RESEARCH ARTICLE

JUSTICE AS FAIRNESS IN ACTION: EVALUATING THE ECONOMIC FEASIBILITY AND CRITICAL PERSPECTIVES ON RAWLSIAN PRINCIPLES

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ARTICLE INFO	ABSTRACT
	John Rawls's "A Theory of Justice" posits justice as a fair framework where free people with equal rights work together in an economic system that is equitable to all. The Liberty Principle and the Equality Principle are two cornerstones of Rawls's theory, which advocates for just equity and individual liberty. Rawls believes humans should not be seen as mere tools to achieve social goals but as rational beings capable of reasoned choice. He advocates for a more equitable society where everyone has the chance to achieve their dreams. The "veil of ignorance," a thought experiment, suggests that society should be designed without knowing one's place in it, guaranteeing equitable distribution of rights and resources. However, Rawls's principles have faced criticism from communitarian thinkers Michael Sandel and Alasdair MacIntyre, who question their practicality and ethical coherence. Sandel argues that Rawls's theory promotes an "a social individualism" that damages the interdependence of people and their communities, while MacIntyre contends that morality is open to personal interpretation and cannot be universally rationalized. Despite these objections, Rawls's theory is still widely used, particularly in promoting democracy and reducing economic inequality through pre-distribution rather than post-hoc redistribution. However, concerns arise regarding the theory's applicability to modern capitalist systems, where it could impede innovation and productivity. Despite its intellectual strength, there is still debate over how to apply Rawls's theory of justice in a capitalist society, as it may fail to reconcile the complex realities of economic and social life with the abstract principles of fairness due to its conflict with economic imperatives and criticisms from communitarian and subjectivist viewpoints.

INTRODUCTION

In his seminal work, "A Theory of Justice", Rawls envisioned a society of free citizens holding equal basic rights and cooperating within an egalitarian economic system. According to him, "Justice" meant "fairness" and only a society based on egalitarian principles can be considered fair and just. First and foremost, Rawls's theory of justice, as proposed by him in 1971(RAWLS, 1971), primarily focused on two principles, which are often called the twin principles of Rawlsian justice: The liberty Principle and the Equality principle. Through the Liberty principle, Rawls advocates for individual liberty as an inalienable right; one to be equally distributed among people. His understanding of people as "rational" beings plays a part in justifying this principle. Both of Rawls's ideas are inspired heavily by the work of philosopher Immanuel Kant. In his "Metaphysics of Morals" (Kant, 1797), Kant distinguished between choices and acts based upon reason, and ones based on animal instincts; a human, althoughsubject to a certain degree to his instincts, is still capableof making choices based upon pure reason, and thus he is rational.According to Kant, it would be immoral for beings that possess an autonomous will (case in point, rational beings such as humans) to be treated as a means to an end, regardless of whether those ends are the completion of some societal goal or the maximization of happiness. Rawls'srationaleis similar, that rejects teleological and utilitarian postulations;the former advocates for the good over the individual right, and the latter can violate egalitarian principles. He states, "A just social system defines the scope within which individuals must develop their aims, and it provides a framework of rights and opportunities and the means of satisfaction within and by the use of which these ends may be equitably pursued"[Page 28, para 1, "A Theory of Justice"]. Therefore, in a Rawlsian society, one must have full liberty to practice their autonomous will and the society must be one where the rule of law is absolute. The Equality principle, in simple terms, can be said to be a justifiation and postulation of equity instead of absolute equality; it states that inequality cannot be tolerated except in the case where it

benefits someone who is disadvantaged, to begin with. Rawls, furthermore, proposed a thought experiment called the "veil of ignorance"; in it, one must first envision a pre-political state of being, which Rawls refers to as the "Original position"(an idea that is somewhat indebted to the contractarian theory tradition for its conceptualization). In this state, a society is to be designed from scratch; and, to prevent personal interests from tilting the societal structure in one individual or group's favor, Rawls further asks us to assume a symbolic "veil" that hides ourbeliefs, biases, as well as our conception of "good" and whatever constitutes a "good" life. As a "rational" being, one would logically want to distribute individual and social rights equally, to maximize their own benefits; since they aren't aware of their own place in society while they are placed under the veil of ignorance. Rawls's ideas have been critiqued extensively by communitarian thinkers such as Micheal Sandel and Alasdair MacIntyre. This paper primarily focuses on Sandel's critique of Rawls's theory of the individual self in "Liberalism and the Limits of Justice (1982)" (Sandel, 1982), where he scrutinizes Rawls's critiques one thatisolatesthe individual from the community that he/she is a part of; a characteristic of his philosophical approach he calls"Asocial individualism". Sandel's subjectivist argument is in contrast to Rawls's objectivist stance regarding the conceptualization of the self; he also points to the inconsistency between the difference principle and Rawls's moral postulation. Regarding MacIntyre's critique of Rawls, this paper leans on his emotivist argument against Rawls's postulation, which scrutinizes the objectivist notions implicit in the Rawlsian assumption of what instigates cooperation among people in a society. Rawls suggests that in the original position, a set of principles are agreed upon that determine what the public conception of justice will be; MacIntyre opposes this with his emotivist stance, stating that a rational agreement cannot take place for a public conceptualization of justice due to the lack of a true impersonal standard. However, argumentative speech may suggest there does exist one. Although Rawls's theory of justice offers a convincing argument favoring a liberal deontological view of justice, communitarian critiques bring it under scrutiny for its lack of feasibility and some alleged generalizations. The first of the following two sections seeks to Hypothesize a Rawlsian property-owning democracy, to demonstrate the extent to which Rawlsian liberalism remains feasible. The second section will seek to integrate the critiques of Rawlsian deontological theory to formulate a definitive conceptualization of justice.

A Rawlsian Democracy: To envision a truly Rawlsian society, one must first understand the type of society that would be able to incorporate Rawls's ideals into its basic structure and bring them to fruition. Rawls, when postulating his ideals in his book, mentions that a property-owning democratic system would be able to do so. He borrows the term "Property-owning democracy" from J.E. Meade's "Efficiency, Equality, and the Ownership of Property (1964) (Atkinson, 1996)". The term, however, was originally coined by Noel Skelton; Skelton described it as a conservative response toleft-leaning ideas (Ron, 2008). Meade's conceptualization is that of an ideal society in which property ownership is broadly distributed throughout the population. At first glance, this system appears congruent with the liberal egalitarian principles that Rawls's theory is based on. The re-distributive aspects of it comply with the difference principle

and ensure that any natural disadvantages a person may become subject to, are all accounted for. However, Rawls's main argument in favor of a property-owning democracy relies not on its re-distributive aspects but its pre-distributive ones. On page 15 of the revised edition of "A Theory of Justice", Rawls states, "Property-owning democracy avoids this (inequalities), not by redistributing income to those with less at the end of each period, so to speak, but rather by ensuring the wide-spread ownership of productive assets and human capital (educated abilities and trained skills) at the beginning of each period.". What this pre-distribution entails is access to rights such as equal occupational opportunities, minimum wages, and the right to education from the very outset, instead of regularly dispersing goods equally to everyone at the end of each interval. In contrast to this, one may observe the Soviet distribution of rights, which relied on *re-distribution* as much as it did pre-distribution. It can be argued that in a practical sense, Rawls is advocating for the distribution of economic goods that will be the most *Pareto efficient*. Pareto efficiency or Pareto optimality is a situation where no action or allocation is available that makes one individual better off without making another worse off. This ensures that no person gets an unequally large or unequally meager share.

Critiques of Rawlsian liberalism: Micheal Sandel, a communitarian thinker, critiqued Rawls in his "Liberalism and the Limits of Justice" on two grounds. His first critique sees him point out the discrepancy between the difference principle, and Rawls's Kantian moral stance, i.e., that a person must not be treated as a means to an end. The difference principle asks for certain people's talents to be utilized to deliberately distribute rights and goods unequally, such that the disadvantaged sections of society may benefit more, thereby creating a level playing field. However, Sandel suggests that in this scenario, the people whose talents are utilized are being treated as a means (through their talent) to achieve an end goal (benefit of the underprivileged); something that Rawlsian ethics does not approve of in any other context. Although a validcriticism, Sandel has mostly concerned himself with the normative aspects of Rawlsian justice; namely his moral stance on the treatment of an individual as a "means to an end", which is incongruous with the difference principle.Stephen Mulhall and Adam Swift described quite succinctly Sandel's argument as one intended "…to point out that the sacrifices demanded in the name of justice may be a great deal more significant and extensive than liberals tend to admit…" [Page 55, Liberals and Communitarians, Mulhall and Swift] (Mulhall & Swift, 2002). In Sandel's view, Rawls has adopted a highly individuated understanding of the "self" which discards the community as a potential ingredient in its formation. Inhis view, the interaction between the self and the community takes place because it leads to a social advantage for the individual. This claim is arbitrary on two levels. The first assumption in this claim is of moral disinterest, i.e., a lack of any other reason other than self-interest that motivates a person's actions; the second assumption is of a lack of prior moral ties one may have to the group or community they belong to. On top of the arbitrary nature of the aforementioned claims, Rawls does not recognize the individual as an extension of his community. Rawls's subject, disconnected from the social aspect of his life, is envisioned incoherently. C. Edwin Baker, in his essay, "Sandel on Rawls" (Baker, 1985), commented in favor of

Sandel's critique, stating how this Rawlsian self is "…incapable of self-reflection or cognition in the sense of learning or comprehending who she is.". After all, a person's identity is shaped by their immediate sociocultural surroundings *as well as* their history with them. And yet, a version of the self is envisioned by Rawls that isolates them from those surroundings. Therefore, to call them fully autonomous beings, capable of choosing for themselves is an idea that lacks practicalbasis. This can have great ramifications because a part of the argument that "the right must be prior to good" is that certain principles of justice that specify our rights must depend on any preconceived notion of justice. With the acknowledgment of the inseparability of the individual and his history with the community, the whole liberal argument is affected. In simpler terms, it is realized that it is not possible to separate an individual from their individual sense of justice, as it is simply incoherent. MacIntyre, in his book, "After Virtue (1981) (MacIntyre, 2007)", like Sandel, takes a subjectivist stance against Rawlsian liberalism.He too targets the Kantian distinction between manipulative and non-manipulative social interactions. MacIntyre subscribes to an emotivist ideology; an ideology which itself is a subset of the subjectivist view of ethics. With this stance, he argues that there is no objective view that can determine which action can be considered moral or immoral; something that was made clear during the Enlightenment period with the failure of endeavors to give morality a rational explanation. Instead, he argues that such assessments of morality are made independently by individuals. This argument is a muchmore convincing one relative to Kant's objectivist notion of ethics, for the latter relies on several arbitrary assumptions in order to give a rational explanation of morality.

It is evident that the will can be more fluid than what is being argued by the two thinkers. One's choices are influenced by their interactions with people around them, and so, their will is not exclusively individual. Instead, it is a result of all of one's experiences, both social and individual. Hence, the line that separates manipulative and non-manipulative action gets blurred, seeing how so much of what influences, and thus, "shapes" the individual's will, is in fact his social life. For instance, if a person's will informs him that "stealing is wrong", it is because that value has been imbued in him during his formative years. Now, if it were his parents who raised him to think so, then are they not, in a Kantian sense, treating him as a means to an end? With the end goal being that their child does not partake in the act of thievery? An emotivist stance is, therefore, the only appropriate one to take as the Kantian one is evidently ambiguous. Will Kymlicka, a Canadian philosopher expresses a similar sentiment, stating that the societal culture of each individual should be considered a "social primary good" (van Leeuwen, 2006). Rawls responded to these criticisms in his "Political Liberalism". In it, he reworks his conception of justice by formulating his new postulation such that it does not depend on a conception of the individual self at all. The discussion that now takes place in the original position is one where people come to a political consensus on justice instead of a comprehensive conception as they did in his deontological liberal framework in "A Theory of Justice". This means that in the new conception, people no longer come to a consensus about normative principles of justice or their idea of "good". Instead, Rawls's new freestanding idea of "political consensus" suggests that all people will agree upon selected political rules and doctrines, each for their own reason and with their own individual sense of justice. The idea of "Political Consensus", thus, appeals to the emotivist critique of MacIntyre, and finds a convergence point with his view. The arbitrary nature of Rawls's advocacy for equality and liberty certainly remains a point of contention. The underlying objectivist notions in this argument fail to find purchase in the eyes of Sandel and others. Yet, this does not render the theorynecessarily inutile. One does not need to advocate for individual rights on a Kantian basis, i.e. assume the universality of 'liberty' as a right. One may instead argue for them, as Sen did, on the basis of their instrumentality in national development. Most would agree with Rawls when he states that dignity is to be prioritized along with liberty and equality, for it is true that one cannot meaningfully exercise their rights nor contribute to societal development at large without the fulfilment of certain basic social and economic needs; in simpler words, freedom is instrumental to development.

The Economics of 'Justice': A Difficult Dialogue: And yet, it is the field of economics that Rawlsian theory is locked in an irreconcilable dialogue with. Herrade Igersheim brought to attention this impossible dialogue by drawing on critiques of past economists (Igersheim, 2021). Rawls himself had attempted to marry his philosophical postulations with economic theory, but he soon distanced his theory of justice from the latter when the inconsistencies were made apparent. Rawlsian risk aversion would hinder economic productivity as it would establish a redistributive system that favors those with a high preference for leisure. Although Rawls seeks to offer an alternative to utilitarian principles, it has been widely acknowledged that he does not fully succeed in doing so. He states, "The talents of some may be used to benefit the backward and the least advantaged.". But this attempt to establish a level playing field would not necessarily eliminate social inequality itself; although some may understandably argue that it may. This is a debate particularly relevant in the contemporary Indian context, following the recent debates on the "creamy layer" categorization of SCs and STs. The idea of reservation, or rather affirmative action itself, is an attempt to "compensate" socially disadvantaged groups through a logic that is undeniably utilitarian; and one that equates utility with the benefits of reservation or financial aid.

CONCLUSION

Finally, Rawls's most compelling argument for justice is that it is fair, and more specifically, that doing what is right should take precedence over doing what is good. This concept strikes a chord with a lot of people because it advocates for people to have control over their own lives, without interference from others. Despite its persuasiveness, the principle of "fairness as equality" presents certain difficulties. Although philosophically sound, practical examination of Rawls's theory, especially as it pertains to a capitalist society, exposes inconsistencies. Some communitarian thinkers, like Sandel and MacIntyre, have pointed out the theory's flaws, namely how it ignores or downplays social realities. While these issues are partially addressed by Rawls's effort to rethink justice by shifting away from an individualistic focus, his revised theory still has trouble fitting in with economic theory.

The disconnect between Rawlsian risk aversion and the demands of market efficiency and profit maximization makes the theory difficult to adhere to. This makes the theory less applicable to real-world economic systems. When faced with the realities of economic development, even Sen's attempts to justify the prioritization of rights fall flat. When not put to use in pursuit of material gain, rights like private property and social equality become meaningless abstractions. The foundation of Rawlsian justice—that the right should take precedence over the good—is undermined by this. Further complications arise when considering the implementation of the difference principle, due to Rawls's denial of utilitarianism. The theory does not provide a clear way to achieve the level playing field it advocates because it dislikes utilitarian approaches. Although Rawls's theory of justice provides a solid theoretical foundation, there are still many obstacles to putting it into practice.

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