presented theories of Rights and Duties as well as of the society in which these actions can be regularized or performed. Plato presented the theory of the *Ideal State*, Locke, Hobbes and Rousseau expounded the *Social Contract Theory*, and Moore offered *The Utopia*. To continue the same tradition John Rawls

developed his system on the subject of privileges and obligations for the persons living in a social structure and illustrated it in his magnum opus *A Theory of Justice* (revised edition) which dominated the twentieth century political philosophy.

Etymology

2.1a- Latin: *Jus*: law; *Justus*, right; *Justitia*: justice; that means the exercise or code which deals with equitably and uprightly with others.¹

2.1b- Greek. *dike / dikaion*: a suit in law. Latin: *jussum / justum*, that has been ordered. Etymologically, justice means the recommended way of performing things which ought to be implemented by authority. Since the origin of the term, justice has been associated with both fair management and uprightness of dealing.

Definitions

The idea of 'Justice' is one of the ancient concepts of human knowledge which is related to the manners of behaving of human beings in dealing with one another. Justice, in its broadest sense, is the act which establishes equality among the affairs of the masses relating to the *do-es and do-nots* affairs. Politically it is a mechanism of any society through which the privileges/rights and the obligations/ duties of the members of the society are supposed to gain protection. Amid the situation that if anyone assaults on the other one's rights, it is the system of justice that regulates equality and provides security to the masses. That was the very concept which, in ancient times led the people to create a covenant in the form of Social Contract theories which had been expounded by Thomas Hobbes, John Locke, Rousseau and so on.

2.2 a. Justice has been considered the basic and the most important element of society. Thus the concept of justice and its various definitions has been found among the ancient thinkers Even Plato's Republic² started with the question e.g. what is Justice?³ In response to that question, he developed his theory of a just state and just society in which everyone was given just shares, rights and duties. Plato expressed that: Justice is to return whatever had been taken from the other one.

2.2 b. Quran uses the word *Adal* or *Qist* for the concept of Justice. The former stands for equality from either side of the central point. The system of this process has been called *Al-Mizan*. Moreover, the former means to behave with equality and the latter means to pay one's rights duly.⁴

Holy Quran defined the concept of Justices as:

Certainly, Allah orders that you ought to deliver back the conviction to those whom whatever is due; and that whenever you are evaluator between men, you should evaluate with equity.⁵ (Al-Nisa 58)

We ordered in that for them: tit for tat e.g. the price of life is life, only a nose for some one's nose, same way ear for the ear and likely a tooth as replacement of a tooth, and wounds equivalent for equivalent the wound.⁶ (Al-Ma'idah 58)

2.2 c. The fourth Caliph Imam Ali said:

So far as your issues or those of your family members and companions are concerned be careful that you don't disregard the duties and the obligations set downward on you by Allah and don't usurp the rights of humankind, be fair and do justice to them since, in such a case that you surrender value and justice then you will surely be a dictator and an oppressor.⁷ The idea of justice assumed such a significant part throughout the entire history of political thought, that a lot of scholars discussed it in their particular ways.

3. Social Contract Theory

The traces of the *Social Contract* can be found in Greek philosophy e.g. in *The Crito* when Socrates was awaiting his execution. Though his students had managed his escape he refused because he did not want to break the imaginative contract between him and the state laws.⁸ Later in Modern Times, it was formulated in various versions by authors like Thomas Hobbes, John Locke, and Rousseau and among Muslim Thinkers like Farabi, Ibn Khaldun, etc.

The term *Social Contract Theory* has been assigned to a set of ideas which are related to the concept of a sovereign state, a ruler and the masses in the defense of their rights. This became the basis of establishing a civil society,

having a sovereign along with the role of citizens who had given their consent to exit from the state of nature and accepted to be entered into a civil society through that imaginative contract.

Thomas Hobbes (1588-1679)

In the modern age, Thomas Hobbes described the theory of social contract and rights and duties. For him, before the Social Contract, the people were living in the natural state. Their actions were ruled by self-interests. All were self-seeking, without any common power they were against each other. They lived without any security, there was a condition of continuous fear and danger, lives of men were nasty, poor, brutish, solitary and short.⁹ Thus in that state of constant fear from every other person, the anxiety about the loss of what had already been possessed, the threat of losing life; all those circumstances forced them to think about peace and to have the power to maintain security and safety of their lives and possessions. Thus they made that imaginative Social Contract. According to his theory the people living in the the natural state or in the prior to any-political state, for establishing a society, they agreed on the pact for the shared transfer of privileges which they men called a *contract*.¹⁰ That contract was the process of mutual exchange of the privileges of the right.¹¹ They established a society and a government because that contract was not only social but also political. Therefore, there emerged the Sovereign who was authorized to maintain justice and to defend the rights of the masses.

John Locke (1632-1704)

Hobbes's theory is somewhat a protest against Hobbes's absolute conclusions as well and it is in favor and justification of the Glorious Revolution of 1688. The concept of the Social Contract presented by John Locke was dissimilar to the idea expounded by Hobbes. His imaginative natural state is orderly and calm. For him, human beings were society-loving, decent, rational, social and capable of ruling themselves. The state of nature was peaceful, marked by mutual assistance and goodwill. They had rights and liberties. People followed moral laws and cultivated lands. But in case of disputes and inconveniences, there was no sovereign authority. They made a

contract, in which the individuals surrendered some of their natural rights and in lieu thereof, they got some civil rights and protection. Thus a government was established which had a judiciary role as well as the preservation of liberty, life and estate of the people.¹²

Yet there was a provision that if it failed in protecting the lives, property or liberty of the people, they had a reserved right to revolt against it and dismiss it. In such a way, Locke expressed a limited type of constitutional monarchy for the protection of the properties to which he had given a general or common name to the collection of the lives, the liberties and the properties or the estates of the people.¹³

Rousseau (1712-1778)

He, like his predecessors presented his theory of rights and duties within the frame origin of the origin of a society. He like his forerunners started from the State of Nature but he revolted from them. He elaborated his conception of rights and duties within the Social Contract. That social contract is based on the establishment of a "General Will" that reflects the common interests of the community. The General Will acts as a unifying force that transcends individual preferences, forming the basis for the creation of laws that protect individual rights within the framework of the mentioned public bond. He said, the human beings are born as free creatures but everywhere on earth they are in chains.¹⁴ Subsequently, he wrote

Allow us to change the equilibrium between the gains and the losses into terms that are not difficult to analyze. That what a man has lost by the common agreement is just, on the one hand, his natural freedom and a limitless right to anything by which he is lured and he can get; what he gains, on the other hand is considerable opportunity, freedom and the right of property over all that he can possess.¹⁵ He considered that the bond was not between the superior and the inferior but it was between a body and related members. He regarded it *valid* due to the fact that it was founded on the basis of that common covenant, it was *reasonable* because it was applied to all members and it was also beneficial because its aim was the general good. That agreement was guaranteed by the strength of the members of the

community and by the superpower so it was firmly based.¹⁶ Thus he developed his theory of rights on the above *Social Contract* and the *General Will* concepts.

Michael Oakeshott (1901-1990)

Michael Oakeshott was a noticeable English scholar and political theorist who made significant contributions to the fields of political way of thinking and different fields of knowledge. His considerations on the development of society are fundamentally tracked down in his works on political philosophy and political way of thinking, where he investigated the idea of human experience, administration, and the role of traditions in shaping social orders and societies. He focused on tradition and the inheritance of the common legacy of human beings. The following are a portion of his critical works that dive into his thoughts on the evolution and development of society.

Evolution of Human Beings and Human Knowledge

Oakeshott's ideas about the evolution of human beings were not on a biological basis. He was not a scientist but a philosopher. Thus, his theory of the evolution of human society, human beings and human knowledge reflected his thought on the grounds of epistemology. He presented the image of human evolution from the stage where the future human beings would evolve from animal life to Darwin's phases when they had become monkeys or apes. For him the *man being descended from a race of apes*, they used to sit and talk for long till *they wore out their tails*.¹⁷ Oakeshott's biological society converted into an epistemological society at this stage. He elaborated his theory of evolution conditioned to human learning and acquiring the status of human beings concerning the learning of human traditions.

The foundation of the *Social Contract*

He authored a book, *Hobbes on Civil Association*.¹⁸ In that book, he provided a thorough examination of Thomas Hobbes's political thought, focusing on Hobbes's major work, *Leviathan*. Oakeshott explores Hobbes's understanding of civil association, sovereignty, and the nature of political authority. He critically analysed Hobbes's premises and conclusions and

argued that Hobbes's approach to political order was rooted in a particular historical context and responded to the challenges of his time, especially the upheavals of the English Civil War. Oakeshott analysed Hobbes's approach towards the question of governance and Civil Association. That work reflected Oakeshott's understanding of the *Social Contract* and the emergence of *Civil Associations*. Oakeshott's concept of the formation of associations was not limited to any particular age like that of Hobbes or Rousseau but he had a universal vision of establishing the human association which was to become his theory of *Social Contract* as well as his theory of the society and the state.

Nature of Human Society

The predecessors like Plato, Hobbes, Locke, and Rousseau presented theories regarding the evolution of society through some types of *Social Contract Theories*. All of them considered human beings as for granted products who are subject to their interests, wishes and rights. For the security of their benefits, they imaginatively made some pacts or agreements. For the actualization of that purpose, there appeared a sovereign body of a Government which was to defend the rights of the people and for that purpose, there formulated a system of justice. The Judiciary was the regulatory authority of maintaining the rights and duties of the members of society who have surrendered some rights to have some common benefits. At this phase, Oakeshott introduced his concepts of the *Civil Association* and the *Enterprise Association*.

The Concept of Rights and Duties under 'Civil Association' versus 'Enterprise Association'

Any person, in any association had to show one's existence by subscribing in any activity and by showing one's talents. This participation in that activity gives the one, the identity which he earned as his choice but not as commands. According to Oakeshott, this participation while in a society occurs, assumes the shapes into two types of associations: the first he named as *Enterprise Association* while the second he called *Civil Association*.

4.4 a. The *former* has general features. This may occur when a group of people aspired for some common goals among them. They come together and made some voluntarily covenant which are called as the social contract in common parlance.

In such type of covenant, the contributors of the association surrendered themselves to an executive who had been entrusted with the task of making co-ordination among the members for some ends. Oakeshott regarded that sort of activity as a private working because the goals have been set or indicated by the people.

4.4 b. The later type was in contrast to *the former*. Due to the reasons that it was not the pursuing for the common or shared good nor it aims the fulfillment of one's altruistic wants. In fact, it was only a practice and a language of interaction. It was just an intelligent connection among the contributors who were learned and they were in affiliation of suitability, intimacy or social integration aimed to enjoy that type of association¹⁹. Thus he laid the foundations of his theory of state with minimum interferences and limited type of government on the basis of maintaining the privileges and convictions.

Role of Politics in the Development of a Society

In his lecture on *Political Education*, he described his idea about politics²⁰. He regarded politics as the action of taking care of the overall arrangements and general plans of a bunch of individuals whom possibility, decision or choices have combined and united."²¹ Therefore he thought political activity is based on chances and choices, which had been explained in the *civil association* and *enterprise association* where people get together to have some security for their rights. The political activity and the establishment of the above association are the imaginative *social contract* in the Rawlsian sense.

Oakeshott's Theory of Politics

Oakeshott described political activity in metaphorical manner *e.g.* in the activity of politics, we are sailing on a bottomless and boundless ocean, there are neither any shelters nor any harbours, it is bottomless thus there is no possibility for anchorage. The endeavour is just to keep floating.²² For him,

the meanings of life should be initiated, investigated and must be found. Thus he described no constitution for conduct, people for their purposes get together due to chances and choices and to establish any government which would have minimum roles so they could find a new understanding of life.

John Rawls (1921-2002)

In the twentieth century, on the sky of political philosophy, the star that was shining was the person known in history as John Rawls (1921- 2002)²³. The center of gravity on the land of political discussions was the topic *e.g. Justice as fairness*, presented by Rawls in his books. First in the *Theory of Justice* (the Original edition) and later in the *Theory of Justice* (the revised edition). In those books, he has presented the theory of *Justice* but he has expounded on the theory of rights and duties among persons in a society and the role of institutions for establishing justice. He considered Justice; a principal quality of every organization existing in a society, like truth which is the basic characteristic of any scheme of thought.²⁴ For that purpose he erected a whole edifice and a system about the distribution of the rights and duties, and how those can be promulgated. Moreover, he throws light on the corollary problems *e.g.* when justice has been established what happens? Either after establishing justice as fairness, is there an ideal society or a state of Utopian nature? Surely there may not be. Then new problems would arise. Here I am going to present Rawls's theory of Justice between Rights and Duties among individuals as well as states and institutions. Rawls expounded this in his above mentioned book. He considered justice a primary *virtue* of any social institution. He also regarded justice as important for society as truth is important for any *system of thought*²⁵.

Rawls's *Idea of Justice as Continuation of the Social Contract*

Rawls contributed to the theory of the rights and duties by his concept of Justice which he considered fairness and he wanted to establish in a society on this foundation.²⁶ He regarded his theory as a further and far ward step towards the same conventional theory which had been expressed by his early predecessors. Though he was heir to that tradition yet he tried to devise a political philosophy as well as a conceptual program which was supposed to

establish a just society that would depict individual liberties. He declared his aim as to present a concept of justice as fairness which might be viable in the face of the other traditional dominant and prevalent alternatives.

'Theory of Justice as Fairness'

He started his theory on imaginative assumption that any society is an arrangement and a scheme of co-operation among equal and free participants who recognize some rules for conduct as obligations and act accordingly and he regarded any society as a cooperative endeavor for achieving some common advantages. It was the principle of *Justice* that codified the terms of co-operation as well as the fundamental rights and duties along with the faire dispersal of benefits among the members.²⁷ He termed that type of Justice as *Fairness*. To devise his particular type of justice he summoned the old theory of Social Contract which was contributed by Hobbes, Rousseau, Locke etc. According to that theory, the laws of a society were established through certain autonomous covenants of the participants in the natural state.

The Contractarian theory of Rawls described that ideal of fairness²⁸ by expounding a hypothetical position of the contractarian parties which he called the *Original Position*. The most important aspect of that imaginative model was *The Veil of Ignorance* which delineated that the contractarian parties did not know e.g. their place, position or social status, or even they did not know their future regarding the distribution of natural endowments like strength, abilities, intelligence etc.

Rawls' Context of the Theory of Justice and Distribution of Rights and Duties.

He, first of all, erected an imaginative situation and made a gathering of hypothetical people who, covered in a cloak of the *veil of ignorance*, and were in a state of obliviousness, planned the establishment of a society without prescience of their status or foreknowledge about their position in that society. Rawls took a start from, the natural state which he termed as original / natural position. At that point, individuals were expected that they would pick an arrangement of justice that might provide advantages to those who are situated at the least stages in the social scheme. He imagined that single

persons would do it on the grounds that the person in question might end up in such an underprivileged position and will need to be enough accommodated. He imagined (based on Social Contract Theory) a *Common Agreement* for which people would give consented for the terms or conditions through which they were to be governed in the society to get their share into the advantages. He concluded, that sort of social pact was outlined in the mentioned unique position. It aimed at to ensure a just society which would not be at the cost surrendering or sacrificing the freedom or happiness of any person.²⁹

The Original Position

Rawls wanted that his concept of justice as corollary to the conventional social contract might be better understood in the imaginative initial condition. That fancied position was the starting stage for the formation of his social covenant idea for the fair distribution of rights and duties along with the benefits and burdens of society. In that initial condition, the rational participants who schematized the principles for promulgation of justice were supposed that they were under an imaginative *Veil of Ignorance*. They were unaware about the natural endowments. All were unconscious of the properties of good, all were oblivious about the position they had in that society or ignorant about the historical stage in which they were living. Yet they selected such *Principles* of self-interest on the basis of rationality. They thought about these principles as rationally chosen for their society and they wanted to be ruled by them.

Two Principles of Justice

His description of the Social Contract theory was distinctive due to its feature of persisting insist on *justice as fairness*.³⁰ For this, he devised twofold principles for administration of justice in relation to the arrangement of a faire society. In that supposed *Original Position*,³¹ the Contractarian parties, under the *Veil of Ignorance*³² made the following two principles to enhance their benefits. They followed as:

Firstly, every individual is to have an equivalent right to the broadest plan of equivalent fundamental freedoms practicable with a comparative plan of freedoms for other people.

Second: social and financial disparities are to be organized with the goal that they are both (a) sensibly expected to be for everybody's potential benefit, and (b) joined to positions and workplaces open accessible to all other people.³³

These two principals have the following salient features e.g. the persons who choose these two principles, in the *Original Position*, were rational, but they did not know their own social status, or conception of the good. They choose principles which would be in their interest. According to Rawls, The First Principle has lexical priority. Liberty was given priority over all other advantages. Liberties can only be restricted for the sake of more important liberties.

Importance and Main Characteristics

Importance of the above said features of the two principles.

1. Equality means advantage for everyone alike since no one can force others.
2. It is a whole scheme in which, from start to the end every aspect has been tried to be presented.
3. Equal liberties have been aimed at everyone on an equal basis.
4. The acceptance of social and economic inequalities has been recognized and tried to present a solution for them.
5. The Rationality was that if the participates of the negotiations in the *initial stage would be supposed as* injudiciously then we would be unable to develop any argument. Moreover, they could not recommend set of laws which might be in favored of all
6. The necessity of the phase e.g. marked by ignorance, was that if anybody knew one's situation in social structure then the one would naturally aspired to benefit oneself more than the both principles could grant the one. These both laws assured that nobody could help oneself at the cost of others' benefits.

7. In the formula of two principles, preference has been given to primary goods.

The participants thought that they had proper stage of essential goods. Rawls based on these principles wanted to establish a scheme for the distribution of the privileges and obligations as well as the benefits or the burdens, among participants of a society and institutions. Moreover, Rawls has faith that injustice is bearable only in conditions where we have greater injustice.

The virtue of justice and its priority

The premise on which R devised for the building of the whole structure of society was Justice. He observed Justice, so essential for every social scheme, in the same manner, truth is necessary for any framework of thought. He proclaimed that any hypothesis though it might be so sophisticated and reasonable should be dismissed or changed if it is false. Moreover, he thought that any laws or any institution regardless of how they were productive and organized should be improved or cancelled, if they were unjust. Every individual has inviolable privileges of equal rights. That inviolability was established on the principles of justice and they could not be overridden. Thus Rawls' theory of Justice rejected any deficiency of opportunity for anyone. Subsequently, according to Rawls, both the laws of justice offer a manner for conveying the privileges and obligations in the primary organizations of any social existence. The laws defined the suitable dispersal in co-operation among members. That was why Rawls named his idea of justice equal to *Fairness*. In the above thesis, Rawls developed his system of rights and duties and he imagined that he had made a fair society on his idea of justice and fairness.

After presenting his idea of *justice* and by assuming that: on this concept of justice, a fair society might be established, and then he throws light on some glitches e.g. he discusses in his book *Theory of Justice*, chapter four as *Duty and Obligation*³⁴. If there would be some grievances, then people can use the method of Civil Disobedience and Conscientious Refusal which he regards as legitimate options to gain one's rights in a democratic society.

Criticism of Utilitarianism

In the history of political philosophy, there has been a great debate regarding the distribution of *Rights and Duties* among persons. Many theories have been presented, among them and Utilitarianism is a well-known doctrine. The gist of this theory is “the maximum good for maximum people” e.g. for the sake of maximum people and maximum benefit for them, the rights of minorities may be sacrificed. The benefits, desires, demands and lives of a minority are on the altar of maximum. Rawls reacted to Utilitarianism and criticizes the *Maximum Utility Principle*. He says everyone has “Inviolable Rights” which cannot be sacrificed. Moreover, the Rules of Utilitarianism are inconsistent.³⁵Rawls After rejecting utilitarianism, formulated his philosophy of *justice as fairness* for the realization of political arrangements and to ensure the social equality and individual freedom among the people, institutions and the states.

Critical Evaluation

It is a general view that a society gets its existence when two persons start to live together. We might say, that since the origin of human beings, from Adam and Eve, society has existed. In a society there are many types of people, some are weak and others are powerful; some have great property while others are too poor, some are healthy but others are weak. Due to these differences, there are constant threats to the rights, property and life of the weak from the powerful. That was why there was a need for security and defense for the oppressors. Thus there was felt the need for a sovereign authority to regulate such a system of justice to administrate the scheme of rights and duties. For this purpose, thinkers devised theories which had been labelled as the Social Contract theories. These theories had their origin not only from the Greeks but also in the more primitive history of political thought.

In the preceding few centuries, Hobbes, John Locke, and Rousseau presented the *Social Contract* theories. But the world has changed, and some others ones tried to explain the fact on modern assumptions. So Michael Oakeshott

and John Rawls are among them who described these Social Contract theories on newer foundations. The Former has treated the Social Contract theory based on epistemology and learning the contents of the inheritance descended to us by our forefathers. They sat for hours and thought about the possibilities of life. They, through the ages of evolution phases made conversations and expressed their contributions to civilizations. For Oakeshott the world is a whole of the interlocking meanings thus it was our duty to learn and decipher the meanings of the modes of life which our forefathers have settled for us. For him, the criterion of being human is to learn the meanings of that heritage. This learning is his Social Contract theory which provided us with the security of life, the safety of our properties and the scheme of justice and distribution of rights and duties. For Oakeshott, the basic duty of human beings is the learn the meanings and to convey these meanings to the new generation. The promulgation of his theory, for him, is the remedy for all injustice and inequalities. Rawls has presented his idea of justice, as fairness which is the key to solving the problems of human beings. He depicted a hypothetical situation in which the people, under the Veil of Ignorance with 'disinterested interest' wanted to aspire to the security of their interests and the established two principles of Justice. Through this, they wanted to establish justice and a fair society. But Oakeshott had established such an imaginative situation in which two types of associations were established.

Conclusion

In all the versions of the Social Contracts, there are the common features e.g. all are created in a hypothetical circumstance, some call it the Natural State in the atmosphere of war or in the form of peaceful phase or in the Veil of Ignorance they made social contract, or it was made by the name of the General Will. The objectives were to obtain Liberty, Security and Justice. Thus we may consider that Oakeshott and Rawls both had the same aims and they created their versions of The Social Contract and they are the modern heirs to the old *Social* Contract theory with a newer vision.

References

¹ *The Winston Dictionary: Encyclopedia Edition*, s.v. "Justice."

² The Greek title which designates the constitution or political organization of a polis (city-state).

³ Allan Bloom, 1968. During the discussion for the definition of Justice, many definitions were the points of debate and all of them analyzed in that dialogue.

⁴ Ghulam Ahmad Pervaiz, *Tabveeb Al-Quran* (Lahore: Tolu-e-Islam Trust, 2002), 1019.

⁵ Al Quran.

⁶ Al Quran.

⁷ Imam Ali, *Nahaj Ul Balaghah*, trans. Askari Jafri (Islamic Seminary Publications) 679.

⁸ Plato, *Defence of Socrates*, 1999.

⁹ Hobbes, 1996.

¹⁰ Hobbes, 1651.

¹¹ Hobbes, *The English Works*.

¹² Adam Kuper and Jessica Kuper. 1989.

¹³ John Locke, *Two Treatises*. 2003.

¹⁴ Rousseau, *The Social Contract*. 1984.

¹⁵ Rousseau, *Discourse*. 1999.

¹⁶ Rousseau, *Discourse*. 1999.

¹⁷ Oakeshott, *Rationalism*, 1962.

¹⁸ Oakeshott, *Hobbes*, 1975.

¹⁹ Oakeshott, *On Human*, 2003.

²⁰ <http://www.michael-oakeshott-association.com/about-oakeshott/>

²¹ Oakeshott, *The Political Education*,

²² Ibid.

²³ Alan Fuchs, Rawls, 2006.

²⁴ Rawls, *A Theory of Justice* 1971.

²⁵ Rawls, *A Theory of Justice*, 5.

²⁶ Rawls, *A Theory of Justice*, 6.

²⁷ Rawls, *A Theory of Justice*, 6.

²⁸ Ibid., 10-12 . By fairness he meant that the parties had chosen the principles of justice in such a situation in which no one was aware of one's different aspects and circumstances on the one hand; and in the condition of status quo in which the principles were chosen on fair basis. The participant as being rational, moral and free persons made them with their own choices to further their interests in the situation of equality on the other hand. Those principles were supposed to govern and regulate the subsequent agreements of co-operations and institutions. In this way that theory was termed as justice as fairness and justice as institutional structure of society.

²⁹ Maryanne , 2005.

³⁰ Alan Fuchs, 2006.

³¹ John Rawls, *A Theory of Justice revised edition*. (Harvard: The Belkenap Press, 1971), 11.

"*The original position of equality corresponds to the state of nature in the traditional theory of the social contract.*" That *Original Position* must not be considered as something *Original or actual historical sate* rather it was just a hypothesis as he called it a *purely hypothetical situation* which was supposed to lead to a theory of justice.

³² John Rawls, *A Theory of Justice revised edition*. (Harvard: The Belknap Press, 1971), 11.

That *Veil* means such a position in which everyone was unaware of one's place, position, status or class in that society and even did not know anything about one's own fortune regarding the division of natural abilities e.g. intelligence or strength etc. They were even ignorant of their psychological inclinations and also had no concept of good.

³³ *Ibid.*, 53.

³⁴ *Ibid.*, 293.

³⁵ Donald Borchert. ed., *Encyclopedia of Philosophy*, 614.