

# Rawls' Theory of Justice: A Critical Appraisal of the Concept of Social Justice and Equality

Anup Kumar Dutta

Research Scholar (PhD), Department of Political Science, University of Kalyani

Email: [anuppolsc22\[at\]klyuniv.ac.in](mailto:anuppolsc22[at]klyuniv.ac.in)

**Abstract:** *Since ancient times in human history, the idea of justice has been present in society. However, it was developed adequately through the thinking of Socrates and many other Greek noble thinkers. In ancient times, the concept of justice was limited to the political sphere. Rawls was the first thinker to build his theory of justice based on social circumstances and the principle of the greatest good for the least advantaged. Through this concept of justice, he introduced an unconventional perspective, namely state welfarism and justice as fairness, expressing his concerns about human value and social justice. His idea of justice, however, was criticised by many liberal, communitarian, Marxist, and feminist thinkers from various perspectives. This paper aims to critically evaluate Rawls' theory of justice in the context of human values and social justice.*

**Keywords:** human value, social justice, welfare, fairness, utilitarian

## 1. Introduction

Justice is the most political or institutional of the virtues. Many ancient thinkers conceived of justice in different ways. Socrates, Polemarchus, Thrasymachus, Plato, and Aristotle were prominent figures in the history of justice. In modern times, Rawls, Robert Nozick, Michel Sandel, Bertrand Russell, and Amartya Sen are significant thinkers. Rawls was the first to develop a theory of justice from a social perspective based on the principle of the greatest good for the least advantaged. In 'Theory of Justice' (1971), John Rawls elaborated and systematically presented his concept of justice. He was the first to approach justice logically and procedurally. According to Rawls, the first and most important virtue is justice. He stated that 'right is before the good.' He rejects utilitarian principles because they maximise benefits for the largest number at the expense of minority rights. He advocates for the development of every individual in society without discrimination based on race, sex, merit, colour, or creed. He believed that strengthening the weakest parts of society would lead to overall societal development. Therefore, he recommended prioritising the most significant benefits for the least advantaged sections.

## 2. Background

John Rawls began his study of the principles of justice in the 1950s, against the backdrop of various movements, including the civil rights movement, the Black American movement, and the Vietnam War (1955-1975). He believed that these wars were unjust, so he endeavoured to construct a theory of justice. He first expressed his concept of justice in 'Justice as Fairness' (1959). After 12 years of research, he published his most famous book, 'A Theory of Justice,' in 1971. Locke, Rousseau, and Kant mainly influenced him. Like Locke, he thought that despite the ignorance and innocence of the people in the State of Nature, they were rational-minded. And also, like Rousseau, Rawls said man always wants to be good to others. Following Kant, he expressed his conviction about the moral personality of men.

### 1) Key concepts of Justice:

Rawls always expresses his critique of utilitarianism and Marxism. He believes that in utilitarianism, the interests of the minority are overlooked, so true justice cannot be achieved. On the other hand, Marxists see individual rights as a capitalist strategy. Because of this, he dismisses both perspectives, instead focusing his theory on social contract theory. His approach is also regarded as a rational blend of utilitarianism and Marxism. The key concepts of Rawls' theory of justice are

- Reflective Equilibrium
- Justice as Fairness
- Original Position
- Veil of Ignorance
- Primary Good
- Two Basic Principles and Two Priority Rules of Justice

These conceptions are examined in detail below:

### 2) Reflective Equilibrium:

Rawls believed that when new principles conflict with people's convictions, they must consider alternative principles to create a balance in society. This balancing process is called reflective equilibrium. He also stated that this balance can be adapted based on time, place, and context.

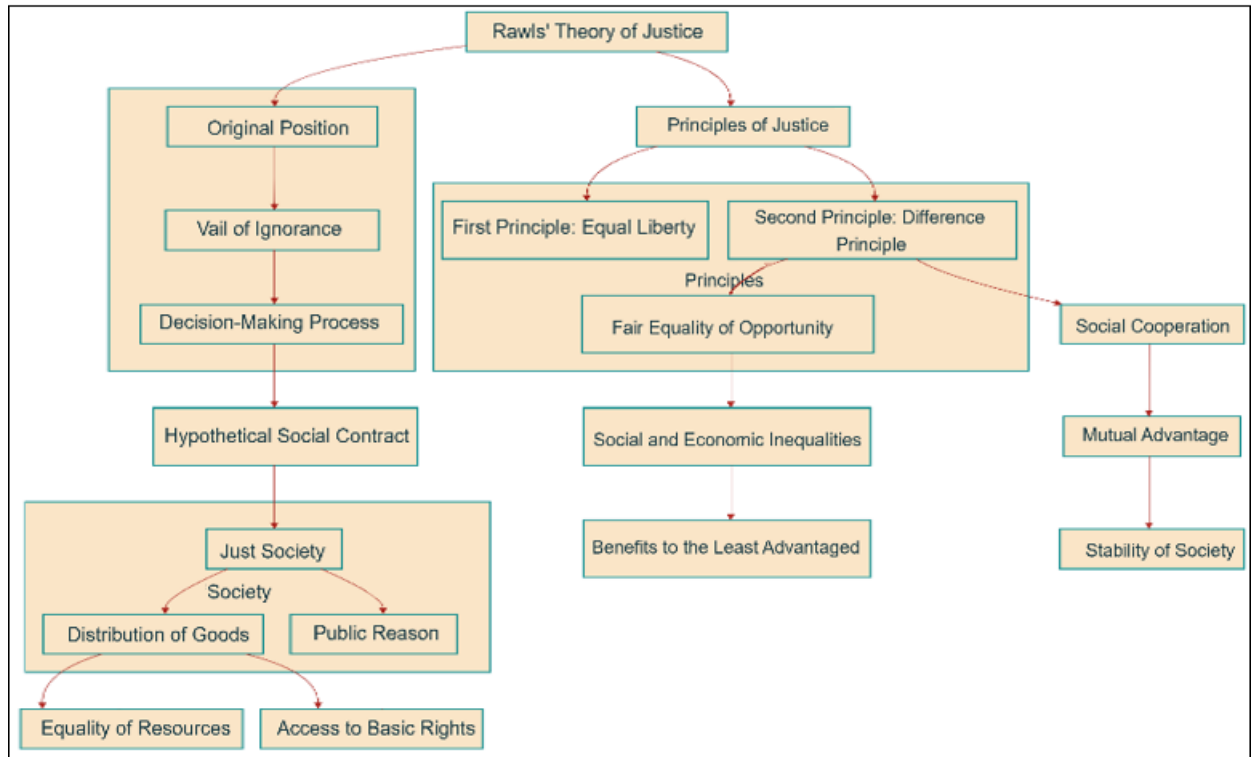
### 3) Justice as Fairness:

Men in the state of nature were unaware of their interests, favouritism, and many wrongful practices, so they always tried to create a contract for the well-being of all people in their society. Through this contract, they aim to achieve fair benefits for everyone, always considering the greatest good of the least advantaged members of society—this idea of justice, which Rawls called justice as fairness.

### 4) Original Position and Veil of Ignorance:

The original position is a crucial element of Rawls's concept of social contract theory and the idea of "justice as fairness." In his theory of justice, Rawls envisioned an original position where individuals lived behind a veil of ignorance. No one was aware of their race, religion, power, social status, or

recognition. Therefore, they always believed that "I could be anyone."



### 5) Primary Goods:

At the time of the social contract, social men demanded some primary goods, which were liberty, opportunity, income, property, and self-recognition. They endeavoured to maximise their benefit for all, but they did not want to bargain for their own interest. They tried to distribute the primary goods fairly among everyone.

### 6) Principles of Justice:

To establish a just society, Rawls advocated two principles of justice. These principles are discussed below:

First, each person is to have an equal right to the most extensive fundamental liberty compatible with a similar liberty for others.

Second, social and economic inequalities are to be arranged so that they:

- Provide the most significant benefit to the least advantaged sections of society.
- Positions and offices are attached to and open to all under the condition of fair equality of opportunity.

In the first principle, he postulates that nobody's liberty will be compromised for any other benefit. So, Rawls's first principle was named the liberty principle. And in the first part of the second principle, he wants to ensure the most significant benefit for the least advantaged sections. In the second part of the second principle, he upholds the opportunity principle for all under the condition of fair equality of opportunity. This second principle was named the fair opportunity principle.

### John Rawls and His Concept of Human Values:

Human beings are equal at birth, and their achievements in life are mainly shaped by their environment and society. Without support from both nature and culture, individuals cannot succeed. Therefore, those who are successful have a responsibility to contribute to society's progress by helping to uplift the less fortunate or those with disabilities, enabling them to lead better lives.

For the well-being of the least advantaged members of society, it is essential to advocate for state welfare. According to John Rawls, the state can promote the welfare of disadvantaged groups by providing various subsidies and benefits.

### Justice as Fairness: A Principle of Social Justice and Equality

Rawls believed that creating a perfectly just society requires principles of justice. He argued that the principles guiding the basic structure of society should originate from an original agreement. He contended that all rational individuals would endorse this agreement in their own interests, thereby establishing equality within society. The forms of government result from this social cooperation. As Rawls stated, "Society is a cooperative venture for mutual advantage," even though conflicts of interest may arise, making it necessary to establish a set of principles to maintain balance among them. These principles of social justice determine how resources and advantages are distributed among different segments of society. Rawls believed that these principles should serve as the guiding framework for all other agreements within a society.

According to Rawls, not all individuals are born with equal merit and talent; some are born with higher or lower capabilities and come from wealthy or low-income families, which is a natural part of life. However, the extent to which institutions or society favour or disadvantage a person can be managed. In this context, the state or political institutions can play a crucial role in promoting equality among different individuals. This is why Rawls explores various principles, including the principle of fair opportunity, to support proper social and economic arrangements.

Unlike the utilitarian principle, which aims for the greatest good for the greatest number, Rawls emphasises arrangements that provide the most benefit to the least advantaged members of society. He argues that democratically reached political decisions can allow the government to regulate the economic environment by adjusting certain aspects under its control, such as overall investment, interest rates, and the money supply. There is no need for comprehensive direct planning; individual households and firms can make independent decisions within the general economic conditions.

Ultimately, the government ensures a social minimum welfare programme for the unemployed, sick people and also provides family allowance for backward sections of the society and more systematic approaches like a graded income supplement (often referred to as a negative income tax) (Rawls, 1971).

Rawls introduces the "chain connection model" to establish the concept of equality and the rationality of different principles. He argues that just as a weaker segment of a chain cannot strengthen the entire chain, the disadvantaged sections of society hinder overall social development. Therefore, it is crucial to uplift the least advantaged and promote their growth for societal progress. Through the chain connection model, Rawls envisions a society where everyone can enjoy a decent quality of life and meet their basic human needs. This vision of equality and social justice makes him a notable social and political thinker.

### 3. Critical Appraisal

Though Rawls's theory of justice is a systematic and logical analysis, his principles of justice have been criticised by many theorists as follows:

#### 1) Communitarian Critiques:

Communitarians criticised Rawls because Rawls's conception of justice as fairness is not impartial to human good. He is heavily influenced by the Kantian idea of autonomy, where human good is seen as an end in human life. Therefore, here, right is compromised by human good, which conflicts with Rawls's idea that right takes precedence over the good. Michael Sandel also criticises the notion that one cannot make decisions solely for oneself because one is connected to family, friends, society, and others. These influences shape every action of a person, and no one can completely overcome them. Thus, the Kantian principle of human autonomy, which Rawls adheres to, does not succeed.

#### 2) Libertarian Critiques:

Libertarian theorists always aim to promote individual liberty and prioritise the meritorious. However, Rawls's principles differ slightly. Rawls believed that individuals' skills, talents, and endowments are social products that should benefit the greater good of society. Robert Nozick opposed this welfare state view and instead supported a minimal state. He rejects the idea of taxing the rich to help the needy, considering it a violation of the moral principle.

Amartya Sen criticised Rawls on the grounds of primary goods. He said that in our heterogeneous society, where the needs of every section of people are different. So, the concept of primary goods for all sections of society cannot be the same. Those persons who are placed in society at high positions and those who have placed at low level, the need of both of them are cannot be the same. So, he thought that Rawls did not understand the relationship between persons and goods. According to him, "Rawls takes primary goods as an embodiment of advantage rather than taking advantage to be a relationship between persons and goods"

Sen also criticised Rawls from the perspective of the capability approach. He said that those persons who are capable of developing their talent and efficiency should be given more importance than others, and then society will be progressive.

#### 3) Marxist Critiques:

Robert Paul Wolf claimed that Rawls attempted to preserve the inequalities of the current capitalist system. He believed that justice as fairness could slightly improve the conditions of the disadvantaged. As long as private property and market economies remain, inequalities will continue. Therefore, he argued that Rawls was making an excuse to uphold the capitalist system.

#### 4) Feminist Critiques:

Susan Moller Okin stated that Rawls overlooks the injustice present in family and patriarchal social relationships, where women lack personal rights or freedom and are perpetually victimised. Rawls only applied his principles of justice to fundamental social relations.

It is also criticisable that socially unaware people of the original position were rational and always tried to do good for others. People in an uncultured, uneducated society can never be rational-minded. According to Rousseau, the people of the state of nature were more emotional and innocent than rational (Youvan, 2023). Some critics argue that many social formations might result from conflict, coercion, or force (Youvan, 2023). It is very contradictory that those who are unaware of their social position, status, and how they are determined—what is good or worse for them—how will they classify what the criteria are for a more advantageous or less advantageous position in society? Some critics argue that many social formations might result from conflict, coercion, or force. Therefore, it can be assumed that Rawls gave an impractical conception of the state of nature.

#### 4. Conclusion

In the concluding sections, it can be said that although many thinkers from various perspectives criticised Rawls, it cannot be ignored that he was the first theorist to make a demand for the welfare of the disadvantaged sections of people in society. To establish the justification of his idea of a different principle, he applied the 'chain connection model' to develop the society by creating the conditions of the least advantaged peoples. By upholding the idea of reflective equilibrium, he wanted to say that any idea, tradition, customs, or rules can never continue forever. So, by this innovative concept of the welfare state and social justice, he would be remembered for a long time.

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