

Justice: Concept, Rawls's Theory and Its Communitarian Critiques

Introduction

Justice is the foundation of every political community—it defines how **rights** are assigned, **responsibilities** shared, and **resources** distributed. It is also a measure of how legitimate and fair a society's institutions are. Throughout history, different traditions have developed distinct visions of justice.

Classical thinkers like **Plato** and **Aristotle** linked justice to **virtue, order,** and fulfilling one's appropriate role within a harmonious society. During the **Enlightenment, utilitarians** such as **Jeremy Bentham** and **John Stuart Mill** redefined justice as promoting the **greatest happiness of the greatest number.**

Later, **egalitarian** and **socialist** traditions emphasized the need to correct **economic and social inequalities,** advocating a more equitable distribution of power and wealth. **Feminist thinkers** further expanded the discourse by pointing to **gendered exclusions** and **invisible labor** that traditional theories had ignored.

In contemporary thought, **John Rawls's** theory of "**justice as fairness**" has become a major milestone in **liberal political philosophy.** By proposing the **original position** and the **veil of ignorance,** Rawls argued for principles that safeguard both **liberty** and **fair equality of opportunity,** while ensuring benefits to the **least advantaged** through his **Difference Principle.**

However, his theory has not gone unchallenged. **Communitarian thinkers** such as **Michael Sandel, Charles Taylor,** and **Alasdair MacIntyre** have criticized Rawls for assuming a purely rational, **detached individual,** abstracted from the **cultural, historical,** and **communal ties** that shape identity and moral judgment. For them, any meaningful concept of justice must begin from the **shared values and practices** embedded in real social communities.

I. Conceptions of Justice: Diverse Views Over Time

Justice, as a political and moral ideal, has evolved across historical epochs—each age responding to its own crises of inequality, power, and legitimacy. Thinkers across classical, modern, and contemporary traditions have offered different frameworks to understand what justice means, how it should be practiced, and whom it should serve.

A. Classical Justice: Virtue, Order, and Proportion

Aristotle, the foremost classical political philosopher, defined justice as *giving each person their due.* He distinguished between:

- **Distributive Justice** – distributing benefits (e.g., wealth, honors, offices) proportionally based on merit or contribution to the community.
- **Commutative (or Rectificatory) Justice** – ensuring fairness in private transactions and correcting injustices like theft or fraud.

For Aristotle, justice was not just about laws, but about cultivating virtue in a *polis* (city-state). The good life, or *eudaimonia*, was inseparable from living in a just community.

Example: India's reservation debates reflect Aristotle's distributive justice—balancing between compensating historical disadvantage and rewarding individual achievement, such as in EWS (Economically Weaker Sections) or sports quotas.

B. Medieval and Religious Conceptions: Justice as Divine and Moral Order

Thomas Aquinas synthesized Aristotelian reason with Christian theology. He saw justice as both a **cardinal virtue** and a **reflection of divine law**. Aquinas classified justice into:

- **General justice**, concerned with the common good,
- **Particular justice**, including distributive and commutative forms.

He argued that laws must be just in themselves and oriented toward the good of all—else, they lose legitimacy.

Example: The Indian idea of *Dharma*—righteous duty in Hindu political thought—mirrors Aquinas' link between morality and law. Concepts like *Nyaya* (justice) in Indian philosophy also saw justice as truth in action, rooted in cosmic and social harmony.

C. Liberal and Utilitarian Justice: Individual Rights vs. Collective Good

John Locke, a key liberal thinker, tied justice to **natural rights**—life, liberty, and property. He saw justice as protection of these rights by a limited, consent-based government. Locke's views laid the foundation for constitutional liberalism and the rule of law.

Example: India's constitutional safeguards of fundamental rights reflect Locke's idea of justice as protection of liberty against arbitrary state power.

Jeremy Bentham and **John Stuart Mill**, as **utilitarians**, shifted focus from rights to **maximizing happiness**. Justice, they argued, is whatever produces the greatest good for the greatest number.

- *Strength:* Clear, measurable criteria; used in cost-benefit analysis, public health policies.

- *Weakness:* Can marginalize vulnerable minorities for the sake of majority utility. For example, migrant or refugee rights are often downplayed in favor of electoral populism or economic efficiency.

Example: During the COVID-19 pandemic, utilitarian logic justified lockdowns, prioritizing collective health over some individual freedoms—highlighting real-world relevance of this theory.

D. Egalitarian and Marxist Justice: Emancipation from Structural Inequality

Karl Marx rejected liberal and utilitarian justice as superficial—masking deeper class oppression. He argued **true justice** could only arise from the **abolition of private property** and class-based exploitation.

Justice for Marx is not procedural or distributive, but **transformative**—rooted in changing the mode of production.

Example: Kerala’s land reforms (1957 onwards) exemplified egalitarian justice through redistribution, though critics note inefficiencies and limits of state intervention.

Amartya Sen, in the 20th century, offered a humanistic correction to Marxist and Rawlsian ideas. He emphasized **capability-based justice**—what people are able to *be* and *do*, rather than just how resources are distributed.

Example: A person with a disability may require more resources than others to live with dignity. Equality of *capability* thus demands unequal inputs—an insight ignored in older theories.

E. Justice as Fairness: The Liberal-Egalitarian Synthesis of John Rawls

John Rawls, in *A Theory of Justice* (1971), redefined liberal political philosophy by combining individual liberty with social equality. His central method was a “**veil of ignorance**”: imagine choosing justice principles without knowing your social status, class, gender, etc.

From this thought experiment, Rawls derived two core principles:

1. **Equal basic liberties** for all—freedom of thought, conscience, speech, and political participation.
2. **Difference Principle**—social and economic inequalities are just only if they benefit the least advantaged and are attached to positions open to all under **fair equality of opportunity**.

II. Rawls’s Theory of Justice

John Rawls (1921–2002), an American political philosopher, is considered one of the most important figures in 20th-century political theory. His magnum opus, ***A Theory of Justice (1971)***, offered a systematic, moral, and institutional framework for justice in democratic societies.

Rawls redefined liberalism by combining individual freedom with strong concern for social and economic equality—what he called “**justice as fairness.**”

A. Method: The Original Position and Veil of Ignorance

At the heart of Rawls’s theory is a powerful thought experiment. He asks us to imagine a group of rational individuals coming together to choose the basic principles of a just society.

However, they must do so from behind a “**veil of ignorance**”—that is, without knowing their gender, class, religion, intelligence, health, or social position in the society they are designing. This hypothetical situation is called the **Original Position**.

The veil of ignorance ensures **impartiality**, because no one can make rules that unfairly favor their future self. Since no one knows if they will be rich or poor, upper caste or lower caste, they will **choose principles that protect the most vulnerable**.

Example: WHO Vaccine Distribution

B. Two Principles of Justice

From this thought experiment, Rawls derives **two fundamental principles** that all just societies should adopt:

1. Equal Basic Liberties for All Citizens

Every person should enjoy the same set of fundamental freedoms, including:

- Freedom of speech and expression
- Liberty of conscience and religion
- Political participation
- Freedom of association
- Rule of law and due process

These liberties are **non-negotiable** and cannot be sacrificed for economic gain or national interest.

2. The Difference Principle and Fair Equality of Opportunity

- **Difference Principle:** Social and economic inequalities are only just if they benefit the **least advantaged members of society**. That is, it's acceptable for some people to be richer than others—but only if the system helps lift up those at the bottom.

- **Fair Equality of Opportunity:** All individuals must have a **genuinely equal chance** to access high-paying jobs, good education, and social status. Mere formal equality (e.g., “equal before the law”) is insufficient unless background disadvantages are also addressed.

Example – Nordic Countries: In Sweden, Norway, and Finland, **progressive taxation, free education, and universal healthcare** allow some economic inequality, but ensure that even the least advantaged have dignified lives and real opportunity. These states reflect Rawls’s balance: liberty and social justice.

C. Reflective Equilibrium: A Method of Moral Reasoning

Rawls introduced **reflective equilibrium** as a method to balance **moral intuitions** with **abstract principles**. It works like this:

- Start with widely accepted moral judgments (e.g., “Slavery is unjust”).
- Develop general principles that could explain and justify these judgments.
- Adjust either the principles or the judgments until they fit coherently.

This method ensures that theories of justice are not built only from cold logic or abstract theory—but are rooted in the **ethical experience** of real human beings.

D. Political Liberalism and Overlapping Consensus

Rawls later expanded his theory in **Political Liberalism (1993)** to address the realities of religious, moral, and philosophical **pluralism** in modern democracies.

His key insight: In societies like India or the U.S., people hold **diverse views** about what is good (e.g., Hinduism, Islam, secularism, atheism). So, justice should not be based on any one religion or moral doctrine. Instead, it must rest on **shared political values** that people of different beliefs can all agree on.

He called this agreement an “**overlapping consensus.**” For example, a Muslim, a Christian, and a secular humanist may all support freedom of speech—but for different reasons. What matters is the **shared outcome**, not the reasons behind it.

Example – India’s Constitution: India’s 1950 Constitution brought together liberals (like Nehru), socialists (like Lohia), Dalit activists (like Ambedkar), and religious conservatives (like Rajendra Prasad). Though they had deep differences, they agreed on a common **framework of political justice:** democracy, equality, secularism, and federalism.

III. Communitarian Critiques of Rawls

While Rawls’s theory of justice has become foundational to modern liberal thought, it has also faced substantial criticism—particularly from **communitarian thinkers**. These critics argue that Rawls’s vision of the individual is too abstract and ignores the **deep moral, cultural, and historical embeddedness** of human life. According

to them, justice must not be imagined in isolation from **community, tradition, and shared understandings of the good life.**

Communitarians do not deny the value of justice, but they believe that its **meaning and application vary across societies**, depending on cultural norms, collective identities, and historical experiences.

A. Michael Sandel: The Critique of the “Unencumbered Self”

In his influential book *Liberalism and the Limits of Justice* (1982), **Michael Sandel** argues that Rawls’s notion of the “**unencumbered self**”—a rational, detached chooser behind the veil of ignorance—is **philosophically unrealistic and socially alienating.**

Sandel claims that **our moral identities are shaped by our family, history, culture, and community** long before we begin to reflect on justice or fairness. In other words, we are **not isolated moral atoms**, but persons embedded in relationships and values that precede individual choice.

Global Illustration – European Refugee Debates: European controversies over accepting refugees often reveal this communitarian tension. While liberal justice would demand equal rights for all individuals, local populations sometimes resist inclusion based on **preservation of national identity or historical memory.**

B. Charles Taylor: Recognition and Cultural Belonging

Charles Taylor, in works like *Multiculturalism and “The Politics of Recognition”* (1994), expands the communitarian argument by emphasizing that **individual dignity is tied to recognition by the community.**

He argues that Rawls’s **neutral liberalism**, which treats all conceptions of the good as private, can feel **empty** and fail to connect with how people actually live their lives.

For Taylor, **identity is dialogical**—formed in conversation with others, and deeply linked to **language, religion, and cultural narratives.**

Example – Language based ethnic movements

C. Alasdair MacIntyre: Justice Through Social Traditions

In *After Virtue* (1981), **Alasdair MacIntyre** offers a deeper critique of liberal morality itself. He argues that **moral reasoning is tradition-dependent.** Unlike Rawls’s universal principles, **virtues like justice, courage, or honesty gain meaning within specific historical and cultural narratives.**

MacIntyre believes that modern liberalism has lost touch with the **moral richness of traditions**, replacing ethical life with bureaucratic rule-following.

Example – Indian Panchayati Raj Institutions (PRIs): In India, **village-level justice** often operates through **panchayats**, where decisions are shaped not only by

law but by **local customs, honor codes, and oral traditions**. These decisions may not always align with constitutional values, but they carry **moral legitimacy** in the eyes of the community.

D. Michael Walzer: Complex Equality and Contextual Justice

In his book *Spheres of Justice* (1983), **Michael Walzer** introduces the idea of “**complex equality**”, rejecting the idea that a **single principle** (like Rawls’s Difference Principle) can govern all goods.

According to Walzer, **society is made up of distinct spheres**—education, health, politics, religion, wealth, honor—each with **its own logic of distribution**. Justice, therefore, must be **context-sensitive**:

- **Medical care** should be distributed according to **need**,
- **Political power** according to **democratic legitimacy**,
- **Academic degrees** according to **merit**, and so on.

Warning Against Domination: Walzer warns that when a good from one sphere dominates another (e.g., **wealth buying political influence**), **tyranny or corruption** follows.

Indian Illustration – Civil Service Exams: In India, clearing the **UPSC exam** gives one immense social prestige, sometimes overshadowing other forms of public contribution. Walzer’s critique helps us reflect: **Should one’s ability to write essays at age 25 entitle them to lifelong bureaucratic power?**

Rawls’s Defense: Balancing Universalism and Context

Communitarians criticized Rawls for being too abstract and ignoring social realities. But in **Political Liberalism (1993)**, Rawls revised his ideas to address these concerns while still defending **universal justice**.

1. Individual and Society

Rawls was accused of imagining people as **isolated individuals**. He clarified that the **original position** is not a real situation but a tool to help us think fairly. He admitted people are shaped by community and culture but argued we must judge institutions **impartially**, beyond our social roles.

Example: Affirmative action should be designed by thinking about justice, not just group loyalties.

2. From Moral Philosophy to Political Liberalism

In his early work, Rawls seemed to offer a full moral doctrine. Later, he said **justice** should be a **political idea**, not based on any religion or philosophy.

It must work in a **plural society**, where people disagree on values but still follow common rules.

Example: Indian secularism respects all religions while providing a common political structure—just like Rawls’s neutral justice.

3. Overlapping Consensus

Rawls proposed that people with different beliefs can still agree on basic principles of **justice**—but for **different reasons**.

A religious person, a secular person, and a spiritual person may all support **equality and liberty**, though from different beliefs.

Case: After apartheid, **South Africa’s constitution** brought together many groups around shared justice—even with different justifications.

4. Justice Without Cultural Uniformity

Rawls replied to critics by saying **justice doesn’t erase cultures**—it only asks for **fairness**. In **The Law of Peoples**, he showed how even non-liberal societies can be part of a just global order if they **respect rights** and **consult citizens**.

Example: Bhutan’s Gross National Happiness model emphasizes well-being and culture, but aligns with Rawls’s ideals if it ensures **freedoms and fairness**.

PYQ-Based Insights: Rawls, Justice & Critiques

1. UPSC expects a nuanced understanding of Rawls as both a liberal contractualist and a redistributive thinker.

PYQ (2017): “Rawls’ theory of justice is both contractual and distributive. Examine.”

2. Rawls’s model of the self is a repeated target of critique—especially in contrast with communitarian ethics.

PYQ (2023): “Rawls’ idea of the ‘liberal self’ is too individualistic. Explain, in this context, the communitarian critique of Rawls’ theory of justice.”

3. UPSC is interested in the internal logic of Rawlsian thought—how concepts like the ‘original position’ legitimize justice.

PYQ (2013): “Comment in 150 words: ‘Original Position.’”

4. There is emphasis on the applicability of Rawlsian ideas in real-world institutional frameworks.

PYQ (2021): “How has Rawls enriched the idea of justice in liberalism?”

PYQ (2024): “A well-ordered society, according to Rawls, is effectively regulated by the public conception of Justice. Do you agree? Give reasons.”

5. The ‘difference principle’ is tested not just as theory but as a political tool for tackling real inequality.

PYQ (2015): “Comment in 150 words: ‘Difference Principle’ in Rawls’ Theory of Justice.”

6. There is a conceptual demand to relate Rawls’s veil of ignorance to moral impartiality.

PYQ (2010): “Comment on: ‘Veil of ignorance.’”

7. UPSC often pushes candidates to assess how Rawls’s framework sustains pluralism without demanding metaphysical agreement.

PYQ (2000): “To what extent does the Rawlsian goal of achieving social justice depend on an overarching consensus among cultural, religious and ideological groups?”

8. Communitarian critiques are not treated as appendages, but as philosophical challenges to liberal neutrality.

PYQ (2014): “Explicate the conception of justice in the critiques of communitarian theorists.”

Speculative Insights

1. UPSC is likely to globalize Rawlsian theory in the context of global justice, poverty, and cultural relativism.

Speculative PYQ: “Critically examine attempts to globalize Rawls’s theory of justice. Do they resolve or deepen the problem of cultural divergence?”

2. There is a rising trend to link Rawls with the Indian constitutional experience—particularly in areas like reservations and personal laws.

Speculative PYQ: “How does Rawlsian justice inform or challenge the Indian constitutional framework on affirmative action and plural personal laws?”

3. UPSC may test whether communitarian critiques provide viable alternatives in multicultural, postcolonial democracies.

Speculative PYQ: “Do communitarian critiques of liberal justice offer a viable foundation for multicultural democracies?”

4. Intersections with feminist, disability, and environmental justice are gaining ground globally, and UPSC may follow.

Speculative PYQ: “Evaluate the feminist critique of Rawlsian justice in light of gendered labour and family structures.”

5. Deliberative democracy theorists like Habermas could be brought into contrast with Rawls’s fairness framework.

Speculative PYQ: “Compare Rawls’s justice as fairness with Habermas’s theory of deliberative democracy.”

6. Key Rawlsian principles might be reframed to address contemporary technological and ecological challenges.

Speculative PYQ: “Comment: The difference principle in the age of digital inequality.”