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Review article

Studying concept of justice in writing of classic and modern thinkers (by emphasis and comparative study of opinions of John Rawls and Robert Nozick)

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ABSTRACT

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Since old times, social philosophers have attempted to analyze the fundamental frameworks of society and relations of power by relying on intellectual foundations and rational reasoning. In this paradigm, issue of justice has been always central of attention, such that regulation of interrelations among individuals in society has been planned for the purpose of realizing social justice. Subject of justice is not merely a theoretical subject, but it is practical basically and it is integrated with concepts like equality, morality, law, equity and freedom. Concept of justice in its boarder terms, has an integral relation with all concepts and values which are respectable and good, in fact, we can say that justice is the first virtue, that means it is possible that in different intellectual systems in relation to desirability of freedom, equality or joy, there is doubt and limitation of freedom is defensible, but rarely anybody defends limitation of justice of injustice, in political philosophy, the final criterion of virtuous state is concept of justice and in law philosophy, the main purpose of judgement is providing justice. In this research, it is tried to deal with concept of justice in historical form in order to reach a clear conclusion from it in intellectual regimes of Liberalism and democracy social. But the main objective of this research is to compare two liberal theorists concerning their understanding

of justice; one, John Rawls that believes justice amounts to equity and other, Robert Nozick. Both of these thinkers claim that their definition of justice is in text of Kant tradition, but we will see that they present two different interpretations.

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1. Background of research

The writing of justice theory of John Rawls has translated to twenty-seven languages and thought of Rawls has studied and criticized by more than 5000 books and articles. The writing of contemporary major philosophers has been allocated to these criticisms too. For example, Brayan Bari, English contemporary political philosopher, has allocated first volume of his three volume book under the title of justice theories to describe and criticize of Rawls. The most extensive and deep disputes and criticisms against justice theory of Rawls have presented by collectivists that we mention Michael Sandel, Alisdair McIntire, Charles Taylor and Michael Walser among great figures. On the other hand, one of the most important critical books has been written by one of right-wing liberal philosophers and in better terms. Their pioneers that is Robert Nozick that by publication of text "Anarchy, state and utopia" became rival and main opponent of Rawls and since 1980's, thesis of Nozick along with justice theory was thought in academic societies in the United States and England.

2. Methodology

The choice of method is always accompanied by an epistemological topic. As Divan says; choice of method must be based on this view that whether this method is suitable for studying a special research question or not. (Dicaïn; 2000). According to Van Dyke, to study political and philosophical phenomenon's, frequently qualitative methods preference to quantitative methods. (Vandyke; 1960). Basically, analysis of content is the main subject of sciences that discuss about human. In the other words, verbal aptitude is the most prominent characteristic of human and meanwhile is an integral element of rational thought, feelings and the characteristic element of his/ her life. (Holesty' 1995). Therefore, in this research method of qualitative content analysis has been used.

3. Concept of justice history

The main discussion of justice as focus of morality philosophy was begun with Socrates. Nevertheless, the main purpose of Socrates was to reveal failure of common understanding of justice from benefit and believed that anyone who knows well, virtue and justice, is good and just. Generally, Socrates attempted to establish justice and morality principles from beginning and according to nature. In the other words, he thinks about possibility of existence of morality and justice without believe in metaphysics. According to Socrates, good and virtue not because gods have defined and determined them, but because they are well inherently, gods have advised them. From the viewpoint of Socrates good and virtue are independent from religion and are hid dent in nature and their nature is profitability. (Bashirieh, 2004). Plato also has discussed justice in detail. Plato in his argument says; requirement of just action is recognition of instance of general form of justice beyond al minor just acts that all are common in that general instance. So, we must recognize instance of general form of justice. The main instance of justice in Plato's philosophy has obtained from moderation. Justice must be found in moderation or balance among three elements of human soul that is wisdom, feeling and lust. So, unjust human has not mental balance. In contrast, just human affected by wisdom has mental balance. According to Plato, just act is not advised due to justice, but to serve justice is a means for obtaining spiritual pleasure and internal unity or in modern terms, supplying real benefit of individual. This is benefit to society in whole and individual. Here, the possibility of conflict of individual and society benefits is ignored.

Briefly, society has the main needs; First: survival; second: defense; third: leadership. The balance among these is utopia means social justice Aristotle introduces distributional justice against transactional justice. In transactional justice, there is absolute mathematical equality such that exchange of each parties with third object is possible. In distributional justice, first assumption is inequality of humans in social issues and aptitudes, so we can found that main criterion in justice is merit and therefore, inequality is self- evident. Distributional justice is related to concept of scarcity. As resources are limited in any context and anyone has merit in terms of his/ her aptitudes, we must accept inequality. Aristotle according to his class assumption says; since humans have not been created equally, anyone is in a special class. (Haghighat; 1998). Justice in Machiavelli thought is connected to virtue as political power. According to Machiavelli, morality is separated from politics and a kind of relativity creates in definition of justice. Justice has not certain principles in real world, but virtue determines its quality. Generous, honest and religious properties of sovergian are not important, only he/ she must pretend that he/ she has these properties.

4. Modernity era

Basically, one of characteristic of seventeenth century was separation of philosophy from theology and according conditions were prepared to introduce social contract theory. The most outstanding political philosopher of new era was Thomas Hobess who unlike religious philosophers of medieval centries has thoughts based in understanding of human nature and life conditions of human. Hobess recognizes a separation between justice and equity that calls second as distributional justice. In book of Leviatan, Hobess puts justice – that known as third natural law- against injustice and defines it in this way; human execute the concluded contracts. (Hobess; 2010). In Hobess theory, the power of state for punishment is enough incentive for fulfilling social obligation and regulations that are passed by competent authority to maintain peace and exercise of justice. In absence of state, there is no concept of law and justice. In absence of competent authority, there is no concept of juridical justice or distributional justice. From the viewpoint of Hobess, supplying justice as an authoritative act belongs to competent authority and not citizens. The acts of citizens as individual may be interest- centered, humanitarian... but more precisely, includes the scope of individual acts, while subject of just acts is competent authority. The great English philosopher, Adam Smith who was famous because of his innovation in defense of system of free market economy in book of “nation wealth”, has represented a multilateral definition of justice that is a new revolution in concept of justice Smith puts justice in three levels and degrees. Justice according to Smith includes refuse to impose loss in persons, properties and reputation of individuals that he calls it, transactional justice. In more generic level, smith recalls distributional justice it means anyone is generous of persons who have relations with him/ her in terms of their competence and also generally. He is generous and benefactor. He believes that justice in second meaning includes all social perfections. The third meaning of justice points to a more comprehensive virtue and contains any act that is completely suitable, whether social or individual act. The third meaning of justice no doubt is the most comprehensive concept of justice and even includes two other meanings, too. The next argument is utilitarianism theory that it refers to utility principle and maximation of pleasures. The utility principle requires that what increases most individuals of society, is right and just. The English Philosopher, John Stuart Mill, is only Philosopher who while advocate utilitarianism in ethics, he gives considerable attention to justice, too. He believes that justice means correspondence to law and injustice means law- breaking, but intent of law is not what sate power has passed and executed because some regulations that are passed by humans may be inaccurate. According to mail, justice composes of exercising individual rights of others and their individual rights include their regal claims against other person or persons. The security right and freedom tight are on the peak of individual rights. Any person has the right to secure against other persons loss on him/ her and any person has the right to free from others interference in his / her personal affairs. He right law is the law that is passed and implemented to preserve security and freedom of individuals of society. (Haji Haidar; 2009). Kant in eighteenth century had attempted to codify ethics suitable for human of new era that has intellectual element and is independent from various traditions and cultures. Kantain human accepts law and absolute right. Such human believe life along with others in terms of respect and execute regulations for himself/ herself too.

The decisive and imperious principle of Kant is that we must prefer what anyone was instead of I, reached this conclusion. Kant believes that ethics is subject of rational choice and says: law and legislative is not something expect rthics. In society, ethics must be agreed by all.

Equality and freedom principle must be considered by all people or at least must be respected by them. Kant justice is a concept that human obtains it as a rational entity and has not divine aspect. (Haghighat; 1998). Justice is one of wisdom demands and what wisdom demands, it demands from all rational entities. Therefore, justice is not supplied as a rational act in terms of natural and personal desives of individuals but it is an act according to the principle that human can demand it as a worldwide law and poses it under public wisdom. From the view point of Kant, these acts have moral values when they are performed for doing mere duty. Just act is naturally in this way. In Kant thought, against views of old times and Hobess opinion and advocates of utilitarianism, the concept of justice and utility are separated. All philosophers believed that human recognizes an act as right or just, because knows it a means to obtain his/ her pleasure in or hereafter. According to Kant, there is a distinction between conditional ethics and decisive ethics. Affairs based on decisive that wisdom orders to do them in order to obtain an objective are conditional ethics. But according to Kant, moral orders must be decisive orders and must be include all rational entities irrespective of their desires and feelings. The content of decisive moral order or or rule is only determined by wisdom not a special desire. The most common rational and moral principle of kant is that we must do an act which this principle transforms to worldwide law. (Bashirie; 2000).

Kant opposes instrumental attitude to human and he knows as an independent purpose. In Kantian tradition, justice is a moral issue that it is mixed with equity and neutrality. (Dadgar; 2008). After Kant, Hegel attempted to resolve difficulties of his theory about morality and just act. The main message of Kant morality philosophy was apparently that human divides to wisdom and feeling or morality and personal interests and this situation inevitable. But Hegel views this issue historically. From this view in ancient Greece, as it already refered to, there was no distinction between morality and personal interests and in the other words, both were coordinated. But according to Hegel, this coordination was extensive and naïve and there was no sign of freedom and awareness, because until it was sustainable that Greece people recognized themselves as free individuals who have opinion and conscience independent from society. So, requirement of occurrence of freedom thought and individual conscience was disappeare of this coordination and separation of morality and benefits. This separation at last occurred by religion reform movement that led to existence of right having individual conscience. But in modern times, appearance of such right created deep gap in human between wisdom and feeling of morality and utility. Kant believes that this gap is inevitable and morality includes merely pure rational principles. But Hegel indicated that we can make an organic society by combining utility and morality coordination principle in Greece thought with individual conscience and freedom principle in modern thought in which sign of morality and justice from this thought. Justice is only possible in this organic society. According to Hegel philosophy, human destiny is not inherent, but it is historical and is product of society that in which he/ she lives. So, in organic society, desires are encouraged that correspond to ethics and justice and principles and supplying good and public expedient. The organic society, is free and just society, because considers interests and benefits of its members and cares them like its members. By establishing rules and regulations of this society that free and just system is created. Rational principles governed on this society supply benefits of individuals in frameworks of this principles are defined. So, only in modern organic state, justice is possible. In this organic system, when anyone does his/ her tasks in terms of him/ her status. And preserves his/ her rights, justice is created. In any way, Hegel philosophy clears need to existence of new form of society that can overcome separation of individual and collective benefits and obtains a concept of justice in which benefits of all people transforms to rational and moral principle.

5. The view of twentieth century

Two fundamental traditions in justice philosophy that is Hobess and Kant traditions were continuing in twentieth century. Hobess views about this that supplying justice as an authoritative act is one of soverginity features was formed, however, there was dispute about criterion and nature of just act. In other words, it became completely clear that subject of just acts is competent authoring in various levels.

Accordingly, although contemplation about way of thinking on justice issue was continued, but thought about way of just living meantime political ideologies obtained a new preference. Two fundamental theories about justice in twentieth century were posed, John Rawls theory and Robert Nozick theory. Rawls learned from Kant that ethics that followed its foundations must be accepted by wisdom. He learned from lock, Hobess and Rousseau also that correlation among members of a society and obedience of rights and mutual task by them can be a ground to establish a just society in which because of a kind of an unwritten but binding contract among members of society, injustice and cruelty must be prevented and equity must be criterion of actions and activities. Rawls emphasized that without this contract, competition a persons in society transforms to a kind of fight to survive in which strong overrides rights of weak. Rawls in introduction of "justice theory" book emphasizes explicitly that utilitarianism theory has relatively perfect mastery of politics and morality of western societies and rivals have not succeed in decrease of this mastery considerably (shaghol, 2007). He is text of book also addresses his theory against utilitarianism view; the main base of humans act and their understandings of good is utility. Individuals in life choose affairs that increase their luck. Governments also must consider this principle in level of society and use it as basis of their legislative and executive systems. The rulers must consider cases in their decisions that increase luck level of members of society. The most important difficulty of utilitarianism theory is vague of luck concept itself. Certainly, frequent references of Rawls to inefficiency of utilitarianism principle and high tendency to to rationalism morality of Kant indicate that he faced criticism of this view and has attempted to organize his theory against this rival view such that it can be basis for social behavior and political legislation and it is agreed by whole society.

Rawls in first chapter of its justice theory book, under title of justice amounts to equity; he explicitly expresses his purpose to provide a theory of justice against utilitarianism theory (shaghol, 2007). The basis of his thought is justice amounts to equity. Briefly, equity is related of justice principle and justice is connected with the results if equitable decision- making. Rawls says justice amounts to neutrality virtue not amounts to individual quality, but it amounts to a situation in which justice principle are chosen. According to him, justice and its principles are made by human.

6. Justice theory of Rawls

Rawls organizes his justice theory bases on thought of assumed social contract. He indicates that social contract idea has already posed by lock, Rousseau Kant but he claims that he wants to use it in more general and abstract level. Therefore, Rawls invokes to invoke to social contract thought that claims. The suitable way to codify principles for democratic society is this issue that we see free individual agree which principles of justice in order to regulate political and social institutions of society for them. The main purpose is to provide the most suitable moral basis for democratic society. He organizes his social contract theory by this assumption that humans are free. Equal and wise individuals and they can percept justice. Rawls believes that the main property of this situation is ignorance. To reach the main situation, people must be equal in terms of knowledge and aptitude and also desires conditions and even value and moral preferences. He concludes that anybody recognizes his aptitude, desires, conditions and even moral preferences or should not recognize. (Shagol, 2007). The existence of first situation despite of ignorance guarantees realization of justice and this means that justice amounts to equity. However Rawls believes that in this way gap creates between equity and justice, but anyway justice in context of equity is understood. (younesi; 2006). Therefore, the most important of principles of Rawls justice theory are; freedom and difference. The difference principle includes three secondary principles: maximum-minimum principle, equitable equality principle of opportunities and just savings principle. According to freedom principle, if more freedom is possible for all people, then choice of less freedom without loss to others is unreasonable. (Rawls; 2007). The intended freedoms of Rawls are not absolute and there is difference between fundamental freedom. In first his justice principle, fundamental social goods (freedoms and fundamental rights) are,

1. political participation freedom; 2. Freedom of expression and establishment of communities or associations; 3. Freedom of thought and idea; 4. Right of individual ownership and protection of personal property; 5. Not existence of any arbitrary seizure of capture.

The most important good in first principle is self-esteem because any person only when satisfied follow-up programs that they create values for him/her and without self-esteem, any work is without value. The importance of difference principle is that may be expedient that some people have less wealth in order to others become prosperous and in general to increase social desirability.

Unequality in Rawls thought is difference in resource and responsibilities. Unequalities according to Rawls are divided to two categories; 1. Unequality in distribution of income and wealth; 2. Unequality resulted from tax because paying tax create inequality of income in some cases. Rawls emphasizes on the right of individual specially the disadvantaged and this is a privilege that utilitarianism theory has not it.

According to first principle (freedom), any government must provide equal rights and freedoms of persons and must distribute initial equal goods. According to second principle (difference), unequal distribution in some cases is only acceptable due to ignore first principle and so benefits of all people specially the disadvantaged must be considered. Generally according to first principle of Rawls justice, wealth must flow from high classes to low classes and so state creates obstacles against general tendency of market to centralize capital and wealth. But according to second principle. This not be gone beyond that economic production and efficacy decrease and damage incentive of economic activity of persons. In other words, economic interference of state must be so high that prevents more centralization and must be so low that status of the poorest improves or if there is possibility of improving their situation, realization of it may be loss for others and status of these worse than situation of the poorest in existing order. (Bashirieh; 2002). Rawls believe that it is reasonable that contracting parties consider the poorest class because ignorance prevents them from knowing this that they belong which class. Maximum-minimum principle in one sense seems against maximization of average utility. The rational choice of contracting parties probably are in the middle of these both. According to Rawls. More away perfect equality principle helps to increase production and anyway a kind of inequality increase income of public unless we reach a stage that increase of inequalities worsens status of the poor. According to Rawls argument, negotiators must be agreeing about any increase of inequality such that anyone must benefit from inequality and only this inequality is acceptable. But if inequality slightly increases and consequently wealth of high classes increases and wealth of low classes decrease, we go out of second principle of justice. Therefore more away equality principle and more towards to inequality and difference must be accepted by different parts of society that is all people accept that is is benefit for all people. (Bashirieh; 2002). In general, real inequality is product of inevitable accidental factors, so we obtain it for equality and in the best way that is use merely in order to reform status of lowest groups. In summary two principle of justice show that nobody must obtain less than what obtain in equal distribution system of fundamental goods and when social cooperation improves whole society, Unequality must be benefit for these who have status less than those who have improved situation. (Rawls; 2010; p. 102).

7. Rawls and Kant

Theories and concepts have obtained from Rawls theory that we can easily show the effect of past philosophical lessons in using these concepts. The considerable volume of his writings to describe Kant thought and frequent references of Rawls in his the most important book under title of justice theory indicate high quantity and quality of Kant doctrines effect on his thought.

Rawls believes that dominant thought in relation to morality and politics is utilitarianism theory and so he attempts to criticize this view prior to posing his thought and also during it. According to him, in addition to numerous disadvantages of this view like ignoring individual compared to plural, not determining luck criterion and means for obtaining it, its principal disadvantage is that it prefers good to right. That is at first it poses concept of good based on vague picture of luck and then determine accuracy of laws in society. Rawls claims that in his justice theory, preference right to good is perfect. In this, the contracting parties due to ignorance do not understand good and anyone can't impose his/her perception of good on others. But is this reasonable? Having perception of good is not inequitable, but what Rawls accepts is that person must have perception of good that any effect on it is not possible. This issue has been considered in second book of Rawls. "Political liberalism". In fact this issue explains its title because Rawls argument emphasizes on this. His liberalism is political not metaphysical or it is political not

comprehensive or multilateral. His liberalism is the limited liberalism that its limit is merely political. Political liberalism Rawls deals solely with right not good. (Lessnof,2007). One of other common ground of Rawls and Kant is initial state of Kant and ignorance principle of Rawls. Rawls like Kant prior to social contract, imagines an initial and natural state for persons and includes justice principles in this state. He believes that social contract idea specially initial state must not be a historical real situation but it must be perfectly assumed situation that has been regulated to obtain a special theory of justice. Kant also introduces this situation as a rational assumption and not historical. In both justice, legitimacy, accuracy and rationality of justice principles, features and conditions governed on decision-makers and legislators are conditions governed on decision – makers and legislators are referred. In justice theory of Kant, validity and value of moral rules and individual judgements are guaranteed because he/she has not individual purposes and interests, without there is need to other authority to judge about legitimacy of these rules. In justice theory of Rawls, this condition is in original situation that guarantees just agreements and rational choices and what they choose in fact in sign of justice(Dirbaz;2010). One of the most features that Kant emphasizes on it in his philosophy is freedom issue as a necessary decessive duty. The basis of Kant thought is will doctrine of Rousseau. Kant related morality to freedom and said human really is free when he/she is free morally. He believed that only a kind of freedom that is accompanied with right is respectful for others and is controlled by general laws .so, freedom is rational, moral and legal.)(Alem,1999) The first principle of Rawls justice theory is freedom. Rawls himself says; any person must have the right relative to the most extensive comprehensive system of basic freedoms that doesn't contradict freedom system for all .This list is; political freedoms along with freedom of expression and community; freedom of conscience and thought; freedom of person along with the right of private ownership and freedom from arbitrary capture.(Rawls;1993)In face we can adapt this freedom to freedom accepted by Kant that has right aspect and also legal aspect not arbitrary freedom that lead human to low desires. The next case is views of two thinkers about human and state. Apparently, in Kant thought, there is no room for state, because human can obtain his/her real freedom by performing moral law. But Kant affected by Rousseau believes state is necessary, expresses need to political power. According to him , state is just means to protect individual against bad results of others actions and cares it that his/her free moral will is used by an effective and suitable method. The state is not necessary or unnecessary evil or is not a means for exploitation or suppression but it assumes moral duty of society. According to, state is assembly of society members that once were united in terms of law purpose as citizens. (Alem, 1999). Kant know human as an inherent end , because all humans because of wisdom can pass his/her behavioral law by his/her practical wisdom and he/she execute it freely. Since all humans have this ability , are entitled such reputation that never are used as mere means.(shaghol,2007) Rawls also like Kant introduces respect as one of components of initial goods that any just and right government must consider it and it must sensitive to equal distribution of it. He knows any human respectful, because human has equal moral values and its reason is ability for this free choice. Human is wise entity ho can choose and determine his/her purposes freely. This doctrine of Rawls is rooted in Kantian principle that is inherent end of human.

8. Theories of Robert Nozick

The share of views and writings of Robert Nozick in political philosophy of twentieth century is an important share. Nozick in 1963 became college of Rawls in Harvard University and his main book "Anarchy, state and utopia was published in 1974 three years after publication of book of theory about justice of Rawls. These two books and their authors have similarities but have important differences too. Nozick like Rawls claims that he has inspired from Kant. With all these assumptions and introductions. His conclusion and theory are very different from Rawls and Nozick in fact in one of serious critics of Rawls. He in his book claimed that acceptance of Rawls views causes any individual effort to improve his/her conditions in impossible. Nozick is more loyal than Rawls to liberalism principles. He severely individualism and opposes to socialism, governmentalism and collectivism. (Haghighat, 1998). His argument, defense of extreme voluntarism is very controversial. The minimum state of Nozick has very limited duties like protection of persons against coerce, robbery, fraud,... this state has been prevented from entering to context of economic distribution in any form and any conditions concerning justice

argument, he not only hidden assumption beyond Rawls justice principles, but basic assumption of any principle that wants to have special paradigm of distributional justice through transferring wealth of part of society to other part. Has criticized. Justice as effort to organize society is not such that its institutions obtain same distributional pattern in criterion of distribution according to ability of persons to criterion of distribution in terms of requirements of them, but it means respect to fundamental rights that may be exercised without content and also limits entitlement created by these rights and also limitations that these rights impose on behavior of others is so server that only existence of a minimum state is acceptable.(zidanloo,1996) According to Nozick any justice theory must at first based on acceptance of individual natural rights not like some critic attempt to infer natural rights of individual from some abstract principles of morality and justice. So justice theory of Nozick has been described based on natural right. Criterion of competence is determined by natural rights of individual and justice means exercise of rights of anyone. According to him rights of human for life freedom and ownership are absolute and any act that violates them is not just. On the other hand, anybody obligates to help others to preserve their rights when anyone die from hungry, he/she does not obligate to support him/her state has not right to taxing wealthier to help the poor. The minimum state is a state that collects tax to execute law and maintain order and security by its main and inevitable functions. So, any state that by reasons except these distributes resources and assests violates individual rights. According to Nozick, liberal democracy that has these features is the most just political regime and any other political regime is unjust Nozick assumptions can be described other version of what Rawls calls preference of right to good, but have concept of right is a very different concept. Nozick introduces it as side ties of morality that is following any purpose whether it is more or less important or it is along with severe tendency. Must be function of some side of morality. They are absolute because it prevents any override of rights of individuals.

Nozick says that content of these ties is Kantian. The main basic of his argument is Kantian order that expressed; persons are end not means.

Therefore. We should not override them without content of they or we use them to obtain other purposes. We must respect this right that they are not overridden and used and this is an absolute and eternal order and refuses this view that what is right or what human must do may be determined in terms of good or the most high good. Therefore, claim of Nozick is contrary of above issue because there is no reason to violate rights in order to obtain the most high good. (plant, 1992). There is no social good that improves in this way. Only separate individuals who benefit from goods and receive loss from evil. Unlike utilitarianism view, damage to an individual cannot be justified by bigger achievement for others. The justifiable sacrifice of some for some is not meaningful. According to Nozick: side ties reflect separation and respect of single persons. It is natural that Nozick says states and governments must be loyal to these ties so their power must not be used for force persons to do work for purpose of others. This is basis of voluntarism that is defensible in Anarchy state and utopia According to Nozick, this is related to life concept idea that is probably life of human is arranged by his/her values and this is for Nozick a reason of importance of immunity idea and fundamental rights that define the nature of this immunity.

10. Nozick and Kant

Nozick by refer to Kant principles. Preference of right to good and that fact individuals are end not means introduces a theoretical system that according to it following any purpose whatever desirable and along with severe tendency must be function of some ties of morality that Nozick call, them side of morality that according to himself he has borrowed from Kant. These ties are absolute because it prevents any override of individual's rights. He says that damage to an individual cannot be justified by any the bigger achievement for others or society and the justifiable sacrifice of some for some is not meaningful. Kantian order of Nozick is announcement of self-evident crime against force and it is not important that who and why do this. So this is against state. But this not means negation of state and Nozick believes that existence of state is justifiable but until minimum state remains. Any state more than minimum is unjust and specially proving that economic distribution violates individual rights must be put aside. This argument is based on the most import of nozik theory is also known as entitlement theory. This theory in relation to justice includes three principles, first principle that is related to appropriation indicated that appropriation of one property is just when a person mixes his/her work with nature such that status of

any one is not worsen than prior situation. Second principle of Nozick justice that is connected with just transfer shows that how a person owns property legally that has already belonged to other or in the other words, whenever owner of a property transfer it voluntarily as gift or exchange ,later person is legitimate owner. Third principle is to revise injustice and shows that any injustice that has already occurred must be compensated. Nozick claim that minimum state provides the best framework for utopia. Utopia or the best possible world that permit the most of the individuals live as possible as such that they want .That is it facilities existence of a society that includes a big set that person can make it in terms of there will. In this society, doing utopia tests is possible and various kinds of life can be found in it.

11. Conclusion

Rawls through social contract idea attempts to describe his justice theory and so like Kant introduces natural situation as assumed conditions not historical and real. In this situation persons must be affected by ignorance in relation to social and natural privileges in order to create equitable conditions to reasonable decision – making about justice theory. Kant in codifying moral generic law or absolute affairs emphasizes that necessity of forming this law is that persons do not consider their special desires and purposes in order to indicate generic and general from of law that is accepted by all. Also both have emphasized on freedom as the most important component of right and justice and have expressed that freedom is merely meaningful with freedom. Also, Rawls believes that respect is one of important components of initial goods that any just and right government must consider it and be sensitive to distribution of it this doctrine is rooted in Kantian principle of inherent end of human because all humans are wise since can pass perform freely their behavior law by practical wisdom and will. Also Rawls in some of his intellectual elements closes to Hegel view, as his reference to Hegel shows this connection well. But this not implies that between their views, there is complete correspondence because Rawls ignores some of important intellectual elements Rawls ignores some of important intellectual elements of Hegel and so he remains his interpretation as one of possible in interpretations of moral thought of Hegel. Interpretation of Rawls from right philosophy of Hegel is not merely to present a history of morality philosophy but exactly it In fact Rawls by providing liberalist interpretation of right philosophy of Hegel shows that how we can consider basic status for concept of justice specially social justice in liberalism framework and put the concept of freedom in Centre of his thought. In the other words, Rawls has introduced right philosophy of Hegel as a pattern for non-socialist opinions about justice and non-individualism opinions about freedom that more complete instance of it has reflected in justice theory itself. The effect of Hegel attitude can be observed in four basic cases that were mentioned and in these cases. Rawls moves away considerably Kant view that he introduced frequently it as a main reference for his theory and closes to Hegel view. The above analysis does not mean that justice theory of Rawls is full of Hegel or it completely adapts to it. Generally, we can conclude that Rawls is between Kant and Hegel and he borrows his needed elements to establish justice theory from each. But concerning nozick views, we must say that his severe criticisms against interference of state in personal affairs of society individuals even for creating justice introduces him as a Kantian philosopher not Hegelian. Also, principle of preference of right to good and this fact that persons are end not means is a Kantian principle makes a theoretical system that according to it following any purpose whatever is desirable and along with severe tendency must be function of some moral ties that Nozick calls them side ties of morality that according to himself has borrowed from Kant. These ties are absolute because prevents any override of individuals rights. He says that damage to a person cannot be justifiable sacrifice of some for some is not meaning full.

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References

- Alem, A., 1999. History of political thought in west, Tehran university press.
- Bashirie, H., 1997. The political philosophy of John Rawls , J. Econom. Polit. Sci. inform., N 13.
- Bashirie, H., 2002. The history of philosophy of justice. J. crit., N11.
- Bashirie, H., 2004. History of twentieth-century political thought ;Liberalism and Conservatism. Printed in Iran.
- Dadgar, Y., Arman, M., 2009. critique of Rawls principles of economic justice. Bullet. Economy. Sci., N35.
- Dirbaz, A., Mehri, H., 2010. Rawls theory of justice toward the philosophy of Kant and Hegel philosophy of right. J. comp. theol., N4.
- Hadji heidar, H., 2009. the historical evolution of the concept of justice. J. polit. sci., n45.
- Haghighat, S., 2002. principles of political justice. J. crit. viewpoint.n3.
- Hobbes, T., 1968. Leviathan , ed. By C.B.Macpherson , Harmondsworth :Penguin books.
- Nozick, R., 1974. Anarchy ,state and utopia, New York: basic books. 1974.
- Plant, R., 1992. Modern political thought ,Black well Oxford UK and Cambridge USA Reprinted 1992(Nozick : The entitlement theory of justice).
- Lessnoff, M.H., 1999. Political philosophers of the twentieth century, Blackwell.
- Rawls, J., 1957. Justice as fairness. J. of phil., N54.
- A theory of justice.cambridge., 1971.
- Political liberalism .New York: Colombia univ., 1993.
- Lectures on the history of moral philosophy.Cambridge., 2000.
- Van Dyke, V., 1960. political science; A philosophical analysis, Stanford univ. press,.
- Younesi, M., 2006. Shear design of justice in Plato and Rawls. J. polit. sci. res., N2.
- Zeydanloo, H., Nozick., 1996. Entitlement Theory about justice. J. Islam. sci. univ., N12.