



Rawlsian Theory of Justice: A Feminist Critique

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ABSTRACT: In his theory of justice, John Rawls addresses a number of ideas, including the importance of fundamental rights, the distinction between political and comprehensive doctrine, original position, veil of ignorance, stability, and justice as fairness and well-ordered society. Rawls employs what he refers to as “The Original Position” in his Theory of Justice as a means of outlining the fundamentals of justice in a perfect society. The ideal person in Rawls' Original Position will be briefly discussed in this essay, with an emphasis on his belief that they should be logical and selfless. Furthermore, in the Original Position, the logical, self-interested man selects justice principles that are mainly concerned with distributive justice; as a result, they are not suitable to address the injustices that originate from incorrect societal expectations. Feminist scholars have praised and questioned John Rawls' conception of justice as fairness. The feminist criticism that the two justice principles do not adequately address the problem of injustice inside the family will be the main topic of this essay.

INDEX TERMS: Justice, Fairness, Rationality, Society, Family, Care, Patriarchy

I. INTRODUCTION

In the matrix of human situational situations, the concepts of “correctness,” “value-awareness,” and “fellow-feeling” are viewed through the prism of justice, equality, and impartiality, which serve as the cornerstones of all ethical, cultural, and religious values held by humans. The significance of the others will be viewed as diminishing if one of these elements becomes less significant. The main point of this essay will be a feminist critique that suggests the two justice principles don't deal with the problem of injustice inside the family. To put the reader in the right frame of mind, a quick summary of Rawls's theory of justice will be given first. Following that, the article will look at the claim that the theory of justice does not adequately address the issue of family injustices, focusing on Susan Okin's critique of Rawls in this regard. In addition to forcing us to be more equitable, a more individualistic version of contractualism than Rawls' would be more suited to meet the issues of justice and the family brought up by feminist activists. Analyzing Rawls' theory's ambiguous position on the family will be necessary to achieve this. The impact of Okin's argument on the idea of the family is finally explored in this essay, which also aims to harmonize Rawls's theory of justice as fairness with the feminist understanding of justice within the family.

II. NEED OF THE STUDY

This study must comprehend that without the assistance of compassionate qualities, justice ethics alone cannot create a society that is well-ordered.

II. OBJECTIVE

To examine the idea of justice through the lens of modern civilization

III. LITERATURE SURVEY

In order to ensure that everyone is treated fairly and equally, the ethics of justice represents an ethical perspective in which moral judgments are established based on universal principles and laws, impartially, and verifiably. Conversely, the ethics of care comprise a moral framework wherein participation, amicable interactions, and consideration for others are crucial components of moral judgment in every moral circumstance. It is therefore necessary to maintain both the holistic, contextual, and need-centered nature of such therapy (from the ethics of care) and the fair and equitable treatment of all persons (from the ethics of justice) in the integrated application of the ethics of justice and care.

John Rawls, a philosopher, wrote 'A Theory of Justice,' a book on political philosophy and ethical principles, which was published in 1971. In addition to discussing the main obstacles and issues with distributive justice, the book shows the author's attempts to propose a moral theory that is different from utilitarianism. In contrast to other types of justice and disciplines, John Rawls argues in this book that his theory of justice is exclusively political in nature.

Susan Moller Okin mentions in her book 'Justice, Gender and the Family' that the failure to apply theories of justice to the family not only weakens our most treasured democratic norms but has also resulted in a severe crisis over gender-related issues, as demonstrated by Okin in the first feminist criticism of modern political philosophy.

IV. DISCUSSION

John Rawls makes the case that fairness should be the foundation for our understanding of justice in A Theory of Justice (1971). What Rawls refers to as "social justice" is his core area of interest, which is how social institutions distribute social benefits from what he refers to as "social cooperation" and assign rights and obligations.¹ According to Rawls, justice established by principles will accomplish two goals: first, it will provide a framework that the entire community can mostly agree upon, and second, it will provide a moral code that does not require particulars to regulate it. According to Rawls, people 'decide in advance how they are to regulate their claims against one another and what is to be the foundation charter of their society'² in a hypothetical social compact he refers to as "the original position," wherein principles of fairness will be decided upon.

In addition to advancing Kantian philosophy, Rawls' theory of justice is regarded as a variation on the social contract theory. According to the social contract idea, people's moral and/or political responsibilities are based on an agreement or contract among themselves, which forms the foundation of the society in which they live. John Locke and Jean-Jacques Rousseau are the most well-known exponents of this significant doctrine, following Thomas Hobbes. However, Rawls envisions a world where a social compact serves as the foundation for justice. He sees issues with the social compact since it does not always permit equality and fairness among society's constituents. In order to guarantee its just character, he suggests a social compact that is negotiated behind a "veil of ignorance."

We must talk about the concept of the "original position" in order to comprehend Rawls' theory of justice as fairness. In this hypothetical scenario, it is assumed that persons in the original position only knew an individual's humanity and no other information about them. According to the principles developed by independent, rational agents, equality and fairness will be present in the original situation. Individuals in the starting position lack precise information about themselves and others, and their ignorance of factors such as class, gender, strength, and intellectual capacity guarantees equity in the selection of the guiding ideals for the community. In this society, justice will be considered if everyone is logical, independent, free of identifying traits, and acts in mutual disinterest. Because of this, 'the principles of justice are chosen behind a veil of ignorance' in terms of equity and fairness.³ According to the definition of justice as fairness, the original position's agreed-upon standards of justice are fair since it represents 'the appropriate initial status quo'.⁴ Rawls goes on to say that those in the initial situation will select two justice principles, which he states as follows:

1. Every person has an equal and inalienable right to a comprehensive and equal scheme of basic liberties, which is consistent with a universal scheme of liberties;
2. Social and economic disparities must meet two requirements: first, they must be associated with positions and offices that are open to all under the terms of fair equality of opportunity; and second, they must be primarily beneficial to the least advantaged members of society (the difference principle).⁵

The first principle is that all citizens are equal and that every member of society has unalienable rights. The second principle addresses the governance of social and economic inequality and states that inequality is acceptable as long as it benefits everyone, particularly the less fortunate. The primacy of the first principle over the second is emphasized by Rawls. Based on the notion that justice is synonymous with fairness, society can only be considered just and fair if it can be demonstrated that there are disparities that serve the interests of all members of the community. In addition, since injustice arises when inequality does not serve the interests of all members of society, an unequal distribution of wealth cannot jeopardize any set of citizens' fundamental rights and liberties.⁶ Rawls's theory of justice comprises the following in its most basic form.

Justice is decided upon behind a curtain of ignorance, according to Rawls, who offers us a novel interpretation of these concepts. By doing this, it is made sure that no one is given an unfair advantage or disadvantage while making a decision based on social circumstances or the result of random events. The principles of justice are the outcome of a just agreement or bargain because everyone is in a similar situation and no one creates principles to benefit their unique situation. In its original form, the "veil of

ignorance” refers to a process that establishes moral concerns without taking into account an individual’s final social status, so eliminating the possibility of prejudice. The decision-maker then refrains from making any choices that favor one group over another because, in theory, he represents everyone without taking into account their sexual orientation, gender, race, level of education, or other attributes. Thus established, a social compact must be just. In the end, Rawls contends that equality and liberty, two conditional types of justice, articulate fairness as the primary aim of justice. The equality of opportunity principle and the difference principle are two more categories under which the equality principle falls.

If we endeavor to promote the rational being, society may be created so that no one would be deprived of happiness or liberty, according to Rawls. Equitable opportunities and, hence, equal shareholders of the justice ethic can be established by rational individuals. When all people have the same fundamental rights, they have a moral duty to act morally towards one another and themselves. Everyone is given the chance to select their abilities, careers, and duties in this way, and they are also able to act justly in all of their endeavors. Children in kindergarten, who may come from a variety of socioeconomic situations, are the best example of how we attempt to treat them equitably.

Criticism

This paper will concentrate on the critique of family injustice that feminist scholars have leveled at Rawls’ conception of justice as fairness. The foundation of the theory of justice lies in the basic structure of society, which can be used to classify families. This basic structure is defined as ‘the way in which the main political and social institutions of society fit together into one system of social cooperation, and the way they assign basic rights and duties’.⁷ Susan Okin claims in *Justice, Gender and the Family* that ‘the modern liberal society to which the principles of justice are to be applied is deeply and pervasively gender-structured’.⁸ Okin notes further that the family is viewed as an integral aspect of the fundamental structure and is presumed to be just in the conception of justice as fairness.⁹ According to Rawls, the political understanding of justice is justice as fairness, which pertains to the organizations that make up the fundamental structure but not to the inner workings of the associations that make up the structure, like the family.¹⁰ In this sense, the moral or normative study of gendered social and moral norms created inside the family is ignored by justice as fairness. Rawls makes the assumption that the family is non-political and as unimportant to the concepts of justice as fairness by limiting his examination of the principles of justice to the political.

By classifying the family in the same category as colleges and churches, Rawls compares the family to an optional group from which members might break away at any time. Consequently, Rawls gives little thought to the internal justice of the family. Additionally, Rawls revives the mistake of the traditional social contract theorists by drawing a distinction between the political and private spheres and omitting the family from the politics. The family is political in at least two ways, according to Okin, who responds that ‘the family is a social institution that defies [Rawls’] political/non-political dichotomy.’¹¹ In the first place, power dynamics, resource allocation, and divergent interests are all crucial issues both inside and outside of families; in the second place, families play a major social and political role in society. Many feminist academics disagree with Rawls’ defense of his views on justice as familial fairness. More precisely, one idea that does not sit well with the researchers is that individual families do not necessarily have to conform to the public’s idea of justice; instead, they may have a great deal of autonomy over how they are set up, how decisions are made, and how resources are distributed. The question of whether modern families should remain as they are or should they be replaced or redesigned has been raised by feminists in relation to well-ordered societies. According to Susan Okin, one way to address this issue would be to implement distributive justice principles for family regulations.¹² The concepts of family autonomy and privacy are brought up in this statement. The goal of the concept of family privacy and autonomy is to restrict the state’s authority over families and the children that live inside them. Consequently, the autonomy and liberty of the family will be severely impacted and undermined by enabling it to be governed by the state concept of distributive justice, which could lead to the family’s abolition.

In his book ‘Justice as Fairness: a Restatement’, John Rawls sets out to address the critiques thrown against him. According to Rawls, the family may achieve equal justice for women and their children by applying the principles of justice to it. Moreover, he contends that Okin’s criticism is misplaced since the ‘basic structure of society understood as the arrangement of society’s main institutions into a unified system of social cooperation over time’¹³ is the main topic of justice. The family is one of the several associations that make up this structure, and the principles of political justice should be applied to it directly, but not to the internal operations of these groups. But because they ‘guarantee basic rights and liberties and fair opportunities for all its members,’¹⁴ these values place “essential constraints” on the family. Therefore, the wife will undoubtedly be guaranteed her fundamental rights and liberties as well as equitable prospects as a member of the political society by virtue of these limitations placed on the family as a fundamental structure. Individual families, on the other hand, do not necessarily have to answer to the public’s idea of fairness; instead, they are free to choose how best to organize themselves, make decisions as a family, and distribute their resources. However, families are no more entitled to violate an individual’s fundamental rights and liberties than are other non-political groupings.

Amartya Sen further promotes the eradication of injustice and challenges the idea of perfect justice. Nonetheless, achieving a very utopian justice is the goal of the pursuit of perfect justice. However, the issue is that a large number of legitimate situations of injustice are far more intricate. When examining the issue of gender inequality, for instance, one may come to differing conclusions about what constitutes gender injustice since different people have different ideas about what constitutes injustice. Sometimes a person must consider their own idea of “perfect” justice in order to determine what could lead to a more just position.

V. CONCLUSION

In order to address the problem of gender inequity inside the family, the author of this paper looked at Rawls' theory of justice as fairness and its shortcomings. In addition to analysing Rawls's answer to feminist critiques of the theory of justice, the author concentrated on Susan Okin's argument. Although the author concedes that Rawls does not offer a compelling answer, he also says that Okin's suggested remedy is not workable. Therefore, the author recommended using a more balanced strategy when applying the two concepts to the setting of the family. However, there is still a great deal of research that needs to be done by academics in order to critically examine the idea of justice, which is necessary to advance an orderly society that prioritises the welfare of its members. Put differently, a fair society that upholds the liberal ideals of liberty, reason, and equality. Here, Amartya Sen and Martha Nussbaum come to mind as the ones who put forward the "Capability Approach," which analyses equality and fairness in order to build a theory of justice based on each person's inherent potential.

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