

The question of justice in contemporary political philosophy between the concept and the problematic dimension

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Abstract: The essence of the establishment of human societies, justice, including states and political systems that relied on the concept of the social contract as a legal and political formula that defines the nature of the political relationship between individuals and the state, which in turn embodies the bond of citizenship, this relationship between the ruler and the ruled, which results in a set of rights and duties based on the principle of consent between all for the purpose of achieving common interests. Justice as a moral virtue, a religious, political and economic value, and a social phenomenon has been associated since the dawn of history and under ancient societies and civilizations with the concept of religious divine justice in ancient theocratic governments and to this day in many countries, and political, legal and economic justice in modern political systems with secular, liberal, democratic or Marxist orientations, and justice is determined by its association with many values such as equality, freedom, truth, goodness, equity and wealth.

Keywords : Justice, contemporary political philosophy, epistemological debate

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1. INTRODUCTION

The development of the concept of justice in human history oscillates according to the change in the nature of societal human values between absolutism and relativism, between the nodal religious constants and their controlling limits of values in society and the positive laws that were established as a result of the development of the human mind, justice is closely related and its content is determined by the relativism of societal values and for freedom between communities from one environment to another, which makes The concept of justice is flexible, relative, mobile and not fixed according to the perceptions and ethical value systems governing societies, which is manifested through the coordinated and social construction of each society, where the controlling values affect the concept of Justice, which is determined by this within the economic sub-format and the rest of the other sub-formats and devices, such as the political, educational and family format, which makes, for example, the system of inheritance and gender equality influenced by the clique of controlling values of the behavior of societies and the authority of their Cairo values and the process of their historical thinking and development.

Justice is associated with symbolic capital, as "Pierre Bourdieu" says to society and varies according to the beliefs of peoples and races, hence the utmost importance is shown by the need to clarify the principles and foundations of intellectual, legal, doctrinal and political perceptions on which this concept is based, especially that social, legal, economic, moral and political justice from research that dates back to historical precedents and periods reflected on the nature of social construction and construction As Auguste Comte says, justice still retains, despite the seniority of the philosophical presentation of its essence and the search for its constancy within the concept and between societies, as democracy is called today, being the founding values of such constancy in justice as absolute equality and freedom in its political, economic, social and even religious sense as well ...Etc.

Such a concept has proved its seriousness and current vitality, to the extent that it has become one of the most important topics of political philosophical thinking at the present time and the most dangerous persuasion for the public of peoples, due to the dogmatic nature that governs societies and the refusal to keep pace with modernity, change and development in the use of mental means to understand the values that fed the concept of justice and still affect the nature of the systems of laws and constitutions in states.

Therefore, the main problem can be posed: to what extent has the theory of justice been able to solve the problem of the debate between justice and equality in contemporary political theory

The issue of justice is an open dialectical problem in the current discussions of political philosophy, through which it is possible to understand the nature of the current historical stage by examining its overlaps with various political, social, cultural and intellectual problems posed at the present time.

Where we divided the research study into two main axes

2. 1-the question of justice and criticism of the procedure of justification utilitarian doctrine

1: the question of distributive justice.

It is difficult to take into account the volume of discussions raised by the book of the American philosopher John Rawls "theory of justice" (Theory of justice), it is considered the most widely read philosophical work of the twentieth century, and if the philosophy of Kant and Heidegger is important for any reader who wants to get acquainted with continental philosophy (la philosophie continentale), then in the contemporary Anglo-Saxon world, the philosophy of 1938-2002) rolls fellow at Harvard University and the most prominent representative of the ultra-liberal tendency Libertarismme, where, speaking about the theory of justice as equity, he says: "on the political philosophers of From now on, they should work within the framework of the rolls theory or justify their unwillingness to work within its framework," he ¹ said. The question of distributive justice in the book justice as equity was as follows: how should the infrastructure institutions be organized as a unified set of institutions so that a productive system of efficient and equitable social cooperation is maintained over time from generation to generation that To clarify, we recall the following: by accepting the assumptions contained in the basic interpersonal comparisons of the good life, we can, for example, distribute shares of the set of goods to achieve the greatest satisfaction of these individuals starting from the present to the future .²

¹ – Abdul Aziz Rakh, democratic legitimacy from contracting to communication Habermas in the face of Rolls, Arab Center for research and Policy Studies, 2019, P.01.

² – John Rawls, translated by Haidar Haj Ismail, justice as Justice reformulated, i01, Beirut: Center for Arab unity studies, 2009 p.: 159.

2-2 : criticism of the justification procedure in utilitarianism:

To avoid the difficulties that his method might face, Rawls, in his essay justice as Justice published in 1958, resorted to the concept of the social contract *le contrat social*, a concept that he was inspired by modern social contract theories as presented by John Locke (1632-1704), Jean-Jacques Rousseau (1712-1778) and Immanuel Kant (1724-1804), but also with an apparent difference with these theories, this qualitative transition in Justice depicts the beginning of separation and break with the utilitarian current in general, and it can even be said that the demarcation of this transition was not possible without going through the criticism of the utilitarian doctrine . However, from the perspective of the political concept of justice, it seems that the traditional utility principle as stated by Bentham and Sedgwick adopts the idea of quota fairness as the only principle of infrastructure over time.³ It is known that the utilitarian current has long been the dominant philosophy over the modern liberal doctrine regarding political and social organizations. utilitarian philosophy has given this latter doctrine the only moral criterion for rational political action, as it considers democratic government legitimate if it seeks to achieve the greatest happiness for the largest number of people, according to the expression "Jeremy Bentham (1748-1832)". In addition, for this reason, this doctrine remained the official ideology of good-life economists who looked at the welfare state .⁴ Liberal egalitarianism rejects the idea of quota justice because it is inconsistent with the basic idea that organizes justice as equity, namely, the idea that society is an equitable system of social cooperation over time, here citizens are seen as cooperating to produce the sources of social wealth they claim. In a well-organized society in which equal fundamental freedoms and fair equality of opportunities are secured, the distribution of income and wealth demonstrates what we can call pure procedural back Justice, special distributions of the resulting goods will be accepted on the basis that they are fair or at least not unjust, and contrary to the utilitarian doctrine, the perception of quota Justice does not apply here, and there is no criterion for fair distribution apart from the back institutions and civilisations that result from actual work through

³ – John Rawls, translated by Haidar Haji Ismail, *ibid.*, pp. 159-160..

⁴ – Abdul Aziz Rak, reference already mentioned, P. 11.

procedural measures .⁵ In his book "The Theory of Justice", Rawls repeats in no place that his goal is to propose an alternative to the prevailing utilitarian doctrine in American philosophy, that the utilitarian doctrine in one form or another was the dominant methodological theory in modern moral philosophy at least in part, and one of the reasons for this is that it was adopted in the footsteps of brilliant writers who formulated a large doctrine in terms of its breadth and interweaving, we tend to forget that the great utilitarian philosophers David Hume, Adam Smith, Bentham, John Stuart Mill, were the moral they formulated was aimed at a holistic perception. Utilitarianism claims that the principle of utility is the only effective moral principle in a fair choice, while Intuitionist doctrines emphasize the existence of a plurality of opposing first principles that can be balanced when the opportunity arises .⁶ If the theory of justice is as constructive as the utilitarian doctrine, then the criticism of the latter is based on a deep conviction that democratic culture carries in itself a basic requirement towards the fundamental freedoms and rights of citizens, and that this requirement is an absolute priority, but the utilitarian doctrine finds itself unable to justify this requirement in other words, the utilitarian doctrine, no matter it is included in the general political culture of a democratic society .⁷

2.1 First Subtitle

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2.2Second Subtitle

3. The Dialectic of justice and equality in contemporary political theory 3-1: liberal theory and equality theory.

The access to modern liberalism from the right and the left reveals to us the idea that liberals generally agree on the intellectual foundations of liberalism

⁵ – John Rawls, translation of Haidar Haji Ismail, reference already mentioned, P.160.

⁶ – Abdul Aziz Rakh, *ibid.*, pp. 11-12.

⁷ – Abdul Aziz Rakh, *ibid.*, pp. 12-13.

did not prevent them from diverging and differing intellectually on those very foundations. Liberals are generally divided into two main directions:

The first direction is individualistic liberalism, which represents the original direction of liberalism. Based on the classification of Michael Sandel, this trend embodies the liberal right, the main advocates of which are both Robert Nozick and David Gauthier, this wing emphasizes the sanctity of private property rights and opposes the state redistribution of economic resources in any form.

The second trend is embodied in the Liberal Left, known as "liberal egalitarianism", liberal egalitarianism, the most prominent advocates of which are Rawls, Ronald Dworkin, Wackerman. This wing emphasizes the need to address the inequalities that humans must create, and believes that the moral priority is to work for the benefit of the least well-off members of society.⁸ From a practical point of view, the positions of rolls and Nozick on this matter seem to us to be contradictory, the Liberal rolls of the public welfare state, and the conservative Liberal Nozick, together identify the clearest alternatives that the American political agenda can currently provide, at least with regard to issues related to distributive justice. philosophically, the two thinkers have in common, each defines his position as individuals.

⁹In this regard, the two theorists emphasize what Rawls calls "the plurality and differentiation of persons "and what Nozick calls "the reality of our separation into existence". This is the central moral reality that utilitarianism denies and is proved by ethics based on individualism and rights. regarding this moral reality and the importance of rights, rolls and Nozick find a strong agreement, but rolls, unlike Nozick, reaches a theory of justice that does not allow cases of social and economic inequality unless it is in favor of the less fortunate people. For Nozick, justice consists only in voluntary exchanges and transfers, without the intervention of any distributional policies at all. But how did their two very different theories of Justice come about Fortunately, we can determine with some accuracy the point of difference between them, since Rolls, speaking of his second principle of justice (i.e.,

⁸ – Hossam El-Din Ali Majid, the problem of multiculturalism in contemporary political thought, the dialectic of integration and diversity, Vol.1, Beirut: Center for Arab unity studies, 2010., Pp. 184-185.

⁹ – Michael Sandel, translation by Mohammed Hanad, liberalism and the limits of Justice, i01, Beirut : Center for Arab unity studies, 2009. P.: 130.

containing the principle of difference), proceeds in his arguments in a similar position to Nozick to conclude his own position.¹⁰

Rolls proceeds from three possible principles by which the distribution of social and economic benefits is controlled or their value is estimated, these principles are:

1-natural freedom.

2-liberal equality similar to the principle of entitlement.

3- Democratic equality is based on the principle of difference, on this basis the system of natural freedom defines what is justice: However, rolls considers this principle to be incomplete as long as the distribution that leads to it does not exceed a copy of the original distribution of talents and abilities. when the distribution is just copies of the original distribution, it cannot be considered fair, unless we recognize the fairness of the original distribution of talents and abilities, but as long as there is nothing to guarantee the fairness of distribution of original holdings, then taking these policies as a basis for justice means the axiom of the system of natural freedom is that it allows the distribution of quotas to be unduly subordinated to factors Very arbitrary from a moral point of view.

As for the principle of liberal equality, it seeks to compensate for the Justice of natural freedom that goes beyond the formal equality of opportunities, so the goal here is a kind of equitable entitlement that allows alleviating social and cultural inequalities thanks to equal educational opportunities and some redistributive policies, the hoped-for goal is to enable everyone to have an equal start.¹¹ According to some commentators and critics, especially those opposed to the principle of democratic equality, according to their opinion, every theory of justice that rejects the meritocratic conception due to the arbitrary moral nature of its distributive consequences must necessarily be oriented towards a kind of equality of settlement that requires permanent correction of the distribution of quotas in order to compensate for the constant differences in innate talents and abilities.¹² There are several theories among which there has been a cognitive flare-up in the context of contemporary political philosophy on the issue of social justice, as pointed out by Dr. Noufel Hadj Latif in his book:" the controversy of social justice in liberal

¹⁰ – Michael Sandel, Ibid., p.: 131.

¹¹ – Michael Sandel, translated by Mohammed Hanad, ibid., pp. 132-133.

¹² – Michael Sandel, Ibid., p.: 134.

thought, John Rawls in the face of the utilitarian tradition, " as the theory of justice between Habermas and Rawls was known as a flare-up, as this debate falls into the late interests of Jurgen Habermas after the nineties, when he turned his attention to issues of democracy and the public political space, especially after his openness to American political philosophy and his attempt to take advantage of it to develop his theory about democracy, especially after the theory of John Rawls is the most important philosophical source to which he returned John Rawls "'theory of justice" is considered by specialists in political philosophy to be the most important book in political philosophy after Rousseau's" the social contract " and Rawls in this work follows a Kantian strategy on the one hand, and a Russian strategy on the other, which is the same strategy present in Habermas's theory of democracy with amendments to both theories in line with current transformations .¹³ In addition to Rawls, Habermas also entered into a dialogue with the American philosopher Dworkin, the philosopher Taylor and meshelman, but his dispute with Rawls remains the most important and most present in his political philosophy, and the starting point of this dialogue was with the philosopher "theory of justice" when Habermas wrote an article critical of Rawls ' theory and published it in the Journal of philosophy, where he considered that his disagreement with Rawls an approach based on the principle of subjectivity. After Habermas ' essay, Rawls will meet with his advisers to think about the formula for responding to Habermas, and he had it, where he gave a long critical presentation in which he responded to Habermas to defend his thesis, and this debate was concluded with another critical essay by Habermas this deep philosophical debate was translated into a book entitled "political justice: the Habermas-Rawls debate ".¹⁴ First of all, let us remember that Rawls hoped to make liberal democracy a new political and moral goal, the search for the well-being of as many people as possible, but when he left to experts and technocrats the responsibility of determining the nature of public property on the basis of the choices of the majority and their choice of the

¹³ – Mohammed al-Ashhab, philosophy and Politics at Habermas, the debate of modernity, legitimacy and communication in the space of Democracy, Vol.1, DBN: political notebooks, 2006. PP: 182-183.

¹⁴ – Muhammad al-Ashhab, Ibid., p. 183.

maximum simply. Rawls wrote in 1971: "in this society, we present ¹⁵ individuals as separate producers of gratification, and we have to distribute rights and duties to them and give them specific methods of gratification, according to rules that allow the greatest and full satisfaction of their desires, and it is not the nature of the decision that the ideal legislator takes, or the nature of the decision of the consumer who decides a matter of effective management." To explain the influence of Rawls in American legal culture, Ronald Dworkin wrote: "In the United States, judges should leave it to the market to decide what justice requires, and the prevailing opinion emphasizes that a kind of market democracy should make decisions, that is, the point of view that is most popular at one time or another with public opinion should be the one adopted by judges, "hence the remark of Rawls: "if some people get pleasure when they practice discrimination among themselves, then this satisfaction of desires should be given weight commensurate with the strength of these desires."¹⁶ The issue of distributive justice has occupied many philosophers and researchers, and each of them has published writings that have influenced contemporary philosophical thought, and Rawls is the detonator of the debate on this issue through his book "A Theory of Justice", pointing out that "justice is the first virtue of social institutions as the truth for theories". The theory of distributive justice put forward by Rawls is the first theory in the modern era that provides a structure for establishing the reference of justice as equity. The proposed study also shows Dworkin's different view from Rawls and Nozick through his criticism of them, where he argued that social welfare is limited only to those whose economic conditions have worsened as a result of force majeure circumstances in which there is no hand, unlike Rawls, who said that everyone whose economic conditions have worsened has the right to social welfare, Dworkin also did not abolish the social role of the state completely, as is the case with Nozick, who considered the imposition of state taxes is only a form of encroachment on the property right of citizens.¹⁷ On the

¹⁵ – Catherine udar, translation: Sana Al-Sarout, liberalism, ethics, politics, society, i01, Beirut: Arab Center for research and Policy Studies, 2020, P.373.

¹⁶ – Catherine udar, Ibid., p.: 374.

¹⁷ – Ali tatayat, the question of distributive justice in contemporary American political philosophy", unpublished doctoral dissertation, University of Algiers 02, 2015-2016, pp. 1-3.

contrary, many theories of Justice focus overwhelmingly on how to establish just institutions and give a secondary or auxiliary role to behavioral features. for example, John Rawls ' approach "justice as fairness" gives the well-deserved "Justice as fairness", a unique set of principles of justice that is concerned only with the establishment of just institutions to form the basic structure of society, the while people had to adapt their behavior to fully comply with the requirements of the proper functioning of these The author of the book" The idea of Justice "says that there are critical shortcomings in Rawls's overwhelming focus on institutions, where behavior is supposed to correspond appropriately to what is required, rather than focusing on the reality of people's lives, and to focus on people's actual ways of life in assessing Justice has many implications far-reaching on the nature and breadth of the idea of Justice.¹⁸

Here are the most important ideas that rolls included in his new corrective book: "justice as fairness": paraphrasing and before his departure.

1. justice as equity is a social contract, that is, a common agreement on a political concept of justice for a special case of the infrastructure of a modern democratic society.

2-the best understanding of liberal justice is political understanding.¹⁹ 3-Rawls ' conception and political concept of justice, not a comprehensive theory

4-justice as fairness begins with civil justice, neither local nor global, i.e., infrastructure Justice.

5. infrastructure is the first justice theme.

6-rolls Kant agrees that in a permanent peace, a World Government would be a government of repressive global tyranny or a Fragile Empire torn by constant civil wars when separate regions and cultures try to gain their political independence.

7-rolls rejects Bentham and Sedgwick's traditional principle of utility, namely, the fairness of the distribution of shares, because it contradicts the basic idea that society is a fair system of social cooperation over time.

¹⁸ – Amartya Sen, the idea of Justice, translated by Mazen Jandali, Lebanon: Dar Al-Uloom Al-Arabiya publishing house, Vol.1 , 2010, pages 13-14.

¹⁹ – John Rawls, translation of Haidar Haji Ismail, justice as fairness paraphrased, already mentioned reference, P: 12.

8-the goal of justice as a justice is to formulate an alternative concept of political justice to what exists in the doctrine of utility and at the same time to find a moral basis that is more suitable than others for the institutions of the modern democratic complex.

9.it should be noted that Rawls focuses on the idea that his theory of justice as equity is primarily a political concept and is a picture of the political liberal doctrine. The Theory of justice as equity= a hypothetical social right= a political concept = a picture of the political liberal doctrine = and the theory is a compromise but not a temporary settlement= common consensus.²⁰

3-2: collectivism and multiculturalism:

The term associationism refers to a group of English-speaking philosophers who have emerged in the field of moral and political philosophy since the seventies of the twentieth century: Alasdair McIntyre, Michael Sandel, Michael Walzer, and Charles Taylor. The concept of community is undoubtedly as old as political philosophy, but it has come to refer to contemporary implications resulting from the debate that accompanied the emergence of Rawls's theory of justice in 1971. Michael Sandel's 1982 book *Liberalism within the limits of justice* is considered the first text that discussed Rawls' theory in the name of the new values of the collective, followed by philosophers of the collectivist trend, and if we want to summarize these values the subject of discussion between the two trends, we can refer to the objection to the concept of imposition, its identity and values in the name of the collective, the priority given to the good at the expense of right, and finally the debate on the status and status of the Universal/Universal universalité, privacy spécificité, pluralism pluralité, and diversity diversité. In other words, the collectivist trend is determined by its critical attitude towards liberalism, specifically towards extreme or radical individualism, and utilitarianism, which characterizes the moral and political heritage of liberalism, and calls for the need to take into account the importance of the community and the meaning of life, goals and values that distinguish individuals and groups, and its basis in this is the Aristotelian moral and political inheritance based on the idea of a good life and happiness, Hegelian philosophy, and contemporary hermeneutical philosophy.²¹ If the

²⁰ – John Rawls, translated by Haidar Haji Ismail, *ibid.*, pp. 14-15.

²¹ – Zawawi bghoura, recognition for a new concept of Justice, a study in social philosophy, i01, Beirut: Dar Al-Talia, 2012 PP: 69-70.

community forms the philosophical basis of this trend, then what should not be forgotten is the economic, social and cultural transformations that have befallen the community so that it has become a concept that refers to traditional life or traditional societies in comparison with contemporary societies. the associationists do not deny this development and transformation in the concept of the community, but consider it one of the reasons for the emergence of radical individualism, which poses a threat to various social solidarity relations.²² The associative trend criticizes this individualism to emphasize the importance of belonging and commitment, despite being aware of the collapse or transformation of traditional structures, why Because the individual still lives within the so-called cadres sociaux social frameworks in sociology, such as the framework of the family, the group and the nation, despite the change that has befallen them. Associationists do not deny that belonging carries many dangers, not least the strangulation of Free initiative and individual freedom and the feeding of forms of intolerance, associative philosophy refuses to consider society as a calculation of the sum of its members, and to define the individual in an abstract manner enjoying equal status with other individuals away from value or moral perceptions, cultural representations and affiliation relations. She emphasizes the need to identify individuals by their culture, and to emphasize that society is made up of multiple cultures. Hence, we see the connection between the associative philosophy and multiculturalism, despite some differences between them.²³

Liberalism as a political concept faced three objections:

The first objection: regardless of the importance of the political values advocated by Rawls, this objection states that it is not always reasonable to put claims from moral or religious doctrines entirely in parentheses, or to put them aside for political purposes when it comes to serious ethical issues, whether it is reasonable to deal with moral or religious arguments in order to reach a political agreement remains contingent on knowing which of the competing moral and religious doctrines is considered correct.

The second objection: it proceeds from the fact that the defense of the priority of right over good in political liberalism is conditioned by the claim that modern democratic societies are characterized by a reasonable abundance of

²² – Zawawi baghura, Ibid., p. 71.

²³ – Zawawi baghura, ibid., pp. 72-73.

reality regarding the perception of the good, but it cannot be said that there is a reasonable abundance of reality regarding morality and religion, which does not apply to issues related to justice as well.

The third objection is based on the premise that, according to the logic of public interest pursued by political liberalism, there is no way for citizens to have a project to discuss basic political and constitutional issues based on their moral and religious ideals. But this represents an unnecessarily harsh restriction, a restriction that will impoverish political discourse and exclude important aspects of circulation and public space.

3-3: multiculturalism as an issue of debate:

In the context of clarifying intellectual positions on multiculturalism, it is necessary first of all to clarify the subject of multiculturalism itself, according to the perspective of its proponents. The multiculturalism that arose and developed in the West, as kimelka argues, is not limited to the issue of symbolic recognition or identity politics towards minorities, but also deals with the issues of power and the distribution of resources.

The biggest difference between associationism and multiculturalism is the attitude towards liberalism, while associationism opposes liberalism in that it is an excessive individualism, the supporters of multiculturalism look positively at the legacy of liberalism from these "will kimlica, Charles Taylor, Michael wolzer" ²⁴. This is especially evident in its perspective on dealing with national minorities and indigenous populations, as multiculturalism emphasizes that "the state must restructure its structure, creating new political units that enable minorities to exercise their autonomy".²⁵ Proponents of multiculturalism argue that every cultural group has the right to exist and free expression. A democratic society is required not only to recognize diversity and multiculturalism, but also has a duty to protect, develop and develop this diversity and diversity. The task of political, social and moral philosophy is to focus on the topic of tolerance in the direction of social and cultural peculiarities.²⁶ According to proponents of multiculturalism such as Parekh, culture means the set of beliefs and opinions formed by humans about the meaning and importance of human life with all its activities and relationships, in other words, " culture is the way of understanding and organizing human

²⁴ – For Zawawi baghura, reference already mentioned, P. 73.

²⁵ – Hossam al-Din Ali Majid, reference already mentioned, P. 187.

²⁶ – Zawawi baghura, Ibid., p. 73.

life," and in line with Parekh's perspective, kimelka deliberately uses the single word "culture" more specifically, making it synonymous with the words "nation " and "people", so that by culture it means "the existence of an integrated and almost institutionally integrated society inhabiting a territory or region and its members share a distinctive language and history," and, accordingly, the state becomes a multi-ethnic state.²⁷ What results from this position is the refusal of supporters of multiculturalism to recognize the superiority of national cultures cultures nationaux compared to local or private cultures and demand that different cultures should be treated on the basis of equality, and that minorities have no right to abandon their language, traditions, lifestyle or existence. This means that supporters of multiculturalism are demanding the right to a special culture.

Classical liberalism has traditionally distinguished between private space and public space, so that the first space is characterized by complete freedom and that no one has the right to interfere in it, while the second space in which the individual enjoys a different status because it is a public space and constitutes the field of political practice. Proponents of multiculturalism criticize this explicit distinction between public space and private space in citizenship, and there are even those who reject it because this neutral and abstract citizenship, in fact, hides real policies based on cultural integration, which mainly aims to marginalize religious, linguistic and ethnic minorities that are not subject to the dominant culture, and therefore, if the supporters of the group say that the individual can not be separated from as a result, there is an agreement between the supporters of multiculturalism and the supporters of the collective in looking at the individual As a concrete and historical individual, and not an abstract and isolated individual as liberal thought claims, the distinction or separation of public and private space leads to excesses that affect the dignity of persons²⁸ Moreover, we note that multiculturalism, by virtue of its quest to bring about a change in the intellectual structure of liberalism, has led proponents of the liberal right in the United States, such as Alvin Schmidt and Arthur Schlesinger, to emphasize the idea that multiculturalism has acquired "the intellectual structure and concepts related to Marxism, such as oppression, inequality, imperialism, and revolutionary

²⁷ – Hossam al-Din Ali Majid, Ibid., p. 188.

²⁸ – Zawawi baghura, reference already mentioned, P. 74.

change, in order to belittle American culture".²⁹ This means that multiculturalism promotes cultural separatism, and if adopted in educational curricula, it will eventually lead to the undermining of national identity, which prompted Schlesinger to say : "The supporters of multiculturalism, if they control our educational system, they will work to strengthen the status of isolated ethnic groups and perpetuate them so that it will be at the expense of a common culture and a common national identity," the main reason is due to their view of Western culture, from their perspective, "it is not useful for non-Western cultures embraced by minorities, which is why multiculturalism values and equality in terms of status and rights, the theses of the liberal right were divided into two main ideas:

1-rejection of cultural equality, i.e. rejection of the idea of dealing with all cultures and his belief in the superiority of Western culture compared to others.

2-considering multiculturalism as just a new form of ethnocentrism and that working with it will lead to undermining and dismantling society and turning it into conflicting groups that are not united by a whole.³⁰

3-4: neoliberal or libertarian theory as a reaction to John Rawls's theory of Justice:

Neoliberalism neoliberalism is the defining political-economic model of our time, it refers to the set of policies and processes according to which a handful of relevant private stakeholders are allowed, to control social life as much as possible with the aim of maximizing their personal profits, neoliberalism received support from Reagan and Thatcher over the past two decades the dominant global political-economic trend, as stated by the spiritual father "Milton Friedman" in his to market forces.³¹

Rawls 'theory of" justice as equity" has been met with fierce criticism, but it has also attracted the attention of scholars and critics to the point that it has become the theory through which every controversy passes in contemporary moral and political philosophy issues.liberal critics of Rawls agreed with the general outlines of his theory of "justice as equity" and the liberal spirit

²⁹ – Hossam al-Din Ali Majid, reference already mentioned, P. 195.

³⁰ – Hossam al-Din Ali Majid, reference already mentioned, pp. 195-196.

³¹ – Noam Chomsky, translated by Lama Naguib, profit in advance on the neoliberal people and the world order, Damascus: Syrian general Book Organization, 2011, PP:07-11.

imbued with it, but they do not see it as the best embodiment of the requirement of justice. among them, we find Ronald Dworkin and Amartya Sen. Ronald Dworkin formulated his vision in a two-part 1981 essay entitled " What is equality?"³² They affirm that justice requires compensation for forms of inequality between the individual and others, which are caused by arbitrary factors beyond his control, for which he does not bear responsibility. While Rawls considered that circumstances and circumstances are arbitrary from a moral point of view, for the reasons already mentioned, Dworkin believed that the arbitrary face lies not only in the circumstances and circumstances in which individuals find themselves, but an important part of it may come from the nature of the unwise choices made by individuals themselves. Even if the correction of the aspect of circumstances and circumstances takes place, the coincidence of birth and Origin is no longer. Dworkin went on to prioritize the principle of equal recognition and respect when distributing resources, and even made it the basis of all rights in liberal societies, unlike Rawls, who prioritized the principle of freedom. Dworkin has defended this priority throughout his books, in particular in two books: taking rights seriously and a sovereign virtue. From his point of view, rolls ' theory seems unfair because it does not establish a mechanism to compensate for the disabilities that some people wish for, such as natural disabilities or those caused by emergency accidents, Dworkin defends the need for equality of resources between everyone when starting and before entering into exchange and interaction processes through market mechanisms so that people later bear the results of their choices.³² Not far from this context, Amartya SAN argued that rolls ' theory of Justice does not take into account equality in terms of general circumstances and circumstances and adopts the principle of fair division between all those who are in the same situation in terms of empowerment of primary social goods, and San considers that this is unfair to people with special needs.in his opinion, we should not talk about equality in terms of the distribution of primary goods according to the positions occupied by people in the social ladder, but in terms of the capabilities for action provided to them by that distribution.³³

³² – Mounir el kachou, John Rawls's theory of distributive justice and its critics, Journal of variation, No. 36, pp. 59-60

³³ – Mounir el kachou, *ibid.*, pp. 60-61.

The question of justice in contemporary political philosophy between the concept and the problematic dimension

There are two neoliberal arguments directed against welfare policy according to Chatterjee:

01-the individualist-Darwinian social trend, which opposes every kind of redistribution.

02-the libertarian individualist trend makes redistribution within narrow limits.

The libertarian de Jouvenel equates the welfare state with the socialist state, small groups may achieve socialism, but not the state, as Marx believes, this current denies the existence of a social entity superior to the individual, and therefore:

- The state performs several functions, but not a redistributive one.
- Economic inequality in income and wealth is not an evil in itself but a natural fact.
- It is not the job of the state to determine the criteria for the ear limit and the maximum income.
- The criteria of redistribution are based on the principle of expanding the middle class, which, according to Nozick, confiscates the principle of freedom.
- The criteria of redistribution, as long as they are enacted by the majority, are therefore at the disadvantage of minorities in society, according to Friedrich von Hayek 1976, and here the state seems unfair, increasing the centralization and degree of bureaucratization, according to Hayek and Friedman.
- Private initiative is shackled, by mortgaging the beneficiary group willing to the state, according to von Hayek, it does not eliminate poverty, but perpetuates it through dependence.

While Nozick seems to identify with the libertarian individualist current as an extreme wing of neoliberalism, he proceeds from the simple idea that as long as individuals have obtained their incomes and wealth by legitimate means, it is safer to keep them, and the state does not have the right to encroach on them in the name of redistribution, the right of individual property is inviolable. According to the methods of building a just society, frauds seems to be a defender of the welfare state, while Nozick, a libertarian,

stands against it, he is a supporter of the market doctrine.³⁴ What neoliberalism does not accept in its radical image of von Hayek and Robert Nozick, that is, in its libertarian image, in order to put "Hayek" and "Nozick" in their place of libertarianism, we have to refer to the Chicago School, which was distinguished by its defense of neoliberal economic issues, and to Hayek's consort: Milton Friedman, and the basic issues embodied in the thought of this school are three: the first is the maximum launch of the market, the second is the struggle against state power, and the third is The main³⁵, thesis adopted by Milton Friedman asserts that only the free release of economic supply and demand is worthy of guaranteeing individual freedoms, since the activity of production and Exchange is the best guarantor of freedom, when this economic effectiveness results from the voluntary cooperation of individuals and not from a central administration that can involve coercive measures. Friedman estimates that real cooperation between individuals is achieved by meeting two conditions: the first is that the project should be private and the exchange contractors should be individuals, and the second is that these individuals should be free to participate or not to participate in the exchange process.³⁶

The market is not the real enemy, as Friedman stressed to his guests that the welfare state is the enemy, it is the state that paralyzes the economy and inhibits growth, it is an obstacle that stands in the way of citizens, and that is why he demanded that the state stop interfering in the affairs of the markets as much as possible. Of course, the thesis of the "natural right to freedom"³⁷, and the "automatic system" of the market raises the question of social justice for Friedman and the issue is related to the concept of equality here Friedman distinguishes between equality and identity, so that one person is equal to

³⁴ – Essam kasry, "the crisis of neoliberalism in the capitalist system: an economic and social debate", notebooks of politics and Law, Vol.13, No. 02, 2021, pp. 361-362.

³⁵ – Fahmi Jadaan, in the final salvation, an article in the promises of Islamists, secularists and liberals, i01, Amman: Dar Al-Shorouk publishing and distribution, 2007, PP:229-230.

³⁶ – Fahmi Jadaan, Ibid., p.230.

³⁷ – Ulrich Schaefer, translation: Adnan Abbas Ali, the collapse of capitalism causes the failure of the deregulated market, Kuwait: knowledge world, 2010, p.34.

another does not mean that he has the same identity or subjectivity, what corresponds to freedom is not "distributive justice" and "but equality of his opinion, then, that the only principle of" distribution "suitable for the ideal of freedom is the following principle:" for each according to what he produces from He and the tools he has".³⁸ From this liberal meaning of the law, Hayek draws a set of conclusions and positions that represent a blatant challenge to the values of the socialist tradition. the example of social justice to which this tradition relates is a false, illusory and Mirage, and every attempt to pass it into reality can create a nightmare. either we abandon every requirement related to justice in material conditions and all considerations of equality that are associated with the idea of socialist justice, or we contribute to the generation of a totalitarian holistic system that abolishes personal freedom.³⁹ Social justice is still being used as a Trojan horse to achieve totalitarian policies, as explained by the philosopher Friedrich von Hayek in his book "The Mirage of social justice" and adds that the state's intervention in the economy under the pretext of achieving social justice will cause the expansion of government and political pressure and will give the state wide powers, the reality confirms that interventionist policies under the pretext of achieving economic justice and Welfare led to the achievement of social injustice and the concentration of the instrument of government, power and wealth in the hands of a few elite within society without regard to the interests of citizens.⁴⁰ Hayek is a radical thinker in his ideology who wrote a book during the war, including "the road to slavery" Hayek claims in this author that all formulas based on Economic Planning lead to an authoritarian state, and besides many other reasons Hayek became the sworn enemy of the left when he claimed that social justice is a topic that one should not concern himself with.⁴¹ Libertarianism in its broadest sense is a political philosophy that emphasizes the rights of individuals to freedom, and to acquire, retain and Exchange property. libertarianism can be understood as a basic moral

³⁸ – Fahmi Jadaan, Ibid., p. 231.

³⁹ – Fahmi Jadaan, ibid., pp. 233-234.

⁴⁰ – Nuh Al-hermouzi and others, alternative visions of reading in the causes of the Arab deficit and the components of reform, Vol. 1, Amman: Al-Ahlia publishing and distribution, 2012, p.67.

⁴¹ – Ulrich Schaefer, translated by Adnan Abbas Ali, reference already mentioned, pp. 38-39.

principle of natural rights according to the writings of Locke and Nozick. the employment derivations of libertarianism are attracted to some considerations such as: human limits (knowledge, motivation), the effects of stimuli, administrative costs, and the intrinsic value of freedom in the concept of the good life. On this basis, libertarian theories of Justice focus on the processes through which social results are achieved, and they reject theories that only look at the results or the final state of distribution, and there is no doubt that the most famous visions in this area is the "theory of entitlement" by Robert nozick1974, which holds that justice in distribution consists mainly of only three principles: -the principle of justice in acquisition – the principle of justice in transfer – the principle of correcting violations of the two previous principles.⁴²

Libertarians believe in a minimal state that protects freedoms and rights and repels attacks on individuals and property without interfering with their choices or disposing of their rights and property, and in the belief of Michael Sandel, the position of "Nozick" and supporters of the principle of entitlement is based on two basic arguments: The first is an ethical one related to the intrinsic nature of natural Holdings, which entitles the individual to benefit from them, contrary to social and cultural characteristics, and the second is related to practical reality, since stripping the individual of his natural Holdings is not realistically available.in contrast to the principle of difference on which rolls was based to legitimize natural Holdings morally, Nozick puts forward the theory of entitlement or entitlement, "people are entitled to benefit from their holdings, although they are not morally worthy of it."⁴³ It is known procedurally and historically, as the school of "Public Choice" emphasized, that when power does not find someone to govern it, restricts it and draws clear boundaries for it, it turns into a hooligan machine, and reality proves that social justice policies, manifested in the enactment of laws, legislation, taxes and deductions on individuals, do not motivate individuals to productive work, creativity and innovation, but encourage horizontal and vertical corruption, first of all, they also encourage lobbyists

⁴² – Stanford Encyclopedia of philosophy, translation: Ali Haris, libertarianism, 2017, p.03.

⁴³ – An antique fugue, "Beyond John Rawls's theory of Justice", Al-Hikma Journal of Philosophical Studies, No. 1, vol.09, 2020, pp. 06-07.

or "interest groups" "rent seeking" pushes governments to redistribute wealth in favor of their members.⁴⁴

Even the libertarians of the twentieth century continued to vigorously defend the individual against the growing power of the state and against collective thought, as well as the libertarians also continued to assert that individualism and equal rights in a pluralistic world are not only the moral norm of public policy but the best policy to minimize conflicts, individualism is not just a philosophical obligation or a political requirement for libertarian thinkers is also a way of understanding the world.⁴⁵ The economist Karl Menger has pointed out that because we are individuals, we can understand something about individuals and how they behave, and therefore the correct approach to social analysis is to look for the origin of complex phenomena in the plans of individuals and their intentions.⁴⁶ This school, called the school of "New Economics" or "libertarianism" was born in the United States, but it has also found echoes in Europe and elsewhere. It is inspired by the Austrian School and pays attention to long-neglected thinkers such as "Lumio", "LePage", "Rosa" and "Avtalion". In the political field, this neoliberalism defends the priority of freedom and its precedence over equality and justice, and the priority of "individual rights" over the so-called "collective rights". In particular, it rejects Marxist criticism of the formalism of human rights and freedoms, and stands up against the expansion of social and economic rights (such as the right to work, to health insurance), which then leads to the destruction of basic political rights such as the right to freedom, security, etc.⁴⁷ The determinants of the libertarian theory are based on the following:

- The growth and priority in society of the right of individual property and the law of the market.
- Thus, social justice is measured by the attitude of society to this absolute freedom and its keenness not to violate this right and preserve its sanctity.

⁴⁴ – Noah Al-hermouzi, reference already mentioned, pp. 67-68.

⁴⁵ – David Boz, translation by Salah Abdul Haq, the concepts of libertarianism and its pioneers, individualism and Civil Society, Vol.1, Jordan: Riad Al-Rais books and Publishing, 2008, PP: 13-14.

⁴⁶ – David Boz, translated by Salah Abdelhak, Ibid., p.15.

⁴⁷ – Fahmi Jadaan, ibid., pp. 220-221.

- Justice is achieved automatically, and naturally in a society of free individuals, it is guaranteed by the existence of such a spontaneous organization that belongs within the society, and it is in such a society that its members are absolutely free to own and choose for themselves.

- Liberalism, by allowing limited state intervention in the social sphere, libertarianism makes the state a solution to all this. This right determines the role of the legitimate state and the basic principles of individual behavior.⁴⁸

Some anti-capitalist neoliberal politicians and activists have used the term "disaster capitalism" to label this capitalism, and Canadian activist and writer Naomi Klein released a book that caused quite a stir at the time entitled "The Shock Doctrine: The rise of disaster capitalism" is sometimes referred to as the doctrine of "shock and Awe", which was adopted by Bush in the war of occupation of Iraq, and is known militarily for the rapid domination that relies on speed and surprise and an amazing show of force, as the theorists of neoliberalism asked for its application in the Soviet Union immediately after its fall to block the way for the communists and the working class in their attempts to stop the privatization processes and the plunder of wealth by the rich and corrupt upper classes led by world capitalism, and that the exploitation of disasters such as wars, civil wars, ethnic and sectarian conflicts, famines and natural disasters, and it is required for rapid implementation under the pretext of the need for funds and rescue Rapid assistance to poor countries and other arguments, "catastrophes" are the inevitable result of the application of such policies.⁴⁹

4. CONCLUSION

We conclude from the above that the approaches that lock up justice in a material economic framework centered on the distribution of wealth will not go beyond its project to achieve socio-economic justice, as its beginning will be from the distribution of wealth, and its end in the economic and social fields, which entails policies, programs and tools consistent with it.

⁴⁸ - Mohammed Zaki Abu Al-Nasr, social work issues social justice Daydream in an excluded society, i01, dibn, Dar Al-Fairuz, 2016, pp: 38-39.

⁴⁹ - Fuad Qasim al-Amir, neoliberal capitalism(neoliberalism), Iraq: Dar Al-Ghad, 2019, P.: 54

Those who believe that political justice stems from the distribution of power and not its limitation, its project will be limited to the process of separation of powers, and the ensuing consequences and consequences in more than one field, and on more than one level. As for the approach that sees in Justice a root in the soul, and it grows in consciousness and conscience, its project of justice will be different, as it starts from the soul and does not end there, and it starts from education and then transcends it. That is, that project will be an educational-ethical project in its point of view, based on philosophical, intellectual and cognitive foundations, to be integrated and include all other relevant legal, economic, social and other dimensions in its subsequent stages. Therefore, it is the resolution of the position on the philosophical essence of justice and its first nucleus that determines which project we pursue, policies, programs, tools and all related steps, and establishes more realistic, broader and more comprehensive directions, the most capable of producing justice, and provides a solid ground that allows the construction of sustainable paths, and closer to reaching the end. Most economists agree that there is a causal relationship between inequality and growth, although the nature of this relationship may not be fully understood and although opinions on the direction of causality may vary depending on the theoretical framework, neoclassical literature argues that incomes are generated from the marginal productivity of the individual, people earn what they generate for society, and theoretically demand equals supply, and for factors and variables, including labor, the inverse causal relationship is based on neo-Marxist models that describe the distribution of income as a process determined by the negotiating forces of capitalist companies vis-à-vis workers, which depend on in turn, it has political, institutional and economic factors.

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