

# John Rawls: Theory of Justice and Critique by Amartya Sen

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\*Kafiullah

SACT-I, Department of Political Science, Chandidas Mahavidyalaya

**Abstract:** *This research paper examines the essential contributions of John Rawls and Amartya Sen to the discussion of justice. Rawls' foundational text, A Theory of Justice, presents the notion of "justice as fairness," highlighting the significance of impartiality via his theoretical frameworks of the original position and the veil of ignorance. His two principles of justice—equal basic rights and the difference principle—are scrutinized thoroughly, emphasizing their emphasis on distributive justice and institutional architecture aimed at aiding the least advantaged. Amartya Sen's critique in The Idea of Justice acts as a contrast, redirecting the discourse from theoretical institutional frameworks to justice centered on practical implementation. Sen contends that Rawls' theory, although perceptive, is insufficiently adaptable to confront pressing, real-world injustices. Utilizing the capacity approach, Sen reinterprets the meter of justice to emphasize individual liberties and possibilities, promoting a comparative perspective that transcends national borders to encompass global interdependencies. This paper examines the conceptual differences between Rawls and Sen, exploring their implications for current issues including inequality, poverty, and human rights. It highlights the impact of Rawls' theory on welfare policy in industrialized countries, whereas Sen's framework has shaped global development metrics such as the Human Development Index (HDI). The analysis continues by asserting the complimentary nature of their frameworks, which collectively provide a complex comprehension of justice that harmonizes ideal ideals with pragmatic implementations. This comparative analysis emphasizes the lasting significance of both philosophers while also addressing wider ethical issues related to systematic disparities in a global context.*

**Keywords:** *Justice, Ignorance, Veil of Ignorance, Fairness, Rights.*

## \*Corresponding Author

 Kafiullah, SACT-I, Department of Political Science, Chandidas Mahavidyalaya  
 kafiullah1990@gmail.com



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Justice is a fundamental and enduring idea in political philosophy, economics, and public policy. It examines the essential inquiry regarding the allocation of resources, rights, and obligations within a society to guarantee equity and justice. In his seminal work *A Theory of Justice* (1971), John Rawls established the concept of "justice as fairness," providing a systematic framework centered on impartiality and fairness. Rawls' theory is fundamentally based on the concepts of the original position and the veil of ignorance, which are intended to eliminate bias and establish fair standards for social cooperation. His focus on institutional design and distributive justice has significantly influenced contemporary liberal philosophy. Amartya Sen, in his significant critique articulated in *The Idea of Justice* (2009), disputes Rawls' emphasis on idealized institutional frameworks. Sen contends that justice need to be assessed through a realization-oriented framework that emphasizes the tangible eradication of inequalities instead of merely conceptualizing an ideal just society. His capabilities approach reinterprets the criteria of justice, redirecting focus from institutional regulations to the augmentation of individual liberties and welfare. Sen states: "What motivates us, understandably, is not the awareness that the world is not entirely just [...] but that there are evident injustices nearby that we aspire to eradicate" (Sen, 2009, p. vii). This study aims to critically analyse the philosophical discourse between Rawls and Sen, assessing their contributions and considering their relevance to current global issues such as inequality, poverty, and human rights.

John Rawls' notion of "justice as fairness," articulated in his major text *A Theory of Justice* (1971), represents a significant philosophical framework that examines the concepts foundational to a just society. At the core of Rawls' theory is the notion that justice constitutes the fundamental virtue of social organizations, akin to the function of truth in intellectual frameworks. Rawls contends, "Justice is the primary virtue of social institutions, analogous to truth in systems of thought" (Rawls, 1971, p. 3). This parallel highlight the essential role of justice in preserving the moral and functional integrity of societal frameworks. The basis of "justice as fairness" is Rawls' theoretical framework of the original position, a hypothetical situation in which reasonable individuals gather to determine the principles of justice that will regulate their society. In this scenario, individuals are situated behind a veil of ignorance, a state that conceals their personal attributes, social standing, capabilities, and inclinations. This abstraction guarantees impartiality, obliging participants to formulate concepts that are universally equitable and just, regardless of their future societal position. The veil of ignorance corresponds with Rawls' conviction that justice is founded on fairness rather than self-interest or random circumstances.

From this framework, Rawls formulates two fundamental principles of justice. The initial principle ensures equal fundamental liberties for everyone, safeguarding rights including freedom of expression, political engagement, and equal legal protection as inviolable. The second concept, termed the difference principle, permits social and economic inequalities solely if they are designed to help the least privileged members of society. These principles together seek to reconcile the demands of liberty and equality, promoting a society in which individual liberties coexist with community welfare. Rawls' focus on distributive justice is particularly significant, as it promotes equitable distribution of resources and opportunities rather than maximizing overall welfare. This viewpoint contests utilitarian frameworks that frequently rationalize considerable inequalities if they enhance overall societal welfare. In contrast, Rawls contends that a decent society must prioritize the welfare of its most vulnerable members, establishing a moral duty to elevate those disadvantaged by systematic injustices.

Rawls' emphasis on institutions further differentiates his approach. He asserts that justice must be actualized through the organization and operation of essential societal institutions, such as legal systems, markets, and public services. These institutions are tasked with implementing the concepts of justice, ensuring that societal actions conform to ethical standards. Rawls asserts that "Each individual has an inviolability based on justice that cannot be superseded by the welfare of society as a whole" (Rawls, 1971, p. 3). Although Rawls' theory has garnered much acclaim for its intellectual depth and ethical

perspective, it has also faced substantial criticism, notably from academics such as Amartya Sen. Sen critiques Rawls' dependence on idealized conditions and emphasis on institutional frameworks, proposing a realization-oriented approach that confronts tangible inequalities in practical contexts. Notwithstanding these objections, Rawls' concept of justice as fairness remains a fundamental element of contemporary political philosophy, shaping discussions on welfare, human rights, and social policy. Rawls' contributions transcend academic discourse, influencing practical frameworks in governance and public policy. His concepts form the foundation of various welfare state models, especially on the protection of individual freedoms while tackling systemic inequalities. Rawls establishes justice on the foundation of fairness, presenting a societal vision where ethical principles inform institutional architecture, promoting a peaceful equilibrium between freedom and equality.

Amartya Sen's critique of John Rawls' theory of justice, presented in *The Idea of Justice* (2009), signifies a significant transition in the discussion of justice from theoretical institutional models to the actualization of justice in pragmatic and comparative contexts. Sen recognizes Rawls' significant contributions to revitalizing the notion of justice in political philosophy, however he questions the sufficiency of Rawlsian idealism in confronting actual injustices. For Sen, justice entails not only articulating the ideas of an ideal society but also recognizing and addressing the evident injustices affecting individuals and groups in varied and intricate circumstances. Rawls' *A Theory of Justice* focuses on the ideas of "justice as fairness," which are based on the theoretical concepts of the original position and the veil of ignorance. These instruments allow participants to choose principles of justice without bias. Sen faults this approach for being excessively focused on idealistic institutional designs, contending that it overlooks the varied realities and pressing injustices encountered by individuals. Sen asserts that the Rawlsian framework stresses ideal institutional arrangements—those that delineate the characteristics of a perfectly just society—over a pragmatic approach focused on mitigating injustice.

Sen's emphasis on comparative justice gives a novel perspective on the concept of justice. He contends that justice ought to focus on enhancing individual lives by rectifying concrete deprivations and disparities, irrespective of whether society as a whole attains an idealistic benchmark. This viewpoint, referred to as "realization-focused comparison," redirects the attention from speculating on an unreachable ideal to practical measures that rectify addressable injustices. According to Sen:

"What moves us, reasonably enough, is not the realization that the world falls short of being completely just—which few of us expect—but that there are clearly remediable injustices around us which we want to eliminate" (Sen, 2009, p. vii).

Sen's critique prominently features the capacity approach, which he initially developed in conjunction with Martha Nussbaum. This approach reinterprets the meter of justice from the distribution of primary goods, as suggested by Rawls, to the actual freedoms and capabilities individuals have to attain valuable states of existence. Sen contends that the emphasis on primary goods presupposes a uniformity in individual needs and abilities that is inconsistent with the varied realities of human life. A disabled individual and an able-bodied individual may necessitate significantly different resources to attain equivalent levels of autonomy and well-being. Justice, in this context, beyond simply equitable distribution; it involves empowering individuals to transform resources into fulfilling lives.

Sen further challenges the insularity of Rawls' theory, which restricts justice to the borders of a nation-state. In a worldwide society marked by interconnectedness and international difficulties, Sen underscores the importance of a global view on justice. He contends that the tenets of justice must surpass national borders to rectify global disparities in money, power, and opportunity. According to Sen's observations:

"In a world that is characterized by extensive interconnections, the lives of people across borders are deeply influenced by what happens in other countries. Global justice cannot be dismissed as a matter of secondary importance" (Sen, 2009, p. 26).

Sen's critique seeks to broaden the breadth and applicability of Rawls' theory rather than to dismantle it. He values Rawls' focus on fairness but challenges its singularity as the paramount norm of justice. By prioritizing comparative evaluations and pragmatic remedies, Sen offers a framework that is more attuned to the pressing ethical dilemmas of poverty, injustice, and human rights abuses. His work has profoundly impacted areas beyond philosophy, shaping the development of indices such as the Human Development Index (HDI), which evaluates well-being based on capabilities rather than solely economic measures. Sen's critique of Rawls signifies a fundamental transformation in the discussion of justice. His focus on realization, global perspective, and the capabilities approach urges us to reconceptualize justice as a dynamic and interactive process, grounded on the lived realities of individuals. Sen juxtaposes ideal theory with practical realities, offering a dynamic and inclusive framework that supports and surpasses Rawlsian justice.

John Rawls' *A Theory of Justice* (1971) is a seminal text in political philosophy, providing a paradigm for distributive justice grounded in fairness and equality. Rawls formulates his theory via the notion of the "original position," a theoretical scenario in which individuals, concealed by a "veil of ignorance," establish principles of justice without awareness of their societal status. These concepts guarantee equity by eradicating prejudices stemming from individual situations. Rawls articulates two essential principles: the principle of equal basic liberties and the difference principle, which permits social and economic inequalities solely if they assist the least advantaged members of society. Amartya Sen, significantly influenced by Rawls' theory, attacks it in his essay *The Idea of Justice* (2009), contending that Rawls' framework is excessively idealized and inadequately addresses real-world injustices. Sen underscores the necessity of a comparative framework for justice, prioritizing the elimination of evident inequities over the pursuit of an entirely equitable society. This critique presents a pragmatic aspect of justice, redirecting attention from abstract theories to attainable results.

Rawls' notion of justice is based on the principle of fairness, expressed through the principles selected in the initial position. He states: "Justice is the primary virtue of social institutions, as truth is of systems of thought" (Rawls, 1971, p. 3). This statement emphasizes Rawls' dedication to formulating concepts that guarantee equity within institutional frameworks. Sen challenges Rawls' focus on institutional arrangements, contending that justice cannot be limited to institutions but must also include the actual realities of individuals. Sen posits that the assessment of justice necessitates an emphasis on comparative results rather than institutional principles. Sen criticizes the abstraction of the original stance and the veil of ignorance, arguing that they neglect the pluralistic character of human communities. He contends that Rawls' principles, although theoretically sound, are insufficient for tackling real-world problems. Sen asserts that "the emphasis of Rawlsian theory on transcendental institutionalism... offers no direction for the tangible alleviation of injustice in the world" (Sen, 2009, p. 9). Sen's alternative, the "capability approach," redirects attention from Rawls' resource-oriented viewpoint to the genuine freedoms and capabilities individuals possess to pursue lifestyles they deem valuable. Rawls' theory focuses on the distribution of resources, whereas Sen highlights the potential accomplishments of individuals utilizing those resources, recognizing the variety of human needs and aspirations.

Sen has contested the difference principle, a fundamental aspect of Rawls' theory. Rawls contends that inequalities are acceptable provided they enhance the circumstances of the least advantaged. Sen challenges this theory for its narrow focus on systemic disparities and its dependence on hypothetical notions. Sen interrogates whether the emphasis on primary goods, pivotal to Rawls' paradigm, sufficiently encompasses the substantive opportunities accessible to individuals. He contends: "Equality in the realm of primary goods can coexist with significant disparities in actual capabilities" (Sen, 1992, p.

81). This objection highlights the contrast between Rawls' institutional emphasis and Sen's concentration on individual welfare. Sen's methodology promotes a comparative paradigm that assesses justice through the mitigation of tangible deprivations and disparities, rendering it more pragmatic and attuned to real-world circumstances. Furthermore, Sen critiques Rawls for his oversight of global justice matters. Rawls restricts his concepts to the context of a singular civilization, neglecting issues of global inequity. Conversely, Sen's comparative methodology broadens the discussion of justice beyond national confines, highlighting the interdependence of human welfare in a progressively globalized context. He advocates for a comprehensive framework that acknowledges the collective obligations of nations in confronting global injustices.

John Rawls' *A Theory of Justice* (1971) is widely considered a foundational text in political philosophy. Rawls presents an extensive theory of justice founded on principles of fairness, advocating for the creation of social institutions that guarantee equitable distribution of resources and opportunities. His notion of "justice as fairness" is founded on two principles: the first ensures equal basic liberties for all individuals, while the second allows social and economic inequalities solely if they advantage the least advantaged members of society, as articulated in the difference principle (Rawls, 1971). This notion of justice has faced considerable criticism, especially from Amartya Sen in his writings on justice and development. Sen contends that Rawls' theory is excessively concentrated on resource distribution and neglects wider dimensions of human capabilities and freedom. Sen criticizes Rawls for neglecting the multifaceted dimension of human existence and the significance of substantive liberties, which extend beyond the simple allocation of wealth and income. He emphasizes that a just society must address not only economic disparities but also the potential and opportunities available to individuals, underscoring the necessity for a comprehensive approach to justice that encompasses capacities, liberties, and the diversity of human experiences.

Sen's critique centers on capability theory, which redirects attention from Rawls' ideal resource distribution to individuals' actual achievements with those resources. Sen maintains that the assessment of justice ought to be grounded in individuals' freedoms and capabilities, specifically their capacity to pursue lives they deem valuable. Sen posits that the evaluation of justice necessitates the consideration of actual options accessible to everyone, representing a more comprehensive and inclusive perspective on the provisions of a just society. Sen's critique notably distinguishes between equality of resources, as proposed by Rawls, and equality of capacities. Rawls' approach posits that resource redistribution will ultimately enhance justice; however, Sen contends that such redistribution alone is inadequate since it fails to include the disparities in individuals' capacities to transform resources into meaningful functioning. For example, two individuals may possess identical incomes yet vary in their capacity to utilize that income for a satisfying life, contingent upon their health, education, and personal circumstances. Consequently, Sen advocates that justice should prioritize the enhancement of individuals' talents over the mere redistribution of resources.

Sen critiques Rawls' dependence on the "veil of ignorance" and the original position, when individuals are tasked with constructing a just society without awareness of their specific circumstances. Sen contends that this abstraction is excessively detached from the intricate realities of actual decision-making. He believes that the emphasis should be on augmenting genuine freedoms and opportunities for individuals, which can be more accurately assessed by empirical evidence and a solid comprehension of human well-being. In conclusion, whereas Rawls' *Theory of Justice* represents a pivotal advancement in political philosophy, Amartya Sen's critique provides a more nuanced and pragmatic viewpoint on justice. Sen's focus on capabilities underscores the necessity of evaluating individuals' genuine potential for well-being, beyond mere resource distribution. His critique advocates for a transition in the discourse on justice from abstract theories to methodologies that are more intimately linked to human existence and liberties. According to Sen, "Justice is not merely concerned with the allocation of goods, but with

the opportunities individuals possess to attain what they value" (Sen, 2009). This expansive perspective on justice significantly influences our understanding of fairness and equality in modern society.

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