

ANALYZE JOHN RAWLS THEORY OF JUSTICE

Ayantika Das*

ABSTRACT

The basis of John Rawls' theory of justice is the basic concepts of protecting civil rights and preventing positive discrimination. He envisions a hypothetical scenario where these principles would be universally recognized and accepted, focusing on ethical issues. Rawls introduces the concept of a "veil of ignorance,"¹ where all players in a social game are placed in a particular situation and given minimal understanding of life and society. This leads to a logically prudent decision regarding the kind of social establishment with whom they would sign a contract or agreement, according to Rawls, people could like liberal societies whose freedoms and rights are founded on equality and justice while considering the troubles of marginalized or disadvantaged groups.

INTRODUCTION

In 1971, American philosopher John Rawls published *A Theory of Justice*², aiming to address distributive justice in society. Rawls challenged traditional philosophical arguments, focusing on the utilitarian point of view, which believes that society should consider the greatest good for the largest number of people first, aligning with the concept of tyranny over minorities.

Rawls argued against utilitarian arguments and proposed an unbiased social justice based on the social contract approach, which originated from the Age of Enlightenment. This approach assumes that society agrees with all members, surrendering some freedoms in exchange for maintaining social rights and protection. Rawls viewed justice as fairness and viewed social justice as the first characteristic of social institutions.

WHO WAS JOHN RAWLS?

John Rawls, born in 1921, is a popular American political and social philosopher who has written on fairness, political liberalism, and justice fairness³. He earned a Bachelor of Arts

*BBA LLB, FOURTH YEAR, JIS UNIVERSITY.

¹ *Philosophical Thought: John Rawls and the "Veil of Ignorance"* (okstate.edu)

² *The Revised Edition of "A Theory of Justice"* (wordpress.com)

³ *All of the information regarding the Rawls Concept of Justice* (ipleaders.in)

degree from Princeton University and served in the military from 1943 to 1946. After returning to Princeton, Rawls earned a doctorate in Moral Philosophy in 1946. He is considered the most influential ethics and political philosopher of the 20th century and was given the National Humanities Medal in 1999 by US President Bill Clinton.

RAWLS' THEORY

John Rawls, a political philosopher, opposed utilitarianism, which argued that just actions are those that bring the best for the greatest number. He believed that this approach would lead to governments functioning in ways that prioritize the satisfaction of the majority while disregarding the rights and wishes of a smaller group. The Social Contract Theory of Immanuel Kant has an influence on Rawls' theory of justice.⁴, which posits that a society under a social contract is based on moral laws. As a political liberal, Rawls emphasized the need for a neutral state that balances various values. He proposed a hypothetical scenario where a group of people, unaware of their social, economic, physical, or mental factors, come together to create laws for themselves. This would lead to virtually equal rule-making, no hierarchy in bargaining power, and equal sharing of burdens and benefits among all. Rawls' theory of justice advocates for a system of rule-making that disregards the social, economic, physical, or mental factors that differentiate people in society.

OBJECTIVE OF THE THEORY

Journal of Legal Research and Juridical Sciences

Rawls introduced the theory of justice⁵ to create a well-ordered society, focusing on advancing the good of its members and regulating it effectively through a public conception of justice. A well-ordered society should be a society where all people accept and know the same principles of justice, and basic social institutions satisfy these principles. Rawls suggests that a group of competent moral judges can make reasonable and impartial decisions between conflicting moral and political ideals.

JOHN RAWLS'S PRINCIPLES UNDER THE THEORY OF JUSTICE

Equality Principle

⁴ [social contract / Definition, Examples, Hobbes, Locke, & Rousseau / Britannica](#)

⁵ [John Rawls / Biography, Philosophy, & Facts / Britannica](#)

According to John Rawls, the foundation of his theory of justice is equal liberty and equality. The equal liberty principle ensures everyone has the same range of liberties, including political, speech, assembly, conscience, and thought rights. Rawls believed that a just society should reconcile these principles, recognizing that unfairness is influenced by inherited traits, social class, individual motivation, and luck. He emphasized the need for a society to reduce inequalities by providing "fair equality of opportunity" by making the best positions in both private and governmental sectors accessible to everyone. To solve this problem, Rawls additionally created the difference principle.

In his Principles of Justice theory, Rawls introduced the "Original Position," a fictitious scenario where citizens could contract over resource distribution without noticing unfairness. This position agreed on two principles: everyone has an equal right to fundamental freedoms and social and economic inequalities are acceptable only if they benefit.

Difference Principle

Rawls' Difference Principle is a guiding idea aimed at maximizing social advancement for the least-advantaged group. It advocates for fair equality of opportunity, minimum wage, and guaranteed income. Rawls believed that the least advantaged should benefit the most from social and economic inequalities. He believed that norms should ensure everyone has access to fundamental liberties and means to pursue their interests. The agreement or disagreement with Rawls' Difference Principle depends on one's political philosophy. Some argue that providing more benefits to the less advantaged will reduce societal inequality and promote social justice, while others argue that it is not fair for some.

Fair Equality of Opportunity Principle

Rawls' principle of fairness mandates that the state must ensure equal opportunities in education, culture, and economy, while also providing employment and sick pay, necessitating an authoritarian welfare system to support schools and govern the economy.

“VEIL OF IGNORANCE”: AUTHOR JOHN RAWLS

According to John Rawls' Theory of Justice, in order to arrive at a fair and just principle, we must presume that, despite our ignorance of our future responsibilities or options, we must

make decisions concerning the structure of society. This is referred to as thinking through a "veil of ignorance," in which people choose things based only on their personal preferences.

People are free to act in their own reasonable ways and think about what they think is best for themselves in this situation. It is crucial to keep in mind, nevertheless, that it is in their best interests to assume things from the standpoint of the least fortunate.

Dwelling in supposed ignorance is the first step in creating a system of just laws and regulations. In addition to viewing the world from the perspective of the least fortunate, rational people work to make sure that the laws they create are beneficial to society as a whole. This equality would arise not from charity or compassion but from reasonable behaviour.

According to John Rawls' Theory of Justice, logical thought can result in fair and unbiased decisions about how to divide up the benefits and obligations of a society. People are free to make the decision that is best for them; there are no set moral standards or aims. This belief sets John Rawls' Theory of Justice apart as a crucial and fascinating method for approaching the problem of justice and fairness.

ROLE OF THE THEORY OF JUSTICE BY RAWLS IN INDIA

The Indian Constitution, framed before the book 'The Theory of Justice'⁶, seems to have a correlation between Rawls' principles of justice and the Indian Constitution. The Supreme Court of India's interpretation of various Fundamental Rights, such as Articles 14, 15, 16, and 21,⁷ reflects Rawls' ideas. The first principle of justice, as propounded by Rawls, has influenced the interpretation of Article 14. Art. 14 does not mean that all laws must be general in character or that every law must have universal application, as all persons are not in the same positions. The legislature must possess the power to group persons, objects, and transactions to attain specific aims. Class legislation is prohibited, but reasonable classification is necessary for society to progress. In *E.P. Royappa v. State of Tamil Nadu*⁸, the Supreme Court challenged the traditional concept of equality and laid down a new concept of equality. The word 'personal liberty' under Article 21 can include the rights mentioned in Article 19. In *Kharak Singh's case*,

⁶ John Rawls in his book 'Theory of Justice'

⁷ Constitution of India, Article 14, 15, 16, 21

⁸ *E.P. Royappa v. State of Tamil Nadu*

'personal liberty' was expanded to include all varieties of rights, while in *Maneka Gandhi v. Union of India*⁹, the Supreme Court widened the scope of 'personal liberty' considerably.

RAWLS'S WORKS: CRITICS, WEAKNESSES, AND STRENGTHS

John Rawls's *A Theory of Justice* is a philosophical treatise that unifies justice theory with morality. It suggests that in order to attain social fairness, people must make moral compromises and swear to wear the "veil of ignorance." Rawls explores the idea of the "state of nature" era, in which anarchy ruled human nature and the strong were the only ones who survived. However, humans opted for a social compact with a government body, giving up their individual sovereignty, after growing weary of the anarchist way of life. This need was changed by Rawls in order to establish "the original position," "justice as fairness," and the "veil of ignorance."

A Theory of Justice can serve as a model for governments all around the world to develop social policies that will lessen ethnic conflicts. It can lessen disputes between ethnic groups. The original posture and the veil of ignorance are difficult ideas to grasp, nevertheless. Critics contend that a more grassroots strategy is required to attain justice and that Rawls' ideas are unable to explain justice in traditional family and gender systems.

RAWL'S THEORY OF JUSTICE IN CONTEXT OF DIFFERENT SCHEMES PREVAILING IN WEST BENGAL

John Rawls' *A Theory of Justice*, based on social contract theory, advocates for equal distribution of resources and basic liberties for all individuals, promoting equal opportunities and chances for those of similar ability, rather than utilitarian philosophies.¹⁰

Some schemes that prevail in West Bengal:

Kanyashree Prakalpa¹¹

Kanyashree is a social safety net scheme aimed at ensuring girls stay in school and delay their marriages until at least age 18. The scheme uses Conditional Cash Transfers, a social safety net mechanism that has been successful in transforming children's lives in several countries. It

⁹ *Maneka Gandhi v. Union of India*

¹⁰ [The History of Utilitarianism \(Stanford Encyclopaedia of Philosophy\)](#)

¹¹ *Example of Equal distribution*

offers an annual incentive of Rs. 1000/- to girls aged 13-18 years for every year they remain in education, provided they are unmarried. A One-Time Grant of Rs. 25,000/- is provided after a girl turns 18, provided they are engaged in academic or occupational pursuits. The scheme is open to girls from families with an annual income of Rs. 1,20,000/- or less, and girls with special needs, orphans, and those in J. J. Homes.

Kanyashree Prakalpa aims to improve the status and well-being of girls from socio-economically disadvantaged families through Conditional Cash Transfers. The scheme encourages girls to continue education and complete secondary or higher secondary education, reducing risks of early pregnancies, maternal and child mortality, and malnutrition. Benefits are paid directly to girls' bank accounts, allowing them to decide how to use the money. The scheme also enhances girls' social power and self-esteem through targeted behaviour change communication strategies. As more girls stay in school, they will gain skills and knowledge to become economically independent. Over time, child marriage is expected to be eradicated, allowing women to attain health, education, and socio-economic equality.

Lakshmir Bhandar¹²

The Laxmi Bhandar or Lakshmir Bhandar scheme in West Bengal offers financial support to household women aged 25-60, providing monthly income benefits of Rs. 1,200/- for SC/ST category women and Rs. 1,000/- for OBC and general women.

The applicant, a woman from West Bengal, aged 25-60, must be enrolled under the "Swasthyasathi" scheme and not a government employee in permanent or retired positions, such as Central/State Government, Employees of Statutory Bodies, Government Undertakings, Panchayats, Municipal Corporations/Municipalities, Local Bodies, and teaching and non-teaching employees of Government-aided Educational Institutions receive regular salary or pension.

Sabooj Sathi

The Hon'ble Finance Minister announced a scheme for the distribution of bicycles to 40 lakh students in government and government-aided schools and madrasahs in the 2015-2016 Budget Speech. The scheme, known as "Sabooj Sathi," aims to empower young students to achieve future feats through bicycles. The scheme, coined by the Hon'ble Chief Minister herself, has

¹² Article 14 of Indian constitution

25 lakh students covered in 2015-16 and 15 lakhs in the next fiscal. The scheme logo is attached to the bicycle basket. The distribution began in October 2015 from Paschim Medinipur.

The primary objective of the scheme is to improve student access to secondary education, increase retention, encourage higher studies, instil confidence among girls through mobility promotion, and promote environmentally friendly transportation. These objectives align with the Sustainable Goals of Agenda 2030, including SDG3: Good Health & Well-being, SDG4: Quality Education, SDG5: Gender Equality, and SDG13: Climate Actions.

Krishak Bandhu¹³

The Krishak Bandhu Scheme, inaugurated by Chief Minister Mamata Banerjee, provides annual financial assistance to impoverished farmers for agricultural activities. As Chief Minister, the Krishak Bandhu Scheme was introduced in 2021, providing farmers with financial assistance twice a year for Kharif and Rabi cultivation, as well as insurance coverage, since its inception in 2019.

India's agrarian state, West Bengal, is facing rising agricultural input prices, leading to extreme distress among farmers. Chief Minister Mamata Banerjee has announced the Krishak Bandhu Scheme, providing economic assistance to farmers based on their land cultivation proportion and financial support to their families after their death. This initiative aims to boost farmers' morale and improve their crop prices.

INFERENCE

The justice theory of John Rawls has significantly influenced the definition of justice, elucidated fairness and highlighted the rights and liberties of minorities, a concept that utilitarianism fails to fully address, despite the lack of real-life scenarios. Rawls's theory of justice aligns with the Indian constitution's principle of reservation to equalize differences and rectify historical injustices against certain communities.

¹³*Krishak Bandhu Scheme, inaugurated by Chief Minister Mamata Banerjee*