

CHAPTER FOUR

RAWLS'S THEORY OF JUSTICE

Rawls was one of the American Political Philosophers, famous for his Theory of Justice. He influenced by the traditional *Social Contract* theory of Locke, Rousseau and Hobbes and redefines his theory of justice. Kant's categorical imperative and the treatment of human being as an end not as means, draws his attention most.

To the Greek philosopher (especially Plato) justice is the virtue of an individual, but for Rawls the first virtue of a social institution is justice. To construct a good society we must need several virtues, among them justice is the first virtue. In his book "*A Theory of Justice*" which was published in 1971, he renewed the concept of justice in a different way. It has been called

A golden age in theorizing about justice.⁵⁷

Against the perspective of United States movement in 1960 and 1970 for equal right to everyone, freedom of the blacks, civil rights and so many demands, Rawls formulates his idea of justice for the construction of a well-ordered society. Though Rawls presents his concept of social justice in American perspective, but his theory is applicable to all societies in the world. According to him,

⁵⁷ . Nepal, Padam, and Thami, Ambika, *Politics*, p-236.

A society is properly arranged when its institutions maximize the net balance of satisfaction.⁵⁸

For him, justice is “**fairness**”. It is not only considered general welfare of society, but concerned too about welfare of each individual of the society. Justice is one of the practices which impartially consider about advantage of its entire human participant.

Rawls clarifies that, basic structure of society deals with economic and social system and without this structure social welfare is not possible. According to him, justice as fairness assured that, each and every individual even worst-off in society gets opportunity or benefits of distributional shares of primary social goods, opportunity of income, wealth, office, self respect and liberty.

Rawls argues that the distribution of these social primary goods among the members of a society is just, if that distribution is made in accordance with the two principles of justice, arrived at under the veil of ignorance in the original position. ⁵⁹

The basic idea of liberal and democratic social contract tradition originates from Locke, Rousseau and Kant and they all are of the opinion that each and every person are free and have a position of equal right. Original position plays the role to develop this basic idea. The method of original position is one of the major parts of his pure procedural Justice. Like his precursors, Rawls’s notion of ‘social contract’ is

⁵⁸. Rawls, John, *A Theory of Justice*, p-24.

⁵⁹. Nepal, P., and Thami, A., *Politics*, p-237.

hypothetical one and it is one sort of thought of experiment where the hypothetical persons situated as rational, free and equal and coming together to make a consentient contract upon principles of justice which to be applied to society. In this contract the distinctive feature is that, parties of the original position do not know any type of facts about themselves.

The original position is defined in such a way that it is a status quo in which any agreements reached are fair.⁶⁰

Original position is one kind of state of affairs where the parties represented themselves as an equally moral persons and the consequence does not conditioned by free causalities or comparative equilibrium of social forces. Thus, in initial stage, justice as fairness is competent to apply on the notion of pure procedural justice.

Original position sets up a fair procedure that, any principles can able to establish justice. As a pivotal part of his theory Rawls has used pure procedural justice. He wants to repeal the outcomes of particular contingencies which put men at the stage of difference among various opinions and mislead them to utilize social and natural grounds to their own amenities.

In Rawls's doctrine of social contract, impartiality is a most striking distinguishable feature. Here the parties keep aside the knowledge of all specific facts about themselves as well as their historical and social grounds, their specific good and even their comprehensive philosophical, religious and moral beliefs. In order to ensure that, they do not depend on these particular facts Rawls assumes that the parties situated themselves behind **veil of ignorance**. It is the most striking feature of Rawls's idea of

⁶⁰ . Rawls, J., *A Theory of Justice*, p-120.

original position. In this condition no one knows any kinds of particular facts about themselves even the historical background where they live in. They are placed behind a veil of ignorance for getting justice. They act autonomously and act for the universal reason or welfare of all.

They do not know about natural resources or wealth which is possessed by their society, its development level or population level and so on. Here the parties take their decision which is wholly based on their knowledge of common facts about human society. What they generally share with each other are principles of economic theory, laws of human psychology, political affair and other relevant sorts of sciences.

Rawls's social contract is different from state-of-nature views and this distinction sharply made by veil of ignorance. In Locke's right-based contract and Hobbes's interest-based contract theory, social contract transpires among individuals historically placed in a state of nature. Here, in this contract all the parties know some particular facts about themselves and others. In this connection, their doctrine of social contract is "**historical**" as they transpire under hypothetical historical situations where the parties know about their personal dispositions and historical facts.

Rawls gives two principles of justice. These are:

(A) Each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others ⁶¹ and

(B) Social and economic inequalities are to be arranged so that they are both—(a) reasonably expected to be to everyone's advantage, and (b) attached to positions and offices open to all. ⁶²

⁶¹.Op.cit., p-60.

These two principles are discussed in below:

❖ **4.1 First Principle of Justice:** In first principle of justice Rawls introduces some crucial aspects. These are more important than others and help to implement the moral ideal of free and equal persons. These things are—basic rights and freedom of the persons. By the help of first principle Rawls firstly define a democratic ideal society of free citizens where they have equal powers and they effectively take part in political fields. And secondly, Rawls through this principle wants to construct a liberal ideal society where each and every free self-ruling person improve their capabilities and built and explore ways of life which are intrinsically awarding.

In first principle Rawls is not mentioning “liberty” but mentioned the “basic liberties”. He claims that there are certain liberties and rights which are more essential or “basic” than any other liberties. Generally most of the people think that, it is more important that liberty allow them to freely choose their religion, free to speak, select their own occupations, and make friends only with them whom he/she wants. They have used their property without any regulation or dealing with any kind of financial things which is profitable to them or they are free to drive without safety belts. These are some of the freedoms which deserve no protection at all; for example, driving while drunken or without any permission enters into others’ houses. According to Rawls----

The liberal emphasis on protection of “liberty” primarily in terms of certain “basic liberties,” and not the protection of just any sort of freedom or “liberty as such”.⁶³

⁶². Op.cit., p-60.

⁶³. Freeman, S., *Rawls*, p-46.

Rawls in his *Theory* mentions that, certain rights and liberties are more fundamental than any other and these have special protection which is not a new conception, it has long been mentioned in American Constitutional law. In *Principle of Liberty* Mill planned to protect these same ranges of basic liberties which are mentioned by Rawls in his first principle of justice. So, Rawls idea about this basic liberties and their protection is not an original one. Here the original concept what is added by Rawls's in his liberalism is that---how we are able to determine which liberties are basic or which are not and how we are able to solve the confliction between basic liberties?

In this connection, Rawls considers five sets of liberties which are known as basic or fundamental, these are---- political liberty, freedom of association, liberty of conscience and freedom of thought, liberty and integrity of the person free to choice of occupation and the rights and liberties of the rule of law.

Rawls claims that to prevent unreasonable ferocity, compulsion, enslavement of individuals' protection for psychological and physical integrity and freedom of person's basic rights these liberties obviously play an important role. But Rawls's theory of justice is liberal as it gives equal protection to all of the five sets of basic rights and liberties.

Now, five sets of basic liberties are briefly discussed in below:

(i)Political Liberty: Rawls's theory is known as democratic as it allows equal basic rights as equal political liberties or equal rights for everyone to take participation in political activities. These appropates the right to give vote, freedom to participate in

assembly, political discussion and speech, freedom to allegation against government and criticize the government and everyone has the right to join any political party and form political party.

(ii) Liberty of Conscience and Freedom of Thought: Rawls states that, liberty of conscience gives everyone the freedom to choose any religion and disregard or refuse all religion. Generally, it includes freedom of belief in ethical questions, like, morality, moral values and objectives of one's life. On the other hand, it subsumes the metaphysical questions about the nature of reality and spiritual questions regarding what gives life its meaning. Each and every person holds certain beliefs, values and ideals which are imperious for them in that these are help to adaptation in the society as well as help to identify our existence. For most of the people, traditionally these are a matter of religion. To generalize this idea Rawls understands that, freedom of evaluation, philosophical grounds as well as moral beliefs. It is more controversially as Rawls illustrate that it includes the liberty of political decisions from influence not only by religion doctrines but moral and philosophical doctrine also.

Freedom of thought is as similar with liberty of conscience. But it is more extensive as it includes freedom of belief and the expression of belief on all matters, for example, artistic, political, literary, philosophical or scientific. This kind of basic liberty plays as a safeguard as it secure people's freedom of discussion, inquiry, expression and communicate one's opinion on any subjects.

(iii) Freedom of Association: According to Rawls, freedom of association gives the liberty to each and every person that they are free to choose and associate into any

kinds of groups. This freedom is reciprocally related with the freedom of conscience and without it, freedom of conscience does not work effectively. If the people cannot communicate with each other and does not share their views with the people of like-minded attitudes then they fail to know one's conscientious convictions.

(iv)Liberty and Integrity of the Person Free to Choice of Occupation: Every person has the right and liberty that protect their integrity and they have right to freely choose their own occupation and free to do any movement. For their self-respect and personal independence Rawls added the right to hold personal property.

Here it is necessary to mention that, like Mill, Rawls does not expansively define freedom of the person. According to Mill, it includes liberty of pursuits and taste which helps to formulate our plan of life that is suitable with our own character. But Rawls claims, this abstract freedom was already present in the combination of his other basic liberties (i.e.—freedom of conscience, thought and association) and these combined liberties is known as freedom of persons.

Rawls states that, right to hold and enjoy personal property is the freedom of every individual. According to him,

The reason for this right to personal property is that, without control over personal possessions and quiet enjoyment of one's own living space, many of the basic liberties cannot be enjoyed or exercised. ⁶⁴

⁶⁴. Freeman, S., *Rawls*, p-49.

Rawls thinks that, the purpose of right to hold personal property is to assure people the right to use and control the occupancies required to successfully practice basic liberties and free to follow an extensive range of permissible notion of good. The right to personal property does not guarantee the minimum income of people, but this right protect one's legal properties.

In accordance with law, society cannot bereave one's civil right to hold, use and control of personal wealth. In Rawls's social justice, difference principle primarily covered the guarantee to income or minimal possession of property. Moreover, rights to limitless accumulation and uncontrollable use and alteration of economic resources are not treated as basic rights for holding personal property.

(v)Right and Liberties of the Rule of Law: In these liberties Rawls includes neutral and regular administration of law that brings regularity in justice and these liberties treated as freedom from arbitrary arrest and seizure of one's property, fair and open judgement and right against self-allegation. Though rule of law does not ensure substantive liberties, but it is a precondition for enjoying the liberties. Rawls asserts, rule of law protect the boundaries of liberties otherwise no one knows when there will be some obstructions came in the way of their plans and actions.

Rawls "basic" liberty does not mean that these liberties are more important than others liberties and have a special weight. These basic liberties are inalienable. This notion of inalienability among the basic liberties is a permanent feature of liberalism. A liberal government does not force to make a contract whereby an individual tries to sell

himself into slavery or give up their freedom of speech or freedom of religion.

According to him,

The basic liberties (and justice as fairness as a whole) are based in a moral ideal of persons as free and equal self-governing agents who have an essential interest in maintaining their freedom, equality and independence.⁶⁵

Rawls upholds that, basic liberties are not absolute or any single basic liberty has not more important than any other basic liberties even none of them gets any outweigh and political values if they come into conflict.

These liberties are required for each individual in a just society. The general concept of justice does not give preferences to basic liberties over primary social goods. All primary goods have equal significance and distribution of primary goods meant for the benefit of everyone. Rawls says,

The equal liberties can be denied only when it is necessary to change the quality of civilization so that in due course everyone can enjoy these freedoms.⁶⁶

He adds that,

Liberty can be restricted only for the sake of liberty itself.⁶⁷

⁶⁵. Freeman, S., *Rawls*, p-51.

⁶⁶. *Ibid.*, p-65.

⁶⁷. *Ibid.*, p-65.

This implies, for the protection of some other basic liberties, a basic liberty may be restricted. But basic liberties may not be restricted for the requirement of non- basic liberties or even under the second principle which gives greatest opportunities and resources to poor people.

❖ **4.2 Second Principle of Justice:** In this scheme, to allocate the values, Rawls associates his “**difference principles**” and principle of “**fair equality of opportunity**”. He suggests, a criterion to determine the cases of least-advantaged people that will be based not on the basis of one’s social position, it should be determined by the ground of income and wealth. Those persons who have less than medium income and wealth may be classed into least-advantaged category.

The basic structure of society is possible, if least- advantaged is included in complete scheme of equality of liberty which is shared by all. To reach this end, Rawls suggests second principle of justice, which has two parts i.e.-(a) difference principle and (b) fair equality of opportunity. These two parts are discussed below:

(a)Difference principle: The first part of Rawls second principle is known as difference principle. This principle regulates inequalities in primary social goods. By this principle Rawls tries to make a property owning democracy or liberal socialism, not the capitalist welfare state.

Difference principle demands that, in such way Justice should be arranged in such manner that the worst-off can enjoy the maximum benefit. Rawls’s theory of Justice synthesizes or unifies the gap between the principle of liberty of each and the

principle of equality of each. Rawls theory of Justice is not like the Greek thought. Greek theory of Justice applies on individual, that mean Justice is the virtue of men. But according to Rawls Justice is the virtue of society and it apply on society.

Since the two principle of Justice apply to the basic structure of society. According to Rawls the second principle is,

To be arranged to maximize the worth of the least advantaged of the complete scheme of equality liberty shared by all.⁶⁸

Then a question arises who are the “**worst-off**” or “**least advantaged**” people? According to Rawls least -advantaged people are not the unhappiest or the unluckiest person not the happiest, neither beggar nor the harmless people. They are the unemployed person for unable to work. It does not mean that they are just hate to doing the work. By “least advantaged” Rawls means the least advantaged working persons or measures by the income he/she obtains for gainful employment.

So the least advantaged are, in effect, people who earn the least and whose skills are least demand-- in effect, the class of minimum wage workers.⁶⁹

In other word, least advantaged people are those who have less income and less power than other people of the society. This can happen for the unequally distribution of income and wealth. ‘*Least advantaged*’ is not a name of a group of people or fixed

⁶⁸. Freeman, S., *Rawls* , p-106.

⁶⁹. *Ibid.*, p-106.

members of the society, they are determine as a least advantaged people on the basis of their income, wealth and other position in a society.

The difference principle is an alternative idea of distributive justice, through which we can measure the social welfare. According to distributive justice, our duty is to fairly distribute the income and wealth among people in the society without any discrimination, whether they are poor or not.

The difference principle maximizes the minimum and was conceived as basic rights.⁷⁰

This principle in proposes by Rawls as the life prospect of the least well-off people. Rawls does not accept the process which has been done by the welfare state that takes income tax from the rich people to subsidize the poor the incomes indirectly or directly. According to Rawls, if we follow this process then the rich people (except well-off) will be treats as the price mechanism. According to Rawls,

The index of identifying the worse-off will be an economic criterion.⁷¹

Rawls does not mean that, difference principle is a duty of justice to help the poor people or the duties that a society owes to its members as referred by traditional list. It is not a duty to those poor people who are in unfortunate situation or it does not provide “welfare payments”. To Rawls, difference principle is deeper than that and its functions are in different plane.

⁷⁰. Op.cit., p-473

⁷¹. Op.cit., p-473.

According to Rawls, difference principle is not for the individuals, it is for the institutions. But this was not implying that difference principle is oblivious about duties for individuals---it makes numerous duties for individuals. Even this principle applies to control economic conventions and legal institutions; such as, security, taxation system of property, contract, market mechanism and so on. It might be called as “rule for making the rules”, which is finding by the individuals in their day to day life. The legislators and regulators, to make decisions about rules, directly apply this principle that helps them to govern many intricate organizations where trade, consumption and economic production are taken place. Rawls thinks, as primary principle difference principle guide the democratic citizens to wilfully debate on common good and properly guide the legislators to realize common good of legislators and enact the laws. In this way it may be seen that, indirectly difference principle applies on individuals.

Rawls admits, “primary subject of justice is the basic structure of society” and the above exhibits that difference principle directly applies to form economic organization and indirectly apply to one’s conduct. The basic structure of society structures the collocation of social, political and economic institutions which make possible to create social collaboration and production. These institutions deeply effect on individual’s daily lives, their desires, characters, ambitions and even on their future expectations.

Rawls main thrust is to the reciprocal benefits and advantages where every individual contributes to society and derives benefits in that process. The basic institutions which are part of basic structure comprise many aspects. These are as follows:

(i) Form of government, political constitution and legal system subsumes the system of procedures and process of strategies. (ii) The system of whole property in any society specifies who has exclusive responsibilities and rights for exploitation of resources and goods. This system indicates powers, rights and duties that individuals and groups have respect to utilize and enjoy the resources and other kinds of thing. (iii) The process of transfer, settlement of economic goods, system of markets, construction and regulations of economic process of production, transfer and allocation of goods and other resources among the peoples. (iv) All society must focus on upliftment and education of children and in future that helps to increase reproduction of society.

In many aspects Rawls's idea of basic structure and basic institutions followed Hume's theory of justice. Hume thinks that, specifying the norms and governing property, exchanges by markets and other distributive mechanism, agreements and all modes of assent are essential elements for economic production, expense and distribution which help to maintain social life. Government or some other mechanism for applying, revising, creating and enforcing these and other social norms are among the essential "conventions" of justice. In many aspects for his idea of social institution Rawls followed Hume's concept of conventions of justice.

The primary role of difference principle is that, it is used to specify correct characters of ownership, responsibilities and property rights and admissible or inadmissible transactions in economic process. According to Rawls---

The difference principle requires that economic institutions be designed so that the least advantaged class enjoys a greater share of income, wealth and economic powers more generally, than it would

under any other economic arrangement (with the important qualification that the final distribution is compatible with equal basic liberties and fair equal opportunities).⁷²

(b) Fair Equality of Opportunity: In basic structure of society Rawls does not only apply the difference principle even he applies first principle and fair equal opportunity (FEO). To make the political constitution Rawls applies first principle of justice and it treated as primary principle. On the other hand, in field of designing economic organizations and property he applies second principle and here it plays the role as a primary principle. Through this assertion he wants to mean the basic structure of society, which is the subject-matter of justice. Rawls, by applying these two basic principles of social justice on political constitution and basic institutions want to make a co-operative relationship among the people.

According to Rawls,

FEO is necessary if justice as fairness is to achieve its aim of making distributive justice a matter of pure procedural justice.⁷³

Pure Procedural Justice is,

The idea that the outcomes of certain fair procedures, when fully complied with, are necessarily just.⁷⁴

⁷² . Freeman, S., *Rawls*, p-105.

⁷³ . *Ibid.*, p-88.

⁷⁴ . *Ibid.*, p-480.

The result of just is actually be carried out by the help of procedure which determines the just. It is a distinctive feature of pure procedural justice. Compared with the imperfect procedural justice, perfect procedural justice has no specific criterion to measure its outcome. The outcome of fair procedures is likely to be just if this procedure satisfies with that independent criterion. Rawls says:

An economic system whose rules fully satisfy justice as fairness exhibits pure procedural justice; once the rules of the system are satisfied, individuals is entitled to whatever they receive and the resulting distributions of income and wealth are just. ⁷⁵

To offer equal opportunity for all is an example of liberal thinking. It gives desired social and political positions to all and there is absence of restrictions. Equal opportunity develops the social position to all without seeing their heredity, nobility etc. In his theory of justice, Rawls emphasises,

Only two institutional requirements imposed by FEO (though he implies there are more): “preventing excessive accumulations of property and wealth and...maintaining equal opportunities of education of all”.⁷⁶

In fair equal of opportunity Rawls mainly emphasized on equal opportunity of education to all. In preventing social discrimination Rawls introduces his FEO principle. Normally we see that upper class and middle class people are in a position to

⁷⁵. Op.cit., p-480.

⁷⁶. Op.cit., p-90.

take opportunity in educational institutions and job in offices rather than the low class people or poor people. Upper class people get various opportunities instead of those people who come from poor family. Rawls is not in favour of this type of disadvantage and reformulates the difference between social classes. For this reason he introduces FEO principle, through which all people will get greatest benefit and equal opportunities in education and job. According to Rawls, everyone gets his job in accordance with their ability, talent and willingness for the work.

In FEO Rawls says,

A positive duty to offer educational opportunities so that those with similar talents who are socially disadvantaged can compete on fair terms with those more advantaged by social class.⁷⁷

Rawls assumes a competitive framework for fair equal opportunity's treatment of social class. Both forms of equal opportunities are regarded as right to compete for open position where everyone gets their position to their ability. In FEO, Rawls rejects the preferential treatment for the socially disadvantaged minority group and it is (gives the advantage for a specific group) not compatible with FEO. Preferential treatment is not fitted with the liberalistic attitude which puts emphasis on individual and rights, rather than groups or group rights.

The main grounds of this principle are:

⁷⁷. Op.cit.,p-90.

(i) It is integral with equal status of free and equal citizens. Likewise, equal basic liberty, fair equal of opportunity (FEO) is the social bases of self-respect. FEO gives one's dignity as an equal person and citizen. To give one's dignity FEO exclude the discrimination like race, gender, religion and so on.

The main idea is that FEO is essential to the adequate exercise and development of our “higher capacities” (to use Mill’s term), including our capacities for productive labour and for a sense of justice.⁷⁸

As a part of the human good, the development of our capacities is rationally desirable.

(ii) FEO is complementary with difference principle. The system of co-operation is nothing but a part of pure procedural justice what is assured by FEO. Without the help of FEO distributive justice cannot properly take care of itself. Thus, FEO and distributive justice works together as like tandem.

Two parts of second principle are essential for establishment of just distribution of income and wealth. To maximize the share of worst-off or least advantaged groups, FEO satisfy the requirement of distributive justice.

Rawls gives lexical priority on first principle rather than second principle. In second principle Rawls attaches lexical priority of FEO rather than difference principle. There are many aspects where we notice this priority. They are as follows:

⁷⁸. Op.cit., p-91.

- (a) FEO controls inequality of income, wealth and other economic resources.

The difference principle allows inequalities in income and wealth so long as these differences maximally benefits the least-advantaged members of society.⁷⁹

FEO prohibits inequality, if least-advantaged people enjoy the greatest benefits in terms of income and wealth. Here the main role of FEO is maintaining the increase of income and wealth into a marginal form, through which we can establish equal status for free and equal citizens.

- (b) FEO emphasizes on educational opportunity. It cannot be restrained for the sake of higher income and wealth to worst-off. FEO gives greater educational benefits for those who have less natural talent rather than normal. By this they can be developed their capacities and effectively take the advantage of full range of opportunities which are available in society. Justice as fairness also requires the greater educational benefits for worst-off in respect of primary goods or self-respect and the difference principle.

❖ **4.3 Difference between Rawlsian Justice and Utilitarianism:** In 1970 John Rawls introduces a contemporary liberalism theory by formulating the concept of “Justice as Fairness”. He finds that utilitarian theory is a type of a partial theory. To develop this theory he provides an alternative theory which he calls as ‘*A Theory of Justice*’ (1972). He criticizes all forms of utilitarianism, but accepts the essential doctrine of utilitarianism, that makes a well-ordered society.

⁷⁹. Op.cit., p-92

Rawls compares justice as fairness with the familiar concept of utilitarianism. Utilitarianism comes from the word ‘**utility**’, which means happiness. Through the standard or the principle of utility we are able to determine which is right and which is wrong. Utilitarianism holds that an action is right in proportion if this tends to promote happiness and an action is wrong if this tends to produce unhappiness or evil. By happiness we mean which gives pleasure and relieves from pain. On the other hand, by unhappiness we understood which results pain or absence of pleasure. Actually, the utilitarian philosophers seek justice in the principle of “**greatest good for the greatest numbers**”.

Rawls proposes that people should maximin the interest of human being rather than maximize. He further claims that in regarding utility, utilitarian theory takes the thing to be maximized rather than primary social goods. With the utility, the primary social goods are to be maximized. Thus in this way begins the debate or difference between utilitarianism and Rawlsian theory of justice as fairness.

Utilitarianism understood as the doctrine of a social policy which organizes the institution or an individual action is just or morally right if it maximizes the utility. On the other hand, Rawls thinks that, justice is the most vital element of the morality of any institution. So, he set up the doctrine in this way:

Society is rightly ordered, and therefore just, when its major institutions are arranged so as to achieve the greatest net balance of satisfactions summed over all the individuals belonging to it.⁸⁰

⁸⁰. Arneson, Richard, J., “*Rawls versus Utilitarianism in the Light of Political Liberalism*”, p-2.

He comprehends utility or human welfare in terms of the fulfilment of intellectual desire. According to Rawls, utilitarian does not consider right in a proper manner and it is a serious defect. So for the society he commences a better theory that is justice as fairness which is fit for the society. Slavery and suppression of speech are infringing the fundamental moral rights of the people. If the maximum human welfare is the essential moral requirement for the society, then the slavery or suppression of speech ignores the freedom of the people which is morally wrong and it would depend on the result of composite and tentative empirical method, reckon about which policies perform best over the long run to attain the utilitarian end. Rawls noticed that people's convictions in respect of slavery or freedom does not hold on the ground of utilitarian speculation, because it ignores the individual rights. But his theory of justice set up a core conviction about the rights and it solves the controversial issues in a reasonable ways.

In regard to primary social goods there is difference between utilitarianism and justice. In two way Rawlsian concept of justice primarily differ from utilitarianism. These are-(i) people are to maximin rather than maximize and (ii) the base of inter-personal compassion for social justice is not the primary social goods. According to Rawls, primary social goods are those goods which are pursued by any intellectual person who develops and practices his moral powers and as well as it is a means to satisfy the final end of the person.

In respect of one's conception of utility the disparities between standard of primary social goods and standard of utility varies from person to person. One's

conception recognizes utility with intellectual preference satisfaction, whereas another person recognizes utility with objectively valuable goods.

In theory and practice an opportunity for utilitarian standard clearly differs from the standard of primary goods. Two persons may have different abilities to transform the primary goods into his utility. Suppose, one has no allotment of primary goods, but they share distinctive opportunities for utility. People have the different capabilities to apprehend the good and to choose legitimate valuable ultimate ends of life. Further, with the same bunch of primary goods two persons will have very diverse life prospects for their different value setting and choice making abilities.

Rawlsian theory of justice upholds that the basic structure of society should be harmonized in respect of worst-off people so as to maximize the long-run anticipation of primary goods for the group of members of the society. For the purposes of social justice one of the significant aspects of this principle is its application of primary social goods rather than utility, to calculate the situation of individuals.

The maximize doctrine of utilitarianism which offers to order the society so as to maximize the aggregate total of advantages enjoyed by people capitulate different insinuations from the maximin principle in circumstance in which the worst-off seems attractive.

From the above analysis it is clear that there are lots of differences between these two concepts. Now some of these are summarized briefly below:

(A) Utilitarianism is a teleological theory, whereas justice as fairness is a deontological theory. According to utilitarian philosophers like Jeremy Bentham and John Stuart Mill, justice is that which produces the greatest number of good for the greatest number of peoples. In other words, utilitarianism holds that, welfare of the largest numbers.

The essence of justice for the utilitarian philosophy is that it maximises greatest amount of happiness of the greatest numbers.⁸¹

According to Rawls, the basic weak part of the utilitarian theory of justice is that, it lies on the fact of “**largest numbers**”. This type of notion is indeterminate and it deprives few unfortunate members of the society from the happiness which produces from the social benefits.

The question of attaining the greatest net balance of satisfaction never arises in justice as fairness; this maximum principle is not used at all.⁸²

Because social justice gives equality and liberty for all, not the greatest number of peoples.

(B) Rawls accused that, utilitarianism treats individuals only as means for the ends of others. On the contrast, justice as fairness considers persons as ends, not as means.

⁸¹. Purohit, B.R. and Joshi, S., *Social Justice in India*, p-15.

⁸². Rawls, J., *A Theory of Justice*, p-30.

(C) The utilitarian extends to society the principle of choice for one man, justice as fairness, being a contract view, assumes that the principles of social choice, and so the principle of justice, are themselves the object of an original agreement.⁸³

(D) According to Rawls, there are an independent status of values like, individual liberty and dignity. These are not derived from the maximization of social good, while for Mill these are derivative. Mill does not show--

How the distributive ideal could be subsumed under an aggregative one.⁸⁴

He assumes that the greatest good as maximum total income fails to give the answer of the question:

What happened if maximizing total happiness lead to extreme inequality?⁸⁵

❖ 4.4 Comparison between Rawls's theory of justice and Mill's concept of

justice: Without comparison between Mill's notion of justice and Rawls's account of justice, the discussion of justice will be incomplete. In 20th century Rawls's writing on justice *A Theory of Justice* gets too much attention than any other writings on justice. As an alternative of utilitarianism Rawls represents his theory of justice and criticises the utilitarianism thought.

⁸³ . Rawls, J., *A Theory of Justice*, p-28.

⁸⁴ . Mukherjee, S. and Ramaswamy, S., *A History of Political Thought: Plato to Marx*, p-483.

⁸⁵ . Ibid, p-485.

This section mainly focuses on the similarities and dissimilarities between Rawls's theory and Mill's theory of justice. As an alternative theory Rawls present his theory of justice that consists into two principles. But later Rawls with important revisions restates the second principles. According to him,

Inequalities are to be (a) to the greatest benefit of the least advantaged and (b) attached to offices and positions open to all under conditions of fair equality of opportunity. ⁸⁶

In the history of Rawls's theory it will be the major revisions. Rawls refers some basic liberties which are treated as equal liberties of citizens. These are:

Rawls proposes two principles in a lexical order by saying that only after the first principle has been fulfilled then second principle can be applied. To him, there are two kinds of circumstances that justify the restriction of liberty. The first kind of restriction may be derived from the incident of human life or historical and social contingencies or from the natural limitations. Even the existence penal system in a well-ordered society serves men's security against one another. Another kind of case is occurs from non-ideal theory. According to Rawls in case of dealing with the intolerant and violence of rival sects it may be justified to restrain their liberties. In this regards, it may recall about Mill's concern that—

Extending the franchise to the working class before there is universal education is a problem, which he thought of attempting to solve by giving multiple votes to those with more education. ⁸⁷

⁸⁶. Kahn, Leonard, *Mill on Justice*, p-120.

By passing this remark Rawls shares with Mill's idea of the consequences of liberty.

Rawls pretends that, his principle of justice have excellence over than Mill's principle of utility, as Rawls's principle do not lie upon the principle of diminishing marginal utility. But in revised edition Rawls replaced diminishing marginal utility by references under some favourable circumstances, changing under different situations and a hierarchy of interest to us. Rawls in a footnote reveals that the view which he discloses in the text is basically same with the Mill's theory. So, here it can be said that, in context of giving over priority of liberty Rawls and Mill share same view. The priority of liberty can be derived as a principle subsidiary to principle of utility and as an outcome from hypothetical social contract.

In connection of social condition where Mill discussing his theory of justice and Rawls comparing his theory and utilitarianism there are differences between these two. Rawls wants to construct a well-ordered society which is designed to good for its members and it regulated by the public conception of justice. In this society where everyone maintains same principles of justice and they know that other people accept these principles and the basic social organisation usually satisfy these principles. In these cases everyone may put forth too much demand on one another but they do not accept a common point of view from where their claims may be adjudged. In society people have different aims and purposes but they have shared a conception of justice which built a bond of civic friendship among them and the common desire for justice limits the pursuits of other goals. Rawls identifies that, in this sense the existing societies are not well-ordered. So, he presents an ideal system of justice through which

⁸⁷. Op.cit., p-121.

we can able to measure and criticises our own society. But Mill does not confine his analysis of justice in a well-ordered society rather in his theory of justice he includes a theory which can be apply on distributive justice as well as penal justice. Mill discerns that, in our own society there are many different views of justice; so, here he apply the principle of utility and argue that, this can provides a way that can adjudicate these differences.

Therefore, in context of scope of the theory there are differences between Rawls and Mill's theory of justice. Rawls confined his theory only to construct a 'basic structure' of society which emphasis on basic rights and duties of citizens. Though later to construct a well-ordered society he remarks on such issues, like taxation in a society. On the other hand, Rawls's principle of justice is based on a hypothetical 'social contract'. But Mill's theory of justice is more general and argues that the most fundamental component of his justice is that the rights and duties are based on the principle of utility.

According to Rawls, classical utilitarianism holds a strict doctrine of utilitarianism in its distinct and most comprehensive form. Rawls states the classical view as follows:

The main idea is that society is rightly ordered, and therefore just, when its major institutions are arranged so as to achieve the greatest net balance of satisfaction summed over all the individuals belonging to it. ⁸⁸

⁸⁸ . Op.cit., p-125.

Though this statement is fair with the goal of utilitarian theory of justice but Rawls uses a model to execute it that is different from utilitarianism, specially J.S. Mill's utilitarianism. Rawls says that just as the life of an individual constructed through his well-being which was constructed by fulfilled his desires that are experienced in different times or moments. So, the utilitarian theory is that the well-being of society is to be made when the desires are being satisfied of maximum number of individuals.

Just as an individual balances present and future gains against present and future losses, so a society may balance satisfactions and dissatisfactions between different individuals.⁸⁹

According to Rawls, for the principle of rational choice for one person utilitarian adopts the society as a whole. They do not seriously consider the disparity among the persons. Here the nature of decision made by the legislator is in question as he conflating all persons into one.

Rawls makes another contrast between utilitarianism and his theory of justice. His theory gives priority on liberty and right as against increasing aggregate social welfare. But here it may be remarkable that the priority of liberty depends on the principle of minimizing marginal utility and Rawls like a utilitarian gives importance on rights to protect the security of individuals.

⁸⁹ . Op.cit., p-125.

There are another contrast is that, in utilitarianism the gratification of any types of desire has some value in itself, but in Rawls's principles of right his theory of justice put limits on some satisfactions of desire where the interest violates the rules of justice and these have no value.

For the basic structure of society Rawls imposes certain criteria that place some preliminary compulsions on the persons and says what kinds of person they should be. On the other hand, in determining what kinds of moral character are necessary to encouraged for built a just society utilitarianism depends on natural fact and contingencies of human life. Therefore, Rawls wants to establish a well- ordered society as scheme of reciprocal advantage among the people that regulated by those principles which are chosen by the persons in an initial situation that is fair; but utilitarianism as the efficient administration of social resources want to found a well- ordered society where the main focus into maximize the satisfaction of desires of utilitarianism is not fair with the Mill's theory of utilitarianism. His concept of utility does not focus on satisfaction of desire rather it believes on increase happiness and decrease unhappiness. Furthermore, Mill distinguishes between the qualitative higher and lower pleasures. And for just society Mill does not depends on the natural facts and contingencies of human life rather his greatest happiness principle emphasises on the 'Art of Life' that important to character development. In Mill philosophy virtue have a prominent place that helps to produce least unhappiness or greatest happiness.

It is true that, in utilitarianism, pleasure considered as intrinsically good and it based on anti-social motives as well as attitudes. So, it does not encourage the individuals. In determination of principle of justice Rawls attempts to ignore this type

of utilitarian aspect. On the other hand, for the cooperative nature among the people Mill attempts to ignore the above utilitarian aspect by realistic policies. Thus Mill upholds a cooperative economic structure where rather than competition with each other workers would feel as an association and he espoused the cooperative ownership structures where there is no annoyance or clash between employer and workers. Rawls thinks that, on accepting two principles of justice it has built an understanding among the people that helps to solve the complications and discard the irrelevant things of our daily life.

Here a question may arise that, is this advantage we get from the two principles or the utilitarian principle. In this regard, Rawls mentions main grounds for the two principle of justice. Strain of commitment is one of the grounds. The parties do not only protect their basic rights, they also can secure themselves from all worst contingent facts. A person does not like to misuse with his liberties and actual interest and he hoping that the principle of utility may be secure him by giving a greater well-being. This argument can be applied against 'maximin strategy' of Rawls. If one accepts Rawls's two principles he may find that he has natural talents and advantages, but these cannot be enjoyed insofar the least advantaged gets the benefits. Because in actual life some people have more power, if they are selfish they will find that maximin principle has strains and this was not accepted by them.

Now we focus our attention towards Rawls's concept of fair equality of opportunity. He discerns that, liberal theory as well as utilitarianism both finds to obtain equality of opportunity. Those who has similar abilities, skill, willingness they should get similar life chances irrespective of their initial place where they were born

(e.g.- caste, creed, income etc.) in the social system. This demands to restraint too much accumulation of wealth and property and sustaining equal opportunities of education for all people. One's achievement of skill, cultural knowledge does not depends on his class position or the school system, whether public or private school, it is out of class barriers. Rawls accepts that, in removing the impact of social contingencies his analysis of FEO is radical, but it does not go far enough. He allows distributing the wealth and income which determined by the natural distribution of talents and abilities as well as by the outcome of 'natural lottery' but from moral aspect, this outcome is arbitrary.

Here we can see a contrast between Rawls and Mill's theory. Rawls is an egalitarian than Mill. Rawls has a baseline for his absolute equality ideals. His two principles of justice is a special case which makes his theory of justice more general. And Rawls expresses this by saying that, income and wealth, liberty and opportunity, bases of self-respect; in fact, all social value are to be distributed equally to everyone's benefit unless any unequal distribution. If this distribution are not done for the benefit of all or made unequal distribution then it is called injustice.

On the contrary, Mill holds more limited conception towards justice. For him, justice is nothing but the certain kinds of moral rules that deals with the essentials of human well-being. Rather than this justice gives more absolute obligation that plays a vital role to guide our life. Mill conveys that, moral rules teach us to don't hurt anyone and do not interference in anyone's freedom and these are most important for human well-being than any other maxims. He thinks that, an individual may not want to get the benefit of other, but he always wish that they should not reach harm to him.

Mill makes distinction between duties of justice and other moral duties. Mill thinks that, idea of penal sanction generates the notion of justice, but generally it does not separate justice from moral obligation. Justice implies not only right to do something which some people claim as their moral right to our beneficence or generosity as we are not compel to use those virtues towards any given individual. According to Mill, this becomes like to the dissimilation between perfect and imperfect duties, but this inter-relation would not be set up. Perfect duties are those kinds of duties that can be completely fulfilled; such as, not to lie, not to kill, not to enslave (these are negative duties). But there are some positive duties that cannot be completely fulfilled. For example, every child may have right to care from their parents and it has no limit that how much they look after their child. This kind of perfect obligation cannot be completely fulfilled. The obligation of a parent to upbringing their child is open-ended. And negligence of a child is a case of injustice. There are another type of rights that called as 'welfare' rights, where everyone have a right to proper housing, suitable job, good healthcare and so on. In these cases it is clear that people have some rights but it is not clear, what are the correlative duties of people for the requirements of service. Mill without giving proper attention on the unjust *states of affairs* he has too much gives his focus on unjust acts. In this respect, to establish the basic structure of society Rawls's method is superior to Mill. Without going to elaborates about responsibility of individuals for justice and injustice Rawls's two principles make a brief description about justice of injustice of the obligation and rights.

Details are to be worked out after the 'veil of ignorance' is lifted and national and local constitutions are drawn up, branches of government

are assigned duties, and officials are appointed to carry out these duties.⁹⁰

Therefore, Rawls's two principles are ruled as the background conditions for justice or injustice of these institutions, but the utilitarian even if Mill in his '*Utilitarianism*' gives extreme emphasis on individual acts. In his other writings as the alternative of inequalities in education, system of property, living conditions and many other aspects Mill used the term justice and injustice.

Mill, in his autobiography clearly expresses, it is injustice that some people are born in a prosperous family and huge portion of people are born in poverty or in distress family. For the ultimate improvement of society Mill look for the time when society is not divided into any class, e.g.-idles and industrious. Mill thinks---

The social problem of the future we considered to be, how to unite the greatest liberty of action, with a common ownership of the raw material of the globe, and an equal participation of all in the benefits of combined labor.⁹¹

Mill promoted nationalization of all lands. According to him, the principle of property ensure all individuals what they have saved by their temperance and made by their exertion, this principle cannot be applicable what are not produced by exertion as well as to the materials of the earth. It would be a big injustice if the land obtained its

⁹⁰ . Kahn, Leonard, *Mill on Justice*, p-131.

⁹¹ . *Ibid.*, p-132.

productive capacity totally from nature, not from diligence and the gift of nature occupied by individuals and it will be not just. State is the universal land lord and peasants occupants under it, either at their own will or on lease.

More than Rawls, Mill gives stress on inequality on grounds of deficiency of effort and imprudence. He asserts, current society is responsible as it not appreciate people's enthusiasm and temperance. If our society rewarding these types of efforts of people then it helps to more encourage them to give exertion and temperance and obtain a good outcome. And those people who are mostly abstain from labour, are receive minimum advantages. He holds, in the present state of society the very idea of distributive justice or any proportionality between achievement and exertion or between achievement and merit is insubstantial. In a context where Mill agreed with Rawls's view, that is----

In a well-constituted community every one would be a gainer by every other person's successful exertions...⁹²

As far as from the above comparative discussion between Rawls and Mill's theory of justice it has been noted that, in some aspect the principles of justice are similar to them. Under normal situations both of them gives priority to liberty. In a well-ordered society Rawls has a lexical ordering by giving precedence of the liberty with strict obedience, not to partial compliance state with threat of violence and intolerance. Mill in his book *Utilitarianism* gives an example where in order to save a life it is necessary to overriding the liberty of a physician. To avoid more advantage of

⁹². Op.cit., p-133.

inheritance or partiality Mill and Rawls both claim, equality of opportunity as well as amplifying the welfare of the least-advantaged class. There is an argument in favour of the context that, on the grounds of utilitarian considerations Rawls's two principles was founded. In their primitive situation people accept priority of liberty as they believe that it helps to reduce marginal utility of other values. They admit that, for the benefit of worst-off sometimes inequalities treated as just, as they think that disutility of worst-off can prevent the enhancement of well-structured society.

Mill believes that in real life people are not completely benevolent. In his analysis of concept of justice there is a system of rights that protect self-interest of people, but in some conflicting situation he does not take seriously the difference between individuals. In regard of justice of rewarding exertion and temperance there are difference between the sentiments of Rawls and Mill. Mill gives extensive importance on these as useful; on the other hand, Rawls only allows these things in his theory. But in general, there is a convergence between Mill's doctrine of justice and Rawls's theory of justice.

- ❖ **4.5 Criticism:** Rawls's idea of distributive justice is a complex theory. Though difference principle plays the central role, but there are other principles which have important distributive contributions. In society, to construct its primary economic institutions difference principle must be needed. To the least advantaged members of society these institutions maximize the index of primary goods, such as, power, income, wealth and positions. But Rawls's difference principle does not take seriously independent institutions and does not ensure FEO and their value of equal political liberties. Under the difference principle inequalities in income and wealth might be

beneficial for least advantaged, but these are not approbated if they undermine fair value of political liberties or FEO to the less advantaged themselves or to others. For greater wealth and income to less advantaged people, the greater professional and educational opportunities for them should not be ignored. Finally, Rawls's extensive priority on property-owning democracy over capitalist welfare state indicates that difference principle and FEO principle reciprocate the less-advantaged economically insubordinate, giving them fair chances to accede to positions and powers in office and restraint the ways of production they used to professionally serve. In a well-ordered society these conditions are essential grounds of self-respect among equal citizens.

According to Sen, Rawls's notion of "transcendental institutionalism" (through which he progress his theory) is nothing but a hypothetical or supposition. But subsequently it faces certain limitation. These are:

(i) Sen argues, Rawls has given extreme priority on liberty. Sen and Herbert Hart both are assert, rather than medical negligence, hunger, starvation and so on. Rawls gives more importance on violation of personal liberties. Indeed, it is accept that, in some respect liberty must have priority, but total uncontrolled priority often bears an overkill situation. For example, there is several kind of weighting projects that can pay partial priority to one concern over another.

(ii)According to Rawls through the opportunities and various primary goods people can able to converting them into something valuable for their good living. But a disabled person can't able to earn same level income and utilise the primary goods than an able-bodied person. Further, instead of other women (who are not conceiving) a

pregnant women rather than primary goods needs more nutritional support and care. So, conversion of primary goods into good living through the help of capability in some cases are possible due to people's different inborn characteristics or inherited disease or perverse effect of environmental surroundings and so on. In this context, Sen argues that, instead of focusing on primary goods it is a strong need to actual assessment of freedoms and capabilities of human being.

He thinks, in judging advantage Rawls's index of primary goods in a way might be a good step, but due to diversity of human being in society primary goods need to take a little note on these different types of human being. So, Sen suggests, rather than receiving advantage as a relationship between persons and goods, Rawls should use his primary goods in terms of embodiment of advantage.

(iii) Rawls's concept of 'original position' creates a hypothetical situation and in reality it fails to incorporate with the diverse, multifaceted, conflicting, genuine and strong demands of a large plurality. Sen give a suitable instance by interpreting of three kids (Bob, Anne and Carla) and a flute. Bob says as he is so poor and no toys to play with, so the flute should be given to him. Anne argues this flute should be handed to her as among of these three kids she is the only one who can play that instrument. Carla says, by her own labour she get this flute, so it should be in her possession. Therefore, among of these three reasonable and genuine demands how one can reach a fair decision? Sen pretends that, there has no institutional arrangement through which people can reach a universally accepted decision in a just manner.

Rawls's conception of what construct a 'just society' is fails to take a universally accepted decision. If he wants to reach a decision with this unique universally accepted decision principle then it hits his notion of justice as fairness as different members of the society may not agree with his decision. So, a one-dimensional (transcendental theories of justice) concept of each reason cannot help as to comparative assessment among pairs of alternatives, often it does not give a feasible method to arrive at a right choice.

Sen believes that, justice is a multi-dimensional notion, not a monolithic ideal. A 'just society' is constructing through the social arrangement, right behaviour of the people and perfectly just institutions.

(iv) Rawls in his second principle admits that, for the benefits of worst-off members of worst-off members of society few inequalities should be granted which are good for them. But, it is unjust and wrong if in original position inequalities based on the demands of incentives then the principle which is bring in original position should exclude this need of incentives. On the basis of Rawls's social contract, each and every individual should behave in conformity with the principles that are chosen from original position. Then in this duty-centred world people should do their duties without any demands of incentives.

(v) Rawls in his *Theory* includes such important things such as, liberties, rights, wealth, income, opportunities but he does not included demands based on merits. This is one of the crucial-----of his theory as he does not give the benefits of interest of a

very meritorious person as he belongs to the well-off category. In this respect it seems to be an unequal treatment among the people.

(vi)Nussbaum claims, according to Rawls's social contract theory, the contracting agents are free, equal and independent who plan the well-ordered society and instead of a complete life they represent those citizens' interests who are completely a cooperative members of the society and more importantly a rational being. So, it seems that, those citizens with mental impairment and severe disabilities cannot be take part with this social contract. It implies that, these disabled persons get treatment once the basic structure of society is being designed. Therefore, it can be assumed that, this basic institution of society is not constructed for these disabled people.

(vii)Nussbaum argues that, Rawls's theory fails to adequately deal with the demands of impairment people. But, according to human justice these disabled people require the fulfilment of their basic needs which is different from a normal human being. But to make his theory as simple and uncomplicated Rawls totally ignored the capability of disable persons and ignored justice towards the disabled.

(viii)Rawls present a moral impartial theory in terms of veil of ignorance behind which all information of the parties is conceal and the members are conscious that their competencies stand within the 'normal range'. In a just society citizens are always treated as equal but never taken as equal in their disability. In this social contract people of the society will get together and made an agreement where they can expect a mutual advantage through which all people are being benefited.

Nussbaum assumes, in according of social contract, logically it will be not included the impairment people as these people are dependent and may not able to contribute in society as well as considered to be a less productive people. If social contract made for mutual benefit then the member of the social contract only want to cooperate with those who gives more contribution in society and not more productive and they do not include those people who have lack of productivity and causing depression for the societies well-being. Therefore, Rawls's social contract ignores the aspiration of disable people.

Nussbaum adds that, often it has been seen that impairment people may be a highly productive member in way of performing a varieties of jobs, usual economic sense if society given the facilities which they are needed. For example, a deaf person needs the e-mail facility as compared to phone facility. So, it is unjust to excluded impairment peoples from framing the principles of justice, though many of them are active and capable to contribute for the society.

Nussbaum claims that, Rawls's concept of justice is not so simple, but little bit complicated. Rawls ignores the disable persons in his theory. But it is a fact that society is made by different kinds of people not with the same kind of people. That is why, concept of justice is necessary for society. Nussbaum thinks that, it seems very strange that a theory which is based only on justice is totally disowned of one group who are capable in many areas.

❖ **4.6 Conclusion:** Though there are many objections raised against Rawls theory of justice, but it is not possible to deny its core values. His theory of justice has

the significant contribution in the society. His main aim was to construct a basic well-ordered society, where everyone gets equal opportunity. Through the fair distribution of social goods and benefits throughout the world, he wants to make an ideal democratic society, where everyone feels free and equal. In Rawls's *A Theory of Justice*, he tries to make a 'perfectly just' well-ordered society. More than anything built a well-ordered society is the central theme of his contractarianism. In a well-ordered society all equal and reasonable and free citizens agree with the concept of justice and where all have an effective sense about justice. The free and equal persons concord with the agreement of justice and commitment towards justice is the core essence of a liberal and democratic social contract tradition which emerged from Locke, Rousseau and Kant.

It deals with the distribution and regulation of wages and profits, the welfare of the worst-off, the weak and the vulnerable; it is an equitable mode of allocation of social services, benefits, goods and offices to those who have no resources and capacities because of their poor socio-economic historical conditions, imposed on them for years and ages.⁹³

Rawls's concept of social justice is one of the ways through which the upliftment and welfare is possible for the weaker section of the society. His concept of justice as fairness provides the basic needs of life to the least deprived person of the society. To give fair share of social goods, Rawls gives preference to the worst-off people of the society. It is the ideal society which gives to every individual full, free and most importantly fair opportunities for the over-all development (especially moral

⁹³. Purohit, B.R. and Joshi, S., *Social Justice in India*, p-18.

development) of his personality. Rawls's justice is not merely general welfare of society but it is considered as the welfare of each individual.

Finally, it may be mentioned that, Indian Constitution has accepted the spirit of Rawls's theory of justice. It reconciles the ideal of liberty of individual with equality of all, including the equality of the worst-off. As a pioneer of social justice, we are thankful to John Rawls for offering his valuable view about social justice, which achieves a new connotation in the context of the modern world order. We must remember one thing that, no one can be made himself as better off without making someone worst-off.

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