

Conceptions of Justice

Day 3 of your revision. The whole arc — Greek virtue to global justice — with John Rawls at the centre and every critic who answered him, straight from the Foundation & OGP class, compressed for fast recall. **Revise → write a little → don't break the chain.**

On the PYQ record (UPSC 2017–2025): **2 × 10-markers** · **5 × 15-markers** · **4 × 20-markers**. Rawls and the communitarian critique sit at the centre of almost every cycle.

1 Meaning & Nature of Justice

Justice belongs to moral philosophy but is finally realised through political order, law and institutions. **John Rawls**: “justice is the first virtue of social institutions, as truth is of systems of thought.” It performs three functions — gives individuals their due; arranges rights, duties, rewards and punishments; balances liberty, equality, welfare, merit and need.

Etymology & binding function

Latin **Jungere** (to tie or bind together) and **Jus** (bond or tie). Justice is a bonding idea — it organises people into a fair order and distributes rights and duties, rewards and punishments, benefits and burdens, honours, opportunities and obligations.

Justice as ideal & dynamic truth

Justice is an ideal — the pursuit of absolute truth — with two dimensions: a **static** dimension (comprehension of ideal truth) and a **dynamic** dimension (its evolving realisation through reason and social consciousness). Social consciousness is spatial and temporal: slavery, the subjugation of women and caste discrimination were once rationalised as just and are now seen as deep injustice. **Julius Stone** too treats law and justice as contextual — law develops with social conditions, making justice dynamic, not frozen.

Justice as a balancing idea

Justice balances conflicting values — liberty and equality, rights and welfare, merit and need, individual claims and social good, procedure and outcome. Theories differ because they pick different ultimate values:

Liberalism: liberty

Socialism: equality

Utilitarianism: utility

Rawls: liberty + egalitarian correction

Sen: capability

Communitarianism: community & the good

Justice remains the harmonising principle of political morality.

2 Classical Principles — Rome, Plato, Aristotle

Roman principles

Emperor **Justinian** gave two classical legal principles: **Alterum non laedere** (do not harm others) and **Suum Quique Tribuere** (allocate to each what is due). These became the base for justice as non-injury and due allocation.

Plato — justice as harmony

For **Plato**, justice is harmony: each person performs the function suited to their nature, each class keeps its proper place, non-interference is central. Justice in the individual is harmony among parts of the soul; justice in the state is harmony among classes, with wisdom, courage and temperance arranged under reason.

Justice is “minding one’s own business and not being a busy-body.” — Plato, Republic

Features: teleological, duty-oriented, hierarchical, linked to the ideal state, not based on modern individual rights.

Aristotle — the central virtue

“justice is the bond of men in states, and the administration of justice ... is the principle of order in political society.” — Aristotle

General justice aims at the complete goodness of society. **Particular justice** splits into **distributive justice** (honours, wealth, offices and goods by merit) and **corrective / rectificatory justice** (correction of wrongs). His principle: treat equals equally, treat unequals unequally in proportion to relevant differences — justice is **proportional, not arithmetical**.

3 Greek Perspective & the Rawlsian Concept

Both treat justice as the organising principle of political life, but the moral frame differs sharply.

Basis	Greek Perspective	John Rawls' Perspective
Moral frame	virtue, harmony, common good	rights, fairness, basic liberties
Method	natural hierarchy and social function	hypothetical contract
Subject	polis and duty	liberal-democratic society and free citizens
Equality	proportional equality	moral equality
Distribution	based on merit and function	based on primary goods and least advantaged
Good and right	good life precedes right	right precedes good

Greek justice is **teleological**, duty-centred and hierarchical, accepting inherent inequality; law is believed to carry higher moral or natural authority and the state applies it rather than freely creating it. **John Rawls** begins from moral equality, uses the original position and veil of ignorance, protects liberty first, and allows inequality only when it benefits the least advantaged. **Norman Barry** highlights Rawls' concern for the neediest through the **chain principle**. The movement from Greek justice to Rawls is the movement from polis ethics to constitutional pluralism.

UPSC 2020 · 20m Make a comparative assessment of the Greek perspective of justice with the Rawlsian concept of justice.

4 Procedural · Substantive · Distributive Justice

Procedural justice — fairness of the method

Justice of rules, procedure and process — impartial courts, due process, formal equality before law, fairness in decision-making. Close to **liberalism**: liberty is the ultimate value, equality of opportunity is preferred over equality of outcome. In Rawlsian terms a just procedure runs through entering the contract, unanimous agreement, basic conditions (e.g. freedom of speech), protection of the most disadvantaged and stability.

"It doesn't matter who wins if the rules and the procedures followed in a race are just." — **Norman Barry**

Critique: it rejects discrimination on caste, creed, sex and religion and accepts equal dignity, but may overstretch competition. **Crawford Brough Macpherson** argues a strictly procedural capitalist model can destroy creative freedom; **John H. Sachar** notes talents may not be rewarded by intrinsic worth because social hierarchies distort competition. In India, procedural justice dominated until the **Maneka Gandhi** judgment, after which adjudication moved toward a mix of procedure and due process.

Substantive justice — fairness of the outcome

Fairness of the content of laws, policies and decisions — actual distribution of rights, duties and opportunities, reduction of inequality, correction of historical and structural injustice. Close to **socialism**: equality is the ultimate value, substantive equality over formal equality, needs-based justice a stronger form. Key elements: equity, fair distribution, redressing injustice, rights and entitlements, social welfare.

"Justice requires us to respond to structural injustice, not only by individual actions, but by changing the structures themselves." — **Iris Marion Young**

The fault line of justice — method versus outcome



Distributive justice — who gets what, on what basis?

Aristotle gave the classical formulation: the benefits and burdens of life — honour, wealth, assets, offices — must be shared by a just principle, and wrong distribution is met by corrective justice. Modern debate identifies three criteria: **equality**, **merit / desert**, **need**. **David Miller**, in *Social Justice* (1976), maps three forms:

Criterion	Social Form	Associated Thinker
Protection of acknowledged rights	hierarchical order	David Hume
Distribution according to desert	market society	Herbert Spencer
Distribution according to need	solidarity community	Peter Kropotkin

David Miller: merit and welfare must be combined — markets help efficiency and tackle scarcity, welfare secures minimum needs, merit must be rewarded but redistribution is needed to prevent impoverishment. **Egalitarian** theories begin from equal share; **Marxist** theories place need above desert ("From each according to his ability, to each according to his needs"); **utilitarian** (**Jeremy Bentham**) seeks the greatest good of the greatest number. **John Rawls** distributes **primary social goods** — liberties, opportunities, income, wealth, powers, bases of self-respect — in lexical order. **Ian Campbell** calls justice an **architectonic value** of normative political philosophy.

UPSC 2018 · 10m Comment on procedural justice / substantive justice. **UPSC 2018 · 10m** Comment on distributive justice (150 words).

5 Equality, Merit, Need & Economic Justice

Equality-based justice — human rights and human equality make equality a central basis; everyone must receive equal political, social and economic rights. **Merit / desert-based justice** — a non-egalitarian basis stressing innate worth, achievement and contribution; Aristotle distributes by merit and virtue, liberal justice uses merit through equality of opportunity; **Herbert Spencer** and **Edmund Barker** are linked with a conservative, social-Darwinian defence of free-market capitalism. **Need-based justice** — every person has minimum needs that must be met for personality and worth; **Karl Marx**: “From each according to his ability, to each according to his needs.”

Liberal vs Marxist economic justice

Liberal: modern liberalism keeps private property but accepts state action — **John W. Chapman**, **Arthur Okun** and **John Rawls** support a moderated market order (efficiency and consumer choice, progressive taxation, social security, inequality legitimate only if it improves the worst-off). **Arthur Okun**: “the market needs a place, and the market needs to be kept in its place.” **Marxist**: justice read through production relations — law and rights reflect class ownership, private ownership creates exploitation, real equality needs collectivisation. Socialist stage: “From each according to his ability, to each according to his work”; communist stage: need-based allocation after the state withers away.

Point	Liberal View	Marxist View
Basis	balance freedom with welfare	end exploitation
Property	preserved but regulated	collectivised
State	redistributive and regulatory	revolutionary transition
Equity	compatible with private property	requires abolition of exploitative property

6 Liberalism, Utilitarianism & Rawls' Intervention

Liberalism & procedural justice. Liberty is the central value, individual rights are protected, formal equality is emphasised, the state must not impose a single good life. Classical liberal justice tends toward procedural fairness; the neoliberal link — **Friedrich August von Hayek**, **Robert Nozick**, **Milton Friedman** — treats the market as a model of freedom and growth, the state preventing fraud and coercion, not redesigning outcomes.

Utilitarianism & its limits. Utility replaces liberty — the greatest happiness of the greatest number. **Jeremy Bentham** links justice with pleasure and pain; **John Stuart Mill**: “The greatest happiness of the greatest number is the foundation of morals and legislation.” **John Rawls** accepts utilitarianism as a progressive departure from narrow rights-talk but considers it flawed: it supports **majoritarianism over egalitarianism** and can make minorities a means to majority ends.

Rawls' Kantian maxim

Influenced by **Immanuel Kant**: no person may be used merely as a means to the ends of others. Each person has an inviolability founded on justice; the welfare of society as a whole cannot override the loss of freedom of some for the greater good of many.

Rawls as a liberal egalitarian. He stands between absolute liberty and absolute equality — against utilitarianism (individual inviolability cannot be sacrificed), against libertarianism (market outcomes judged by fairness), against socialism (equal liberty remains prior). Liberty is lexically prior, equal basic liberty applies to all, social-economic inequality is allowed only when it benefits the least advantaged, fair equality of opportunity is required. This makes liberalism more humane; **Will Kymlicka** treats his work as a major factor in the revival of normative theory.

7 John Rawls — Works, Society & Primary Goods

An American political philosopher in the liberal tradition. Major works: *Justice as Fairness* (1958 article; 1985 essay), *A Theory of Justice* (1971), *Political Liberalism* (1993), *The Law of Peoples* (1998). Key ideas — original position, veil of ignorance, justice as fairness, primary goods, maximin rule, Difference Principle, lexical order, reflective equilibrium, overlapping consensus, political liberalism.

Society — conflict and cooperation

Society is marked by both conflict (different interests and claims) and cooperation (a venture for mutual advantage). For Rawls society is a natural construct (individuals do not choose it), institutions must fairly balance competing claims, and justice is the first virtue of social institutions. **Norman Barry's chain principle**: society is like a chain — the weakest link matters as much as the strongest, so the condition of the least advantaged decides the justice of the whole. **Samuel Gorovitz** calls Rawls clearly **redistributionist** — government must not merely keep order but achieve distributive justice by valuing the needs of the poor.

Primary goods & two moral powers

Justice is the fair distribution of **primary goods** — rights, liberties, opportunities, income, wealth, powers, bases of self-respect. Rawls distinguishes **social goods** (wages, wealth, rights, freedom) from **natural goods** (health, intelligence, natural ability). Parties in the original position are free and equal persons with two moral powers: a **sense of justice** (willingness to cooperate on fair terms — making them reasonable, unlike purely Hobbesian actors) and a **conception of the good** (each has an idea of a good life).

8 Justice as Fairness — the Derivation

Original position. Rawls revives social contract theory: free and equal persons, placed behind the veil of ignorance, choose principles to govern the basic structure of society. It works like an **Archimedean point** — an impartial standpoint that removes morally arbitrary advantage and makes principles fair to all. He follows the contract method of **John Locke**, **Jean-Jacques Rousseau** and **Immanuel Kant**, but his contract is hypothetical, not historical. Conditions: moderate scarcity, parties neither altruistic nor purely egoistic, mutual indifference, rational concern for primary goods, fair equality among parties.

Veil of ignorance. It removes knowledge of class, caste, gender, race, religion, social status, natural talents, wealth, conception of the good and fortune in the natural lottery.

"no one[']s place in society, ... fortune in the distribution of natural assets ... [or] conceptions of the good. ... The principles of justice are chosen behind a veil of ignorance." — John Rawls

It creates moral insulation from social contingency, prevents bargaining from privilege and forces impartial public reasoning. Critics: **Amartya Sen** (a transcendental approach cannot, on its own, advance justice or compare alternatives), **Susan Moller Okin** (Rawls "almost completely ignores women"), **Michael Sandel** (the veil detaches persons from the identities that make moral reasoning possible). Defence: it is a heuristic device, not a sociological description — and can be extended to gender, disability, ecological risk and future generations.

Maximin rule. Maximise the minimum — choose the best worst-case outcome. Rational persons will not risk the worst position under unjust rules; they secure basic liberty, fair opportunity and protection for the least advantaged. Maximin justifies the Difference Principle.

From the original position to the two principles



9 The Two Principles, Lexical Priority & Reflective Equilibrium

First Principle — Liberty Principle

Each person has an equal claim to a fully adequate scheme of equal basic liberties compatible with the same scheme for all — freedom of speech and conscience, political liberty, the right to vote, liberty of the person, rule-of-law protections. Rawls gives liberty priority.

Second Principle — Equality Principle

Social and economic inequalities must satisfy two conditions: **Fair Equality of Opportunity** (offices and positions open to all; birth, class, wealth, caste or gender must not block access) and the **Difference Principle**.

"social and economic inequalities are to be arranged so that they are to the greatest benefit of the least advantaged." — John Rawls

Lexical priority

Principles apply in lexical order: the First Principle must be satisfied before the Second; equal basic liberty cannot be traded for economic gain; fair equality of opportunity precedes the Difference Principle. Liberty has priority over equality, and equality regulates distribution once liberty is secured. Rawls later softens the liberty principle from "the most extensive total system" (*A Theory of Justice*) to "a fully adequate scheme" (*Political Liberalism*), answering **H. L. A. Hart's** point that liberty cannot always be mechanically ranked by rational preference.

Reflective equilibrium

A method of moral justification — a balance between general principles and considered judgments, adjusted until they form a coherent system. **Narrow** reflective equilibrium aligns beliefs with a particular set of principles; **wide** reflective equilibrium adjusts beliefs in light of all relevant moral considerations. It gives moral justification to principles and avoids both pure intuition and rigid deduction.

10 Contractual & Distributive; Justified Discrimination; Liberal Egalitarianism

Contractual and distributive character. The theory is **contractual** — principles are chosen in the original position, parties agree unanimously under fair conditions, the contract is hypothetical not historical. It is **distributive** — principles regulate the allocation of primary social goods and the Difference Principle protects the least advantaged. **Tom Campbell** calls justice the central and commanding concept of normative political philosophy; **Crawford Brough Macpherson** calls the theory an elegant defence of a liberal democratic welfare state while arguing it rationalises liberal beliefs rather than giving a universal law theory; **Robert Nozick** attacks it as an "**end-state**" theory that reconstructs society to a preferred final pattern. Yet Rawls' work inaugurated "a golden age in theorising about justice."

UPSC 2017 · 20m Rawls' theory of justice is both contractual and distributive. Examine.

Democratic equality & justified discrimination

Rawls calls the Difference Principle a form of **democratic equality**: unequal rewards are not rejected automatically, but inequality must improve the condition of the least advantaged, since natural endowments and social starting points are **morally arbitrary** and institutions must correct the unfair effects of luck. Limited discrimination is justified when it raises the position of the least advantaged and preserves equal liberty — through progressive taxation, affirmative action, property-owning democracy, a social minimum, India's reservations, the U.S. Civil Rights Act. This is not charity; it is **institutional reciprocity**. Critics: collectivists see trickle-down capitalism, Marxists say the veil hides private property and exploitation, libertarians say redistribution forces the meritorious to part with holdings, **Amartya Sen** says the deprived need capabilities beyond primary goods, socialists call it a "vulgar defence of inequality," **Brian Barry** doubts liberty's lexical priority follows from rational choice.

UPSC 2018 · 15m Analyse John Rawls' justification of discrimination to achieve the goals of justice.

How Rawls enriches liberalism

Four enrichments: liberty stays central (equal basic liberty has lexical priority); equality enters liberalism (social-economic inequality must be morally justified); the welfare state gets a philosophical defence (redistribution becomes a requirement of justice, not compassion); liberalism becomes anti-utilitarian (minority

rights cannot be sacrificed for aggregate welfare). He rejects Soviet-style communism (violates basic liberties, fails fair opportunity) and laissez-faire capitalism (unequal life chances, weak fair competition). His preferred form: a **property-owning democracy** — wide distribution of productive assets, social minimum, fair value of political liberties, economic independence. **David Hume's** circumstances of justice and **Immanuel Kant's** moral autonomy influence him; his distributive justice compensates for morally arbitrary misfortune in the social and natural lotteries.

UPSC 2021 · 20m How has Rawls enriched the idea of justice in liberalism? **UPSC 2025 · 15m** Explain how Rawls used the liberal and egalitarian perspective to develop his concept of distributive justice.

11 Rawls' Political Liberalism

In *Political Liberalism*, Rawls answers communitarian and pluralist criticism by distinguishing a **political conception of justice** from a **comprehensive doctrine**. The political conception applies only to basic political and economic institutions, does not govern the whole of personal life, is free-standing, and does not depend on one religion, morality or philosophy — it arises from the public political culture of a democratic society.

Comprehensive doctrines cover all of life — utilitarianism, Kantianism, Judaism, religious worldviews, moral philosophies. Rawls does not ask citizens to abandon them; he asks them to accept a shared political conception for the basic structure.

Overlapping consensus

How can citizens holding different comprehensive doctrines accept the same principles of justice? They support one political conception for different moral, religious or philosophical reasons. This differs from mere compromise — compromise is strategic and temporary; overlapping consensus is moral and stable within democratic culture.

Reasonable pluralism is a normal feature of democratic culture: citizens disagree because they reason from different experiences and values. The **burden of judgment** — complex evidence, different weights on values, diverse experiences, the limits of reason — sets limits on what can be reasonably justified to others, and supports toleration and public reason.

12 Criticism of John Rawls

Attacked from every side — the critics around Rawls

Nozick too redistributive; talents are not common assets	Marxists too capitalist; veil hides class & property	Communitarians too individualistic; abstract self
Feminists gender-blind; family left unexamined	JOHN RAWLS justice as fairness	Amartya Sen too institutional; capability over goods
Isaiah Berlin lexical ordering denies value pluralism	Brian Barry liberty priority not forced by rational choice	Schaefer Difference Principle may breach Kantian equality

Criticism refines Rawls more than it displaces him — he stays the central reference point.

Functional & logical

Jean Hampton: the theory may not be truly contractarian — the veil, not bargaining, produces the Two Principles, and since all parties behind the veil are identical, real bargaining is unnecessary. Also, the defence of maximin is problematic: if parties care little for gains above the minimum, this conflicts with the assumption that each wants as much primary social goods as possible.

Libertarian & Marxist

Robert Nozick (Lockean): treating talents as common assets reduces dignity and self-respect; a person may be entitled to talents even if undeserved; using the better-off for the worst-off violates the Kantian no-means principle; redistribution violates just holdings. **Friedrich August von Hayek** too gives primacy to liberty and accepts market inequalities. Marxist: the veil ignores class relations — deliberation without knowledge of property is meaningless. **Crawford Brough Macpherson:** the system defends private capitalist enterprise and the Difference Principle resembles trickle-down. **Bhabatosh Dutta:** maximin can justify enriching the rich if some benefit trickles down; raising the minimum need not reduce inequality; filtration theory is empirically disproved. (**Buchanan:** Marxism rests on class struggle and historical development, not abstract moral philosophy.)

Feminist & capability

Feminists say the theory neglects gender, family, unpaid care and intra-household power. **Susan Moller Okin:** Rawls does not examine justice inside the family, the veil omits sex, generic male language hides women, the monogamous family is treated as basic but its internal inequality is unexamined. **Martha Nussbaum** notes the absence of women in the original position; **Carole Gilligan** (*In a Different Voice*) offers an ethics of care; **Catherine MacKinnon** is also placed among feminist critics. **Amartya Sen:** equal primary goods do not create equal real freedom — people differ in health, disability, gender and circumstance — so the primary-goods metric is inadequate and may yield “unjustified inequality and unfairness.”

13 The Communitarian Critique of Rawls

Liberalism vs communitarianism. Liberalism: the individual is prior, liberty primary, right prior to good, the common good often the sum of individual goods. Communitarianism: the individual is situated in community, identity shaped by language, history, religion, family and culture, the good prior to right, the common good more than a sum of private interests. **Will Kymlicka:** “Communitarians believe that the value of community is not sufficiently recognized in liberal theories of justice, or in the public culture of liberal societies.” The core objection: Rawls imagines an isolated, abstract, unencumbered self, whereas real persons are embedded and moral choices cannot be made outside community.

“To imagine a person incapable of constitutive attachments...is not to conceive an ideally free and rational agent, but to imagine a person wholly without character.” — **Michael Sandel**

Thinker	Work	Core idea	Key line
Michael Sandel	Liberalism and the Limits of Justice (1982)	the self is constituted by its ends, not prior to them; the state should promote the community's good, not stay neutral	“the image of the unencumbered self is flawed”
Alasdair MacIntyre	After Virtue (1981)	virtues develop inside traditions; liberal neutrality breeds moral relativism; agency is narrative	“Morality which is no particular society's morality is to be found nowhere.”
Charles Taylor	Sources of the Self (1989)	rejects atomism; identity is self-interpreting; selves exist within “webs of interlocution”	“we are selves only in that certain issues matter for us”
Michael Walzer	Spheres of Justice (1983)	complex equality — each good distributed by its own social meaning; no sphere should dominate another	money should not dominate politics; wealth should not buy health, education or power

Michael Walzer's definition: “Complex equality means that no citizen's standing in one sphere or with regard to one social good can be undercut by his standing in some other sphere, with regard to some other good.” Criticism of Walzer: no reliable method to compare income, wealth, reputation, power, education and health; a strong ethical vision but a weak political mechanism.

Assessment. The critique shows justice cannot ignore culture, that identity is socially formed and the neutral state is not fully neutral. Its limit: community norms may preserve hierarchy, patriarchy, caste or authority, so cultural recognition must still answer liberty and equality. In multicultural societies the debates on religious freedom, personal law, the Uniform Civil Code, the **Shah Bano** case and the **Shayara Bano** case show the tension between universal equality and community identity. Rawls answers in *Political Liberalism* through the political conception, reasonable pluralism and overlapping consensus.

UPSC 2019 · 15m Examine communitarian perspectives on justice. **UPSC 2023 · 15m** Rawls' idea of the “liberal self” is too individualistic. Explain the communitarian critique.

14 Robert Nozick's Entitlement Theory

Developed in *Anarchy, State, and Utopia*. Where Rawls is influenced by **Immanuel Kant**, **Robert Nozick** is influenced by **John Locke**. His maxim: “From everyone as they choose, to everyone as they are chosen” — against the communist “From everyone according to his ability, to everyone according to his need.” He rejects **patterned distribution**: what a person earns through work and legal rules is their entitlement, and the state cannot seize holdings for public interest if acquisition and transfer are just.

Three principles of entitlement

- **Justice in acquisition** — how holdings are first acquired; must not violate others' rights; akin to Locke's proviso, “as long as enough and as good is left for others.”
- **Justice in transfer** — voluntary transfer by gift, exchange, sale, labour or enterprise; no force or fraud; contracts must respect individuals as ends.
- **Rectification of injustice** — unjust acquisition or transfer must be corrected; the state or international community may intervene to restore justice.

Nozick accepts that history contains involuntary transfers, but as long as present disparities arise from voluntary transfers he is untroubled by inequality. He reduces the state to a **nightwatchman / dominant protective agency** — protect against force, theft and fraud, enforce contracts, protect rights; any state beyond minimal protection violates rights.

Criticism: entitlement may ignore unequal social starting points; justice cannot focus only on giving and receiving holdings; historical injustice makes present entitlement hard to verify; first acquisition can create scarcity; market transfer may be formally voluntary but socially unequal; the minimal state cannot address structural deprivation.

Aspect	John Rawls	Robert Nozick
Equality and liberty	equality and well-being of least advantaged	liberty and property rights
Redistribution	supports redistribution for greater equality	opposes forced redistribution
Role of state	active state to correct inequality	minimal state
Justice	fairness and primary goods	historical entitlement
Policy	welfare, progressive taxation, public education	limited state intervention

UPSC 2022 · 15m Examine the entitlement theory of justice.

15 Ronald Dworkin's Theory of Justice

Ronald Dworkin — American philosopher, jurist and constitutional scholar. Central claim: **equality is a sovereign virtue**; every individual has a right to equal concern and respect. Two dimensions: **equal treatment** (similar cases treated similarly unless there is good reason otherwise) and **equal assets** (a just society must equalise starting assets). He criticises utilitarianism for sacrificing individual rights to collective welfare and failing to give individuals inherent value.

Welfare vs assets. Dworkin rejects **equality of welfare** — trying to make everyone equally satisfied rewards expensive tastes and blurs personal responsibility. He supports **equality of assets**: distribution must distinguish choice from circumstance — individuals are responsible for choices, while society compensates for unchosen disadvantage.

The auction & the envy test

Individuals receive equal purchasing power and bid for goods by preference. Distribution is just if it passes the **envy test** — if no one prefers another's bundle to their own, it is envy-free and just.

Two sensitivities: **ambition sensitivity** (outcomes reflect personal choices, plans and ambition) and **endowment sensitivity** (inequalities from natural talent, disability or brute luck are addressed through hypothetical insurance). He distinguishes **brute luck** (uncontrollable circumstance — should be mitigated) from **option luck** (outcome of deliberate choice — not automatically compensated), and criticises Rawls for not adequately separating the worst-off due to choice from the worst-off due to circumstance. Community determines the value of goods, so market value and social valuation affect distribution.

16 Amartya Sen's Conception of Justice

Capability & freedom. Amartya Sen treats freedom as central — justice should enlarge real freedom. He shifts attention from utility, primary goods and formal equality to **capability** (real freedoms or opportunities to achieve valued beings and doings) and **functionings** (achieved states and activities — being healthy, educated, employed, participating). His question, "Equality of what?", is answered by equality of basic capabilities — capability defined through "a person being able to do certain basic things."

Critique of Rawls. Rawls fails to take sufficient account of human diversity: people differ in health, longevity, climate, location, work conditions, disability, gender, body size and social disadvantage, so equal primary goods may not produce equal capability — a severely disabled person may need more goods to reach similar functioning. Primary goods are an inadequate metric and may produce "unjustified inequality and unfairness."

Comparative assessment & public reasoning. Sen rejects the search for perfectly just arrangements in favour of comparative assessment, removal of clear injustice, public reasoning and democratic participation. The **flute example** (*The Idea of Justice*): Ann can play it (utilitarian), Bob has no other toy (egalitarian), Carla made it (libertarian) — there may be a plurality of right answers, so justice must allow reasoned comparison, not one perfect blueprint.

Niti & Nyaya

Niti = correct procedures, formal rules, institutions, organisational propriety. **Nyaya** = actual social realisation, the lives people are able to lead, the world that emerges from institutions. Nyaya is broader — justice must examine outcomes, not only design. **Matsyanyaya** (big fish devouring small fish) is the injustice justice must prevent; abolitionists did not claim ending slavery would make the world perfectly just, only that slavery was totally unjust.

In the **Krishna–Arjuna** debate of the Bhagavad Gita, Krishna represents deontological duty and Arjuna sensitivity to consequences — a theory of justice must account for both impartial principles and consequences for human lives. **Pratap Bhanu Mehta** criticises Sen: by avoiding transcendental principles his justice emerges only from available choices, which may weaken a firm standard of justice.

17 Feminist Conception of Justice

Feminist scholars argue that traditional theories exclude women and expose how patriarchy shapes law, family, social roles, rights, labour, morality and political theory. The traditional canon focuses on the public sphere, neglects the household, treats the family as natural rather than political, and overlooks care, dependency and gendered labour. **Julius Stone** reinforces a dynamic, contextual view — law evolves with social conditions — opening space for feminist critique.

Susan Moller Okin on gender & family

Susan Moller Okin brings gender and family into justice theory through the "**gender system**" — the institutionalisation of sex differences. Tradition, socialisation and role-fixation are gendered; legal systems perpetuate inequality by ignoring gender differences; women have been relegated to the household, whose concerns were excluded from justice since Aristotle; the gendered family is the root of gender inequality. She calls for reconstruction of roles, reconceptualisation of opportunities and women's participation in shaping a "human moral theory," and criticises **Michael Walzer's** cultural relativism even while acknowledging his attention to gender.

Feminist critique of Rawls

Rawls uses generic male terms ("he," "his," "man," "mankind"); the veil of ignorance does not explicitly mention sex; he recognises the monogamous family as a basic institution but does not examine justice inside it, assuming a fairly traditional gender system. **Martha Nussbaum** criticises the absence of women at the original position; **Carole Gilligan** (*In a Different Voice*) stresses an ethics of care against masculinist moral theory. Feminist conclusion: the family is not outside justice — care work, gender hierarchy and household power must be central to justice.

18 Dr. B. R. Ambedkar & John Rawls

Dr. Bhimrao Ramji Ambedkar roots justice in caste oppression and social humiliation. His justice is not merely formal — it demands caste abolition, liberty, equality, fraternity, dignity, the equal worth of men and women, the abolition of untouchability, constitutional safeguards, and social and economic equality.

"we are entering an era of political equality. But economically remain a deeply unequal society. Unless we resolve this contradiction, inequality will destroy our democracy." — **Dr. Bhimrao Ramji Ambedkar**

For Ambedkar, justice was "simply another name for liberty, equality and fraternity"; "equality may be a fiction but nonetheless one must accept it as a governing principle"; democracy is "a way of associated living" and an ideal society "should be mobile." **Gail Omvedt**: Ambedkar's vision of a new social order is summed up in the greatest slogan of the French Revolution — "Liberty, Equality, Fraternity." **John Rawls'** justice as fairness begins instead with a fair procedure — original position, veil of ignorance, identity-blind contractors — and treats whatever principles are chosen as just (**pure procedural justice**), tolerating limited inequality only when it benefits the least advantaged.

Aspect	Dr. B. R. Ambedkar	John Rawls
Central problem	caste, patriarchy, inherited hierarchy	fair terms of cooperation
Method	historical and constitutional reconstruction	hypothetical contract
Self	socially located and humiliated person	identity-blind representative individual
Justice	egalitarian and substantive	pure procedural with distributive correction
State	active tool of moral repair	institution securing fair rules
Target	group-based deprivation	least advantaged position
Redistribution	material repair of historical injustice	fair rules determine distribution

Indian constitutional commitments to justice, equality, liberty and fraternity resonate strongly with Ambedkar's egalitarian justice.

UPSC 2022 · 20m Dr. Ambedkar's idea of social justice leads to "egalitarian justice" compared to Rawls' "justice as fairness" which aims at "pure procedural justice." Comment.

19 Global Justice

In the twenty-first century justice is no longer confined to the state. Drivers: economic interdependence (movement of capital, labour, goods and technology; a rising rich–poor gap between countries), human rights (**Thomas Pogge**: "every human being has a global stature as the ultimate unit of moral concern"), global poverty, and transnational politics (domestic problems shaped by bodies such as the World Bank). Key works: **Charles Beitz** (*Political Theory and International Relations*), **Henry Shue** (*Basic Rights*), **Brian Barry** ("Humanity and Justice in Global Perspective"), **Steven Luper-Foy**, **Thomas Pogge** (*World Poverty and Human Rights*).

Rawls on international justice. **Charles Beitz** and **Thomas Pogge** extend the Difference Principle globally (affluent countries should aid the global South; global institutions perpetuate poverty). Rawls responds that domestic principles are not simply applied between societies: international justice needs principles among liberal and **decent peoples** — peaceful, securing basic human rights, under law guided by the common good, with a social hierarchy that exists with decency. His rules: mutual recognition of freedom and independence; observance of treaties; equity in agreements; non-intervention; a right of self-defence but not of war; honouring human rights; restrictions on the conduct of war; and assistance to peoples in unfavourable conditions.

Where does the duty of justice end — the border or the species?

STATIST

duty territory-bound; poverty from domestic factors; aid = assistance to burdened societies

Rawls (Law of Peoples) · decent peoples



COSMOPOLITAN

duty not territorially restricted; poverty from the international order; global egalitarian justice

Beitz · Pogge · Brian Barry · Caney · Steiner · Shue

each individual a "citizen of the world" vs special obligations to fellow citizens

Charles Beitz classifies views into political realism, the morality of states, and cosmopolitanism, and writes that cosmopolitanism "stands opposed to any view that limits the scope of justification to the members of particular types of groups." Forms of cosmopolitanism: extreme/moderate (**Samuel Scheffler**), strong/weak (**David Miller**), radical/mild (**Simon Caney**) — radical denies any nation-wide distributive principle; mild allows special obligations to fellow citizens alongside global ones.

Issue	Statist View	Cosmopolitan View
Cause of poverty	domestic culture, institutions, leadership, corruption	international order
Moral duty	territory-bound	not territorially restricted
Aid	assistance to burdened societies	global egalitarian justice

Pogge's theory is normative and empirical — concerned with poverty, avoidable suffering, global inequality and institutional responsibility. He stresses "the huge impact of the global economic order on the incidence of poverty worldwide," insists "Severe poverty is avoidable," and distinguishes a **negative duty** (not to harm), an **intermediate duty** (to avoid harm) and a **positive duty** (to help) — treating negative duties as more stringent than the positive duties discussed by Peter Singer, Henry Shue and Peter Unger. Responsibility for radical inequality lies mainly with affluent citizens of rich countries, the elites of poor countries, and present institutional arrangements.

20 Social Justice & Contemporary Importance

Social justice means organising society so that every person receives legal rights, dignity, fair opportunity, protection from exploitation and social-economic security. It is dynamic — it expands as society recognises new forms of deprivation, and earlier charity-based concerns (work, unemployment assistance, housing, education, welfare) become obligations of the state.

Core elements & objections

Primacy of community interest (individual claims may be limited when they harm vulnerable groups); interconnected political equality, social dignity and economic equity; a reformative thrust; operational safeguards — **Roscoe Pound**'s six social interests (security, institutions, morals, material goods, progress, individual rights) and eight jural postulates that translate justice into ordinary law; affirmative action; the welfare state. Objections: expanded state power,

bureaucratic patronage, threat to liberty, difficulty of measuring deprivation, new permanent inequalities, reduced incentive. **Friedrich August von Hayek** warns enforced equality may produce servitude; **John Rawls** defends institutional change when institutions are unjust; **Amartya Sen** adds that policy must be judged by actual freedoms.

Why Rawls still matters

Justice as fairness informs debates on income inequality and welfare; basic liberties protect civil liberties, privacy and political rights; *Political Liberalism* and overlapping consensus help with cultural-religious pluralism; his ideas shape global justice, intergenerational justice (the veil asks what present generations owe future ones), ethical decision-making and democratic values. The Difference Principle connects with progressive taxation and welfare; climate justice can use the veil to protect vulnerable countries and future generations. His concern for the least advantaged resonates with **Mahatma Gandhi**'s talisman and **Deendayal Upadhyaya**'s Antyodaya. Ongoing debates run through multicultural justice (**Will Kymlicka**), global justice (**Thomas Nagel**) and extensions of the theory (**Philip Pettit**).

Key texts beyond Rawls

Kelly Brown Douglas, *Stand Your Ground* (2015) · **Amartya Sen**, *The Idea of Justice* (2009) · **Laura Valentini**, *Justice in a Globalized World* (2011) · **Lea Ypi**, *Global Justice and Avant-Garde Political Agency* (2012).

21 Power Quotes — carry these into the hall

"Justice is the first virtue of social institutions, as truth is of systems of thought." — **John Rawls**

"social and economic inequalities are to be arranged so that they are to the greatest benefit of the least advantaged." — **John Rawls**

"The fairest rules are those to which everyone would agree if they did not know how much power they were going to have." — **John Rawls**

"justice is the bond of men in states, and the administration of justice ... is the principle of order in political society." — **Aristotle**

"From everyone as they choose, to everyone as they are chosen." — **Robert Nozick**

"the image of the unencumbered self is flawed." — **Michael Sandel**

"I can only answer the question 'What am I to do?' if I can answer the prior question 'Of what story or stories do I find myself a part?'" — **Alasdair MacIntyre**

"Complex equality means that no citizen's standing in one sphere ... can be undercut by his standing in some other sphere, with regard to some other good." — **Michael Walzer**

"From each according to his ability, to each according to his needs." — **Karl Marx**

Justice is "simply another name for liberty, equality and fraternity." — **Dr. Bhimrao Ramji Ambedkar**

"every human being has a global stature as the ultimate unit of moral concern." — **Thomas Pogge**

22 Scholar Index — if a name feels unfamiliar, go back to your notes

Ambedkar · Aristotle · Edmund Barker · Brian Barry · Norman Barry · Beitz · Bentham · Berlin · Buchanan · Ian Campbell · Tom Campbell · Caney · Chapman · Kelly Brown Douglas · Dworkin · Bhabatosh Dutta · Friedman · Gandhi · Carole Gilligan · Gorovitz · Hampton · Hart · Hayek · Hume · Charles Jones · Justinian · Kant · Kropotkin · Kymlicka · Locke · Luper-Foy · MacIntyre · MacKinnon · Macpherson · Marx · P. B. Mehta · David Miller · J. S. Mill · Nagel · Nozick · Nussbaum · Okin · Okun · Omvedt · Pettit · Plato · Pogge · Roscoe Pound · Rawls · Rousseau · Sachar · Sandel · Schaefer · Scheffler · Sen · Shue · Singer · Spencer · Steiner · Julius Stone · Charles Taylor · Unger · Upadhyaya · Valentini · Walzer · Iris Marion Young · Ypi

23 How UPSC Asks It — 2017–2025, mapped

Theme	Years & marks
Greek perspective vs the Rawlsian concept	2020 / 20m
Rawls' theory as contractual & distributive	2017 / 20m
Rawls' justification of discrimination	2018 / 15m
How Rawls enriched justice in liberalism	2021 / 20m
Rawls' liberal-egalitarian distributive justice	2025 / 15m
Distributive justice	2018 / 10m
Substantive justice	2018 / 10m
Communitarian perspectives / critique of the "liberal self"	2019 / 15m · 2023 / 15m
Entitlement theory of justice (Nozick)	2022 / 15m
Ambedkar's egalitarian vs Rawls' pure procedural justice	2022 / 20m

24 Today's Practice — write before the evening

1. How has Rawls enriched the idea of justice in liberalism? (UPSC 2021, 20m)
2. Examine communitarian perspectives on justice. (UPSC 2019, 15m)
3. Dr. Ambedkar's idea of social justice leads to "egalitarian justice" as compared to Rawls' "justice as fairness" which aims at the notion of "pure procedural justice". Comment. (UPSC 2022, 20m)

Model answers drop tonight on the Telegram channel — @psirbyamitpratap. Keep notifications on. Blank on the original position, the Difference Principle or a communitarian line? It is covered in full in your **Foundation & OGP** class notes and handouts — revise it, then write. **Don't break the chain.**

See you tomorrow with Day 4 — Equality.