JOHN RAWLS' CONCEPT OF JUSTICE

With the intention of providing a viable alternative to the traditional theories of justice like Utilitarianism and Intuitionism, John Rawls formulated a theory known as "Justice as Fairness." Utilitarianism, specially, had to bear the onslaught of Rawls which is reflected throughout his long work *A Theory of Justice*. In the process of pointing out the lacunae and criticizing the utilitarian standpoint, he gives way to his own conception of justice. His theory is very much akin to the contractarian theory of justice, specially, advocated by Rousseau and Kant. To quote his own words:

"My aim is to present a conception of justice which generalizes and carries to a higher level of abstraction the familiar theory of the social contract as found, say, in Locke, Rousseau, and Kant."

His theory can be treated as a modified version of the contractarian theory of justice, of course, differing in certain major respects. He has borrowed some important aspects like autonomy of the rational human beings from the contract theory of Rousseau and Kant. He is indebted to Kant to a great extent in treating justice as the "first virtue of social institutions."
The aim of Rawls is not to construct a theory which could explain the origin of society, rather to elucidate a natural situation in which all would agree to a set of principles of justice which would make the life of all, peaceful and advantageous. The aim is to depict a social structure which can uphold the basic rights and liberties of all in equal manner for the benefit of one and all, specially for the well-being of the least advantaged group of the society. His aim is not to provide a juristic or moral standard referring to which actions and social institutions can be adjudged. He is averse to teleological theories.

Rawls wishes to construct a theory of justice which is not based on historicity of situations. The putatively historical situation which he describes is purely hypothetical. It is not that people ever agreed to a contract to guide their life, right, liberties, and social institutions like property, power, position etc. in an initial situation that was fair. But Rawls' intention is to show what would be their primary goods and the principle of justice provided people had agreed in an initial situation of equality. His theory rests on many assumptions. Though his hypothetical explanation
is a deductive one, the conception of justice is an intuitive product of the nature of initial rational human beings.

Beholding from an abstract hypothetical angle, Rawls tries to put forth his own theory of justice. Modifying relentlessly other theories, he has given the final shape to his conception of justice as follows:

First Principle -
Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.

Second Principle -
Social and economic inequalities are to be arranged so that they are both:
(a) to the greatest benefit of the least advantaged, consistent with the just savings principle, and
(b) attached to offices and positions open to all under conditions of fair equality of opportunity.
Hypothetically, Rawls puts men in an initial situation or original position which is fair. It is fair because the parties are rational and moral and mutually disinterested. Disinterestedness does not mean selfishness. They are disinterested in the affair of others because they know nothing of others and even of their own. Though men in this hypothetical stage are not conscious of their differences, some are born with more wealth, power and status and a greater amount of intelligence. They are the fortunate people who inherit greater shares by virtue of their fate. These are the vital natural contingencies and discrepancies which corrode civility, and can be regulated by the principles of justice for the benefit of all.

The veil of ignorance puts men at odds. They are quite ignorant of their rights, liberties, status, ability, aim of life, power and the natural resources surrounding them. They are unaware of their relation to others.

"...no one knows his place in society, his class position or social status; nor does he know his fortune in the distribution of natural assets and abilities, his intelligence and strength and the like. Nor, again, does anyone know his conception of the good, the particulars of his rational plan of life,..."
Though people lack the knowledge of their own talents and due, still they possess a sense of justice which they could extend at the time of necessity. Of course, their sense of justice differs from each other. But they would agree, at least, on the issue of establishing a set of guiding principles where their security could be assured and well-being achieved. As man is assumed to be rational and moral, he is able to lead a rational and planned life. Lacking a sense of benevolence, he would never sacrifice his own sense of justice to others. He will never agree to a situation where his opinion will be sacrificed for the end of others.

In such an original position, men are equal. They are equal not in the sense in which the natural-right upholders treat men equal. Rawls says,

"...equality cannot rest on natural attributes. There is no natural feature with respect to which all human beings are equal, that is, which everyone has (or which sufficiently many have) to the same degree."5

Though the Rawlsian position is purely hypothetical, still then denying natural rights to human beings is the palpable defect in his theory. Why should a man depend on the mercy of an external agency to enjoy rights and
liberties which are natural to him? Basic human rights like right to liberty of thought and freedom and right to property, are innate to man. It will not be out of place to quote Kant:

"Natural right rests upon pure rational principles a priori..."6

Kant further goes on:

"There is, indeed, an innate Equality belonging to every man which consists in his Right to be independent of being bound by others to anything more than that to which he may also reciprocally bind them. It is, consequently, the inborn quality of every man in virtue of which he ought to be his own master by Right."7

According to Rawls, men are equal in the original position in two senses. They are equal because, they all possess the right to freedom of speech; and as moral and rational creatures, they all are free to have their own conception of good and sense of justice.

Keeping men under the veil of ignorance in the original position, Rawls constructs his own theory of justice by the intuitive construction of the parties in the original position. But it is marked by conflict as well as an identity of interests. There is identity
because men agree on a corporate life and there is conflict because their conceptions of good vary and each demands a greater share to a lesser one in the distribution of benefits. When mutually disinterested persons put their conflicting claims, there arises the necessity of justice. In the absence of such conflict, a procedural justice is hard to be established. In such a state of ignorance of one another's interests, a conception of justice emerges out of the reflective intuition of man.

"The parties are effectively forced to stick to general principles, understanding the notion here in an intuitive way."8

As everyone is ignorant of one's life prospects, there is no possibility to mould the guiding principles in one's favour. Rawls accepts ignorance to be a bliss for the formation of the principle of justice.

The conception of justice that emerged, is fair because,

"one excludes the knowledge of those contingencies which sets men at odds and allows them to be guided by their prejudices."9
Individual conceptions of justice are compared and duly pruned by reflective equilibrium to bring out the best principles of justice. The process emerges as a state of equilibrium. Once the general principle is devised and agreed to by all in an initial situation of ignorance, it sets moving. There is no necessity of any alteration, because it is the product of rational deliberation. The government is to look into its proper implementation by its legislatures. It has to guide its institutions for the benefit of all and for the protection of the primary human goods through the procedure dictated by the two principles of justice.

The first principle, agreed to, speaks:

"Each person is to have an equal right to the most extensive total system of equal liberties compatible with a similar system of liberty for all."

Everyman is to be provided with equal rights and equal liberties which must be compatible with those of others. No one is to be treated as privileged. Certain rights and liberties, like political liberty, liberty of conscience and freedom of thought, right to personal property etc, are quite necessary to further one's rational plan of life in achieving one's primary goods. They
provide the avenue for a better life. If man is not pro-
vided with certain basic rights over his fundamental
liberties, it amounts to oppression. Liberties should
not be hindered. They ought not to be restricted for an
alien end. Liberty cannot be sacrificed for an alien end.
Liberty can be sacrificed only for the sake of liberty.

"Liberty can be restricted only for the
sake of liberty itself." 10

To regulate liberty for the sake of something else, is
to arrest the natural growth of human personality. Most
of the traditional theories like utilitarianism, further
liberty for an alien end. Utilitarianism seeks to subju-
gate liberty for the greatest benefit of the greatest
number. To subject liberty for a teleological end, is to
deny liberty by taking away its very essence.

"The liberties of equal citizenship
are insecure when founded upon
teleological principles." 11

Justice as fairness, strongly protects the liberty
of conscience. Conscience, sometimes, demands self-res-
pect. It can never be sacrificed for anything other than
itself. Liberty of conscience is restricted in so far as
it affects the public order and security maintained by
the government. Man should enjoy the liberty of belief and of religious practice. He should be allowed to choose any religion and be free to nourish any view so long as it does not disturb social harmony. Man should also enjoy political liberty in taking part in the formation of the principles of justice which ultimately guides social institutions. Minimum property is also necessary as a prerequisite. One can sustain oneself by such minimum of wealth. These are the minimum of liberties which are required to make the life of man secured. Without these, the rational plan of life gets blocked. So, liberties are the minimum requisites for a rational and moral life.

Rawls, though attaches much importance to the basic liberties of man, has repeatedly said,

"...although these (liberties) may be regulated as always by the state's interest in public order and security." 12

Further he argues that liberty is not for its own sake, but for a teleological end i.e. the interest of public order and security. Validity and the worth of liberty do not lie in itself, but in the fulfillment of public order and security. Subjecting liberty to other than
itself is subjugation. Liberties of human persons are uncompromising with any superior end. They are ends in themselves. They cannot be treated as means. The idea of controlled liberty leads to universal suppression. Liberties are intrinsic to man. Only when they are exercised freely, the rational plan of the moral being is fulfilled. Or else, it will get nipped in the bud. It is unjust on the part of the government to restrict and control basic human liberties to its end.

It is not reasonable to allow liberties in different proportions to people. Liberty cannot vary in degree. To sanction more liberties to a section, is to subordinate others. Utilitarianism justifies the loss of liberty of a few for the greatest benefit of the greatest number. I wish to suggest that such teleological calculations are contrary to the value of human liberty. Human personalities cannot be sacrificed for the advantage of the majority. Neither the government nor the majority have any right, and therefore not justified, to debar a few from their basic rights and to suppress them by the rule of majority. It is damaging to restrict human liberties and still more damaging to suppress them.
The second principle of justice enunciated by Rawls deals with the basic structure of society. It looks into the inequalities and natural contingencies in the original position, and seeks to regulate them in a suitable manner so as to bring advantage to all, specially the least advantaged. It runs like this:

"Social and economic inequalities are to be arranged so that they are both:

(a) to the greatest benefit of the least advantaged, consistent with the just saving principle, and

(b) attached to offices and positions open to all under conditions of fair equality of opportunity."

Inequalities are there in the original position, though people are ignorant of it. Some are better gifted and some are less advantaged. Some possess more wealth, assets, position and power by the mere fact that they are born to such privileges. Such discrepancies in natural gifts cannot be curbed altogether, but can be regulated for the benefit of all. Justice lies, not in inequalities, but in regulating the inequalities to the benefit of one and all, specially in the improvement of the overall conditions of the less advantaged man. Rawls says:

"Injustice, then, is simply, inequalities that are not to the benefit of all."
Inequalities of certain type are natural facts. They will be there in the society. There is no need to eliminate them. They can only be eliminated when their continuance is harmful to the well-being of all or it fails to keep harmony within the conflicting claims of individuals. According to Rawls, their elimination is not necessary. Rather, such natural contingencies, natural aristocracy, or natural lottery (as coined by Rawls), can be utilized for a greater end in bringing up the socially least well-off people. Natural aristocracy is not just or unjust. They are facts of nature. In the words of Rawls:

"The natural distribution is neither just nor unjust; nor is it unjust that men are born into society at some particular position. These are simply natural facts. What is just and unjust is the way that institutions deal with these facts." 14

The primary subject of justice is not the natural inequalities. Such inequalities will continue to be there. But they should be regulated for the benefit of all. This principle of justice admits inequalities with respect to natural endowments. Men naturally differ in their endowments. Some are gifted with more talent and capabilities. Some inherit greater wealth and status though all are equal in respect to the liberties and human worth. The
main objective of the principle of justice is to regulate such inequalities through a pure procedural justice which is fair and to set the social institutions so as to delimit the inequalities for the well-being of the least well-off people in the society. These least well-off people always depend on the better-placed one. Mercy corrupts those who extend it and degenerates more grievously who receives it. Self-respect, being the central and vital good, ought not to be sacrificed at any cost. Receiving what is not one's due speaks on one's self-respect. Though adjustment of benefits gives material success, it fails to protect the dignity of man as an autonomous human personality.

While designing social institutions, inequalities are accepted as established facts. The social institutions try to bring out the maximum benefits out of such natural accidents. The society treats those to be assets which can be utilized for the social benefit. The two principles, not only look to the establishment of equal citizenship, but also control the inequalities going too far. They control and regulate such inequalities in wealth and power for the benefit of all, keeping in view the human worth. Society and social institutions corresponding to such principles of justice are treated as just, otherwise,
unjust. Inequalities in wealth and power, devoid of a rational plan, lead to capitalism. Inequalities reduced to equal share for all lead to socialism. The Rawlsian theory of justice occupies a middle position. Neither does it leave inequalities for the sake of inequalities, nor does it distribute wealth and power equally. Rather, it accepts inequalities; respects, regulates, and guides them for the upliftment of the poor and naturally less endowed. By doing this, the wealth and power from the gifted few are not snatched away. They are honoured; and with a rational plan and a pure procedural justice, the two principles of justice are combined to mould the inequalities cleverly so as to benefit all.

The mere fact that someone is born into a high family or has inherited more wealth and power, does not entitle him to demand more advantage. His demand of more is justified only in respect to the social benefit. Those better-circumstanced, can have their greater fortune and advantages only under a scheme in which it works out for the benefit of the less fortunate. Thus, Rawls very aptly has found out solutions to 'arbitrariness of fortune' by his two principles of justice. His theory of justice is the great leveller, nay, the great benefactor. The greater endowments and abilities of the naturally advantaged few
are regarded as social assets to be used for the common advantage. The basic structure of the social organism is to be so arranged that the natural contingencies work for the good of the least fortunate. Social system is to be set up in such a way that no one will gain or lose something out of it. The naturally gifted people will never feel losing something nor will they expect any compensation for their sacrifice in return. In sacrificing something to ameliorate the conditions of the least advantaged in the society, the more advantaged people rather will feel proud of guiding their rational plan of life not only for their own well-being but also for one and all. They cannot keep themselves aloof from the society and for a development of it, they will feel that their sacrifice is necessary. There is no harm in it if they regulate their lives for the advantage of all. Social well-being is a mutual venture. The two principles of justice look into it.

The validity of the two principles of justice does not lie in the consequences only i.e. in bringing about the improvement of all, specially of the least favoured. It does not measure its validity only through the consequences as the traditional utilitarians insist. Justice
refers both to means and consequences. The means must be quite just or the procedural justice must be fair and pure. The intended social good must be just. The social good is the means through which the advantages for all can be secured by a pure procedural justice. To quote Rawls' own words:

"... the soundness of the theory of justice is shown as much in its consequences as in the prima facie acceptability of its premises."15

Justice lies not only in its social consequences, but also in the validity of the social assumptions or social goods.

The social structure and the distribution of inequalities must be in consonance with the just saving principle. It is a principle that tells us to leave some gain of the present generation as a security and saving for the posterity as we have inherited from our previous generation. Justice does not require that each generation saves, so that the coming generation will be more rich. Just saving is regarded as a condition for a just society with just institutions for the fair play of liberty. It simply tells us to bequeath something to the next generation. The subsequent generation is to grow on the legacy left by the present.
Is it justified that the present generation saves for the future which it cannot enjoy? What justification the subsequent generation has to ask the previous generation to save something for them (the former)? Kant will certainly disagree to such a situation where one generation becomes a means for another. Saving for the posterity is justified if it is not incompatible with the prosperity of the present generation. Saving for the sake of saving for the coming generation should be abandoned and be treated as unjust. A generation is unjust that does not stand by itself, but wishes to be a parasite on others. One should not expect something which is not his due. Undue expectations are unjust. It corrupts not only the minds of the dependants, but also the very basis of the social life. Parasitic tendencies degenerate the self-respect of man. A generation is an aggregate of human values. Such human values should be upheld and the dignity of mankind be protected at any cost. The sacrifice of one generation cannot be justified in the name of the welfare of another.

The second part of the second principle of justice speaks that social and economic inequalities are to be arranged so that they are attached to offices and positions which are open to all under conditions of fair
equality of opportunity. Inequalities are inevitable in the social arrangements. People are not only unequal in wealth, but also in ability and talent. The better endowed usually get a fair chance of gaining offices and positions of command. Rawls does not confine such positions to these naturally privileged group. He keeps these offices open to all under fair equality of opportunity. Every one, the better or the less endowed, should get the chance of achieving such positions of command. Rawls attaches more importance to the ability of man. Merit becomes the criterion. Rawls says:

"This form of social order follows the principle of careers open to talents and uses equality of opportunity as a way of releasing men's energies in the pursuit of economic prosperity and political dominion." 16

According to Rawls, it does not lead to meritocracy. Talents are utilized for national prosperity. Every man gets a scope to unravel the latent abilities in him, not only for his own, but also for the benefit of the entire community, specially the less fortunate working class. But as some are endowed with less abilities, they will fail to compete with the better endowed. As a result, positions of command will always be confined to the hands
of the more privileged, and the less privileged will con-
tinue to be less privileged; always falling back in the
field of competition. Society should create suitable
social conditions and institutions to uplift the standard
and competence of the less endowed. Or else a perennial
cleavage will continue to be there between the privileged
and the unprivileged. Though Rawls seeks to provide equal
opportunity to all yet there are no good reasons that the
principle will be implemented. I wish to suggest in this
connection that the aspirations of the underprivileged
will always remain as aspirations. Their cherished hopes
can never be materialized in the absence of a well chalked
out strategy. Equal chance does not bring the result.
Effort and ability are necessary. No doubt, this provision
of the second part of the second principle provides
incentives and arouses the consciousness of the least
well-off people to compete with the better-off class.
"Equality of opportunity", as Rawls claims,

"means an equal chance to leave the
less fortunate behind in the personal
quest for influence and social
position."17

The Rawlsian principle, at least, succeeds in enlivening
the spirit of the less fortunate. But still then, Rawls
is not justified in subordinating the less gifted to the more gifted people.

Rawls seeks to provide a suitable legal system to sustain the principles of justice. Justice, according to him, is legal justice maintained by a legal system supposed to contain the precepts of the two principles of justice. But it is not the legal system that identifies legality with virtue or righteousness. The legal system also does not bear the spirit of the natural laws. Rather, it treats law as a juristic concept, not a moral one. Rawls defines legal system as,

"a coercive order of public rules addressed to rational persons for the purpose of regulating their conduct and providing the framework for social cooperation."18

These lines best approximate to his conceptions of justice, law and punishment. His legal system is guided by the idea of a cooperative venture which is basic to the two principles of justice. His system does not aim at protecting the fundamental equality among persons, rather it aims at perpetuating the inborn inequalities in them. Though the objective of the legal system is to maintain a social system arranged according to the precepts of
justice, it neglects many of the inviolable rights of man. Instead of basing justice on the natural rights of man, Rawls establishes it on an insecure foundation of legislator's legal code.

Rawls maintains that laws or rules of a civil society are of such type that a reasonable human person will not hesitate to obey. Rules are to be followed impartially and regularly. Similar cases are to be treated similarly. There will be no discrimination. The principle, that like decisions are to be given in like cases of violations, limits the discretion of the judges.

The legal system, further, stresses upon the fact that no one can be the judge of his own actions which may lead to much complicacies. Trials and hearings are to be fairly done and the adjudicators are to be guided strictly by the public system of rules and not by public opinion.

In general, to protect the system of rules on a secure basis, the government attaches a coercive instrument to it. Coercive authority is necessary for social integration. The aim of a penal code is not to scare people away from committing crimes, rather to serve as a security for the claims of men over others. An ideal
society needs a penal code to cure the social ills and help stabilizing it firmly. Though this system has the aim of protecting the rights and liberties of the citizens in modern democracies, yet it tries to protect rights and liberties, sanctioned by the government, not by reason or morality. Sanctioned rights and liberties are limited by an authority. The authority guides them with the purpose of bringing about social coherence. Human actions fitting to this teleological end are treated as just, otherwise, unjust. But I wish to suggest in this connection that rights and liberties should not be treated as means. They are ends-in-themselves. Only when rights and liberties become ends-in-themselves (in the sense of natural rights) and virtue (morality) the foundation of the legal codes, society can get rid of the attendant perils.

Individuals differ in respect of their plan of life. Everyone has got his own way to deal with the social circumstances. Justice as such does not interfere with different plans of the lives of people in general. They are supposed to be rational and so also their plans. Once the principles of justice are established at the initial situation or original position, society is set accordingly and left to go in its own way so long as the conception
of justice is adhered to. Everyone is endowed with the primary good liberty to chalk out his own plan of life that best suits him. Sharing of primary goods, specially, wealth, power, status and social position, and self-respect in greater proportion, is justified so long as it improves the condition of those who have less. It is needless to look into the value of different plans of life. It is also unwarranted on the part of society to regulate different plans of life and life prospects. Rawls says,

"There is no necessity to compare the worth of the conceptions of different persons once it is supposed they are compatible with the principles of justice."19

People, as rational beings and as quite conscious of one another's liberty are expected to guide their lives as per the objective of justice. Everyone is assured of an equal liberty to choose his own rational desire of life so long as it does not foil the demand of justice. No one's plan of life is to be baffled as long as it is in consonance with the principle of justice.

Primary goods are social background conditions which are normally necessary for developing and exercising moral powers and for effectively pursuing a conception
of the good. These goods are the prerequisites of man's life. These goods allow a person to achieve his goal of life by implementing his plan which he cannot contemplate otherwise. They provide the avenues for the fulfillment of man's rational desire. They are the means for the end of a moral life - a complete life. Without these, human plans remain unfulfilled and reels under suffocation. They are treated as the minimum of rational life.

Though the veil of ignorance keeps men ignorant, yet men prefer a greater good to a lesser one. They also know, as rational and moral creatures, how to advance their claims for the successful execution of their sanguine desires. Human beings feel the necessity of the basic goods and values without which their plans of life will have stunted growth. Kant holds the autonomy of humanity to be supreme. Such autonomy ought to be respected and be left to its own path of progress. When man is allowed to be the architect of his own plan of life, his autonomy is expressed in the most possible adequate manner as a free and equal rational being.

Thus, it seems that justice as fairness is a theory of human justice. It is the duty of the society or a government to provide congenial atmosphere for the
fulfillment of these noble ends of humanity. The government should mould and regulate its institutions with the sole aim of fulfilling the end of humanity i.e. the concretisation of human values. The two principles of justice have this objective in view. Primary goods are the legitimate demands of man. A government, not looking to such noble ends, is an unjust institution and ought to be ousted. Social institutions, ignoring these primary goods for which they are framed, ought to be modified and revised. Deviation of any sort from such a sacred end ought to be treated as injustice against humanity.

The fundamental primary goods are: Liberty and opportunity, income and wealth, and self-respect. The Rawlsian theory specifically explains these goods. Liberty provides man to exercise his talents in very many constructive ways for a better moral life.

In Rawls' theory of justice, wealth is regarded as a primary good. Man, as a social being, needs wealth or private property to develop and exercise his moral power within the framework of a well ordered society. Rawls argues that wealth being,
"...(legal) command over exchangeable means for satisfying human needs and interests, it is hard to see how wealth can fail to be a primary good, for if we have no command over such items, we cannot carry out our plans." 20

Man acquires this right to private property from the original position. Men vary in their inheritance. Thus, the society contains men of unequal property. Some are rich and some are poor as per their inheritance and station of birth. Presumably, the most advantaged class of the community possesses the largest share of income and wealth. Rawls bases wealth or private property on inheritance. John Salmond says:

"Private property, if we are not wrong, defines the position of ownership of property. Ownership by definition is inheritable." 21

People in the original position inherit such a right to property. But inheritance should not be a license to wealth. The mere fact that someone is born to a family, should not entitle him to spend his wealth in a manner what pleases him. Seen from a higher level of morality, this does not seem sound and just. Wealth which is the output of one's skill and labour be legitimately claimed. But,
"Birth is not something a person does. Hence, there can be no place of institution of private property in Rawlsian ideal state."  

From a moral perspective, it looks arbitrary to establish ownership of property by mere accidents of birth. Above all, ownership to private property is incompatible with conception of the greatest equal liberty for all. H.L.A. Hart argues that to own anything privately is to have an absolute right over it, which implies that the rights of others are limited by that absolute right.

Self-respect is regarded as the most important primary good. It follows from Rawls' first principle of justice, giving equal shares in the system of basic liberties which ensures self-respect. It elevates the human worth. It is one's self-esteem that demands recognition from others. Self-respect is an inviolable attribute found in every human personality that is most vital. It has got two aspects. Rawls defines it in the following manner:

"First of all... it includes a person's sense of his own value, his secure conviction that his conception of his good, his plan of life, is worth carrying out. And second, self-respect implies a confidence in one's ability so far as it is within one's power, to fulfill one's intentions."
Self-respect, being the greatest good of man, emerges when his plan of life is properly executed without any hindrance. It emerges when a man realizes that he has the ability to secure a better life in consonance with the plan of his fellow-beings.

Self-respect or self-esteem is the good that gives worth to human personality. Without it, man fails to realize his importance or value as a human person. The condition that undermines man's self-respects can never be agreed to. Kant's "Internal Mine and Thine" tells us that human personality has its own autonomy and ought to be respected. Hindrance to self expression strikes blows at one's self-respect. It is a value which should be kept aloft.

Human personality can be said to be respected when his plan of life is allowed to run parallel to similar rational plans of others without any collision. This becomes possible when man guides his rational plan of life as per the counsel of the principles of justice. Kant points out that man gets self-respect when he guides himself according to the enlightened categorical imperative or practical reason in him. It makes man the most
free and the most rational creature. Man is a value in himself. He has his own worth as a moral and rational creature. The inviolability that is in him, demands recognition and respect. Man as a human personality is vital which demands respect. A socially able, and a socially unfit, ought to be respected equally. It is not workmanship or ability, but human autonomy that demands mutual respect and self-esteem. No one should neglect such an autonomy of human personality. Governmental institutions and legislations should cherish this end. Any institution and legislation, not honouring the autonomy or self-respect of the citizens, ought to be abandoned. They are to be framed in the light of the inalienable self-esteem and worth of human personality.

John Rawls' theory of justice is an attempt to bring a compromise between the two conflicting trends - capitalism and socialism. Trying to bring a balance between the two, he harps on the very social arrangements of modern democracies. He wants to have a drastic change in the very social set up. Rawls feels that the major ills of the modern societies can be eradicated by modifying and revising the basic social structure. Though hypothetical throughout, his theory of justice has got an ample pragmatic value.
Assuming, hypothetically, inequalities in wealth, talent and position in the original state of society, Rawls proves them to be established facts of society. Kantian in spirit, though his theory purports to provide a humanistic conception of justice, yet fails to achieve it at the end. Rawls fails to bridge the ever-widening gap between the haves and the have-nots. He perpetuates the cleavage between the two classes. The bourgeois is born as a bourgeois and a proletariat as a proletariat. Seeking to protect the under-privileged under the tutelage of the privileged, Rawls ultimately fails to uphold the self-respect of the former.

Rawls' theory of justice has been widely discussed. Commentaries and reviews in the form of articles and books have been published. Brian Barry's book The Liberal Theory of Justice is one such book-length discussion on John Rawls. Whatever may be the merits of John Rawls A Theory of Justice, including Barry's commentary on it, both Rawls and Barry have missed one point i.e. they have not recognised the centrality of man as a value in study of society. Rawls, by and large is a Kantian. He has accepted the initial state of society as depicted by the contractualists. From the hypothetical state of society he
builds up his theory. He seeks to calculate and depict the course of society, given the initial state. Rawls details out the methods that are necessary to safeguard the liberty of man. The doctrine of primary goods and just constitution are among such measures.

Rawls talks of justice. In fact, he introduces two principles of justice. But he does not give explicit answer to the question, 'why shall a society be just and individuals be treated on equal footing in respect of primary goods and opportunities?' The fact that justice at the core is a moral concept, human society can ultimately be explained in terms of justice and persons are the centres of such morality, seems to have escaped Rawls' attention.
REFERENCES

2. Ibid., p. 3.
3. Ibid., p. 302.
4. Ibid., p. 137.
5. Ibid., p. 507.
7. Ibid., p. 56.
10. Ibid., p. 244.
11. Ibid., p. 211.
12. Ibid., p. 212.
13. Ibid., p. 62.
15. Ibid., p. 95.
16. Ibid., p. 106.
18. Ibid., p. 235.
19. Ibid., p. 94.

