



Critic Of Rawls Theory of Justice

Libertarian Critique – Robert Nozick

When Rawls was painting his grand picture of **justice as fairness**, there was one strong voice of resistance – **Robert Nozick**, the libertarian.

Nozick says: *“Wait a second, Rawls. Why should the state take on this role of redistributing wealth and opportunities? That’s not fairness, that’s coercion!”*

Instead, Nozick comes up with his **Entitlement Theory of Justice**. And this theory rests on **three pillars**:

1. **Acquisition** – how you first acquire something fairly.
2. **Transfer** – how you pass it on to someone else fairly.
3. **Rectification** – how to fix things if injustice happened in acquisition or transfer.

That’s it. For Nozick, if these three conditions are met, then whatever you own is **justly yours**. Nobody — not even the state — has the right to take it away in the name of “redistribution.”

Now, this naturally leads him to a **Minimal State**. He calls it both **inspiring and right**. What does this minimal state do?

- It only protects **acquisition, transfer, and rectification**.
- It has **no distributory role**.
- Its job is like a referee in a match — to make sure the rules are followed, not to decide who should win or lose.

Nozick even went further: he argued that Rawls’s **difference principle** was like imposing **undue past justice** — forcing the talented to keep working for the less fortunate, which for him amounts to a violation of liberty, even a kind of “moral slavery.”

So, while Rawls said justice is about **fair distribution**, Nozick said justice is about **historical entitlement**. If you got something fairly, it’s yours — end of story.

Social Liberal Critique – Amartya Sen

Now we move to **Amartya Sen**, who steps in not as a libertarian like Nozick, but as a **social liberal**. His critique of Rawls is gentle yet powerful.

Sen says: *“Rawls, you are talking about rational choice of **abstract individuals** behind a veil of ignorance. But justice is not just about imaginary rational persons. It must be about the **social choice of real persons**, with real lives, real inequalities, and real struggles.”*

This is why Sen argued that Rawls’s theory cannot be truly **universal**.

The Flute Example – Ann, Bob, Carl

Sen beautifully illustrates this with the **flute story**:

- **Ann** made the flute (she claims ownership).
- **Bob** has no flute (he claims need).



- **Carl** knows how to play it (he claims ability).

Now, who should get the flute?

For Sen, this dilemma shows the **limits of Rawls**. Rawls's framework doesn't easily tell us who is right. Justice is not only about fair procedure but about evaluating **substance** — actual outcomes in human lives.

Niti vs Nyaya – Krishna and Arjuna

To drive this home, Sen uses a metaphor from the **Gita**:

- **Niti** means rules, procedure, correct methods.
- **Nyaya** means realised justice, actual removal of suffering.

Sen says Rawls got stuck in **Niti** (procedure), while true justice is **Nyaya** (substance, realised outcomes).

Influence of Buddha

Sen was deeply influenced by **Buddha**, who taught that justice must be **realisation-based** — focused on **minimising human sufferings** here and now, not waiting for perfect institutions.

So, in short, Sen's critique is this:

- Rawls gave too much weight to **procedure** and **abstract rationality**.
- Justice must be about **real people, real sufferings, and substantive outcomes**.

Feminist Critique – Ethics of Care

Now imagine Rawls designing his grand theory of justice — veil of ignorance, rational individuals, fair procedures. Beautiful, right?

But the **feminists** pause and say: “Wait. You forgot something crucial — **care, relationships, family, emotions**.”

Through the **ethics of care**, feminist thinkers argue that Rawls's framework is too **abstract, rational, and masculine**.

Difference Principle under Fire

Rawls's **difference principle** says inequalities are justified only if they benefit the least advantaged. Sounds fair.

But feminists point out — what about **gendered inequalities within the family**? Rawls assumes the **head of family** represents everyone's interest.

This hides the unpaid labour, sacrifices, and **burden carried by women**, especially in child-rearing and domestic work.



The Personal is Political

Here comes their powerful slogan: **“The personal is political.”**

Feminists argue that **justice does not stop at the political or economic structure**. It must enter the **home**, the **kitchen**, the **bedroom** — because inequality begins there.

Justice, they say, cannot be complete unless it addresses the **invisible power relations** inside the family.

So, the feminist critique is clear:

- Rawls’s **difference principle** ignores gendered disadvantage.
- His **head of family assumption** masks women’s struggles.
- Justice must include **ethics of care**, recognising that **the personal is political**.

Socialist Critique – Justice or Justification of Inequalities?

Rawls gave us a **theory of justice as fairness**, where inequalities are allowed **only if** they help the least advantaged.

But the **socialists** shake their heads and say: *“This is not a true theory of justice. This is simply a justification of inequalities.”*

Why Such a Harsh Charge?

For **socialists**, justice means **real equality** — in ownership, in class structure, in everyday life. Rawls, however, accepts **inequalities** as long as they satisfy the **difference principle**.

To the socialist eye, this looks like polishing inequality, giving it a moral cover — rather than dismantling it.

The Core of the Critique

- Rawls tolerates **unequal distribution** of wealth and power.
- He protects **liberty and property**, but doesn’t attack their unequal foundations.
- His principles may **smoothen capitalism**, but they don’t **transform society**.

So the socialist verdict is sharp: Rawls did not give us a **true theory of justice**.

Instead, he provided a **vulgar justification of inequality**, one that makes the poor *accept their condition* as “fair,” while the rich keep their privileges intact.

Communitarian Critique – The Call of the Community

Imagine standing in a crowded town square — voices, traditions, shared memories, stories of belonging. This is what the **communitarians** wanted us to remember when they critiqued Rawls.

Revival of the Public Sphere



Thinkers like **Hannah Arendt** and **Habermas** said: justice cannot just be about *abstract individuals* bargaining behind a veil of ignorance.

We must revive the **public sphere**, where people, as communities, debate values, culture, and the common good.

The Libertarian Contrast

- For **libertarians**, the **self is prior to society**.
- The **common good** is nothing but the sum of individual good.
- The **state** must remain **value-neutral** — not promoting any way of life.
- Politics is about **universal rights**, within a framework of the nation.

Sounds neat, yes? But communitarians ask: “*Is that how real humans live?*”

The Communitarian Answer

They say the self is not a floating atom.

It is an **embedded self** — shaped by family, culture, language, traditions.

Not just an **aggregation of organs**, but a being rooted in community.

Therefore, the state must promote values.

- Rights are not universal abstractions.
- Rights are **community- and culture-specific**.
- Politics becomes the **politics of community** — a living, breathing web of meaning.

So communitarians insist: Justice must honour **community, kinship, and culture** — not strip the individual from their root.

Sandel & Walzer – The Communitarian Deepening

Think about this: Can **rights** and **justice** ever float free of the soil that nourishes them?

This is exactly what **Michael Sandel** argued.

Michael Sandel – *Customs and Traditions Matter*

Sandel said:

- Rawls treats the individual as an **unencumbered self**, detached from society.
- But in reality, we are born into **customs, traditions, cultures**.
- Therefore, **rights and justice cannot be detached** from these living contexts.

Justice, he says, is **not abstract** — it is woven into the way of life of a people.

Michael Walzer – *Sphere of Justice*



Now comes **Michael Walzer**, adding another layer.
In his **Sphere of Justice**, he speaks of **complex equality**.

- Justice, for him, is **not homogenisation** — not one uniform principle for all.
- Instead, it is an **act of differentiation**.
- Different **spheres of life** (education, politics, economy, family) require **different principles of justice**.
- And crucially, **different communities** have **different justice** — what is fair in one society may not be fair in another.

The Communitarian Spirit

So Sandel and Walzer remind us:

- Justice is not a machine that produces the same output everywhere.
- It is a **moral conversation within communities**.
- Rooted in **culture, customs, and differentiated practices**.

In short, while Rawls sought a universal blueprint of justice, Sandel and Walzer pull us back to the **local, the cultural, the communal** — to justice as lived reality.

Rawls's Response – Political Liberalism

Rawls realized that society is not made up of identical individuals who all agree on one vision of the good life. Instead, modern societies are full of **different communities**, each with their **comprehensive doctrines** — religion, philosophy, moral traditions.

So in his book **Political Liberalism**, he **shifted gears**.

Reasonable Pluralism

- He said: Yes, there is **reasonable pluralism** — different communities will have different worldviews.
- But still, they can **cooperate**.
- How? Through an **overlapping consensus**: agreement on **political principles of justice**, even if their reasons differ.

Not Just Modes Vivendi

Rawls was very clear: this is **not a modes vivendi**.

- A *modes vivendi* is just a temporary **workable mechanism** — people cooperate because they must, without real desire.
- But Rawls wanted something deeper — a **moral commitment** to justice as fairness.



Justice as Fairness – Still the Core

For Rawls, his idea of **justice as fairness** remains the **most rational principle**.

- He admitted it may not be **fully applicable** to non-Western societies with different traditions.
- But in a **mature democratic political culture**, it works — and it works best.

Limited to the Political Sphere

Finally, Rawls narrowed the scope:

- His theory applies in a **liberal society**, and only in the **political sphere** — not to every aspect of life.
- So he wasn't imposing values on family, religion, or culture — just on the **public framework** of democracy.

So, Rawls's move was clever:

- He accepted **pluralism**, but not relativism.
- He distinguished **reasonable pluralism** from mere compromise.
- And he kept **justice as fairness** at the heart — but confined it to the **political realm** of a liberal democracy.

Rawls on Global Justice – The Law of Peoples

Let's take Rawls **beyond national borders**. Up till now, his "Justice as Fairness" was about one liberal democratic society. But then people asked him: *"Professor Rawls, what about the world? What about globalisation, inequality, and the North-South divide?"*

That's where his book **"The Law of Peoples"** comes in.

North vs South

- Rawls saw the **North** sitting with **property and prosperity**,
- while the **South** struggles with **poverty and deprivation**.
- He admitted there's a **democratic deficit at the global level** — no true world democracy to enforce justice.

Limiting the Difference Principle

- Remember his famous **difference principle**? Inequalities are just only if they help the worst-off.
- Rawls said: this **cannot be applied globally** — it's **limited** to the **democratic sphere** within one society.
- Why? Because the world is too plural, too divided — not yet a single cooperative scheme like a domestic society.



His Global Principles (Law of Peoples)

Instead of a world government, he gave **principles** for just interaction between nations:

1. **Respect for Sovereignty** – each people has the right to self-determination.
2. **Non-Interference** – no imposing one's will on another society.
3. **Respect for Treaties** – global cooperation requires trust and keeping agreements.
4. **International Code of Conduct for Prisoners of War** – even in conflict, basic human dignity must be preserved.
5. **Humanitarian Help during Natural Calamities** – moral duty to aid suffering societies in crisis.

Rawls was **not a cosmopolitan**. He didn't dream of a single global state. Instead, he imagined a **society of peoples** — nations relating to each other through **respect, dignity, and limited duties of assistance**.

He believed:

- **Justice as fairness** works inside liberal democracies,
- but globally, we must settle for a **more modest morality** — sovereignty, non-interference, humanitarianism.

So Rawls's vision of global justice is **realist yet moral, practical yet principled**.

PYQ

1. Rawls' idea of the liberal self' is too individualistic. Explain, in this context, the communitarian critique of Rawls' theory of justice. 15, 2023
2. Examine the entitlement theory of justice. 15, 2022
3. Examine communitarian perspectives on justice. 15, 2019
4. Explicate the conception of justice in the critiques of communitarian theorists. 20, 2014
5. To what extent does the Rawlsian goal of achieving social justice depend on an overarching consensus among cultural, religious and ideological groups. 60, 2000
6. Do you agree with the view that liberal theories are based on atomism, whereas communitarians have a social thesis? Present your line of argument. 2005, 60