

PREVIOUS YEAR QUESTION

UPSC 2017 · 20 marks

Rawls' theory of justice is both contractual and distributive. Examine.

• FLOW SNAPSHOT — how the answer moves

Intro routes

R1 contractual in method + distributive in result → the two bound together

R2 the hypothetical contract is the source → it generates and justifies the distribution

Body flow

revives contract tradition (**Locke** / **Rousseau** / **Kant**), hypothetical not historical → original position + veil of ignorance → impartial choice + maximin → fairness from a fair agreement → same contract fixes distribution → primary social goods → first principle (equal liberties) → second principle (fair equality of opportunity + Difference Principle) → least advantaged / **Barry's** chain principle → **Macpherson**: defence of the liberal democratic welfare state

Counter-view

Hampton: not truly contractual (veil, not bargaining, yields the principles)
→ **Nozick**: distributive side is an end-state theory imposing a pattern

Conclusion routes

R1 a fair contract grounds a fair distribution → the two characters reinforce each other

R2 despite the critics, **Rawls** opened a new era in justice theory

Rawls theory is contractual in method and distributive in result, and the two are bound together. The hypothetical contract he builds is exactly what produces and justifies his principles of distribution.

John Rawls revives the social contract tradition of John Locke, Rousseau and Immanuel Kant, but his version is hypothetical, not historical. In the original position, free, equal and rational persons choose principles of justice behind a veil of ignorance. Not knowing their class, talents or social place, they reason impartially. Justice becomes fairness because the principles flow from a fair agreement.

The same contract settles distribution. Its principles govern the allocation of primary social goods - liberties, opportunities, income, wealth, powers and self-respect. The 1st principle guarantees equal basic liberties. The 2nd permits social and economic inequality only through fair equality of opportunity & the difference principle.

Norman Barry's chain principle conveys this: the weakest link decides the strength of the whole.

Critics still question both labels. Jean Hampton argues the theory is not truly contractual, since the veil, not real bargaining, yields the principles. Robert Nozick rejects the distributive side as an end-state theory that imposes a chosen pattern.

A fair contract grounds a fair distribution and this union opened a new era in thinking about justice.