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Q2(a)

How has Rawls enriched the idea of justice in liberalism?

UPSC Civil Services Mains 2021 · PSIR GS 1 · 20 marks · Justice

Justice: Conceptions of justice with special reference to Rawl's theory of justice and its communitarian critiques.

Core demand of the question

- How has **Rawls** enriched the idea of justice in liberalism? (20 marks)

Revision summary

Rawls rebuilt liberalism as justice as fairness, against utilitarianism and a night-watchman state.

The original position and veil of ignorance give a public contract without **Locke's** historical myth.

Equal basic liberties are lexically prior to social and economic inequalities.

The **difference principle** allows inequality only if it helps the least advantaged.

Indian Part III, Part IV, Kesavananda, and Minerva Mills can be read in this enriched liberal grammar.

Introduction

John Rawls in A Theory of Justice (1971) rebuilt liberalism as a public theory of fairness, not only as a market of rights and a night-watchman state. He gave justice lexical principles, a contract without historical myth, and a reply to utilitarianism.

Body

What liberalism had, and lacked

- **Locke** secured life, liberty, and estate through trust and revolution, but left large inequality of holdings outside a thick theory of fairness.
- **J. S. Mill** added liberty of thought and representative government, yet could still weigh utility in ways that risk the few.
- Utilitarianism, which Mill partly shared, could sacrifice a minority if the sum of happiness rose. That was the gap **Rawls** named.
- Classical liberalism had rights. It did not have a systematic answer to "which inequalities are allowed among free equals?"

The original position as enrichment

- Parties behind a **veil of ignorance** do not know class, caste, talent, or creed. They choose terms they can live with in any social place.
- This is a hypothetical contract, cleaner than **Locke's** tacit consent and less historicist than a founding generation's bargain.

- **Granville Austin's** Indian "seamless web" of unity, democracy, and social revolution is not **Rawls**, but it is a cousin: public terms of cooperation written as law.
- The method treats justice as the first virtue of institutions, which raises liberalism from a doctrine of non-interference to a doctrine of fair structure.

Two principles

- **Equal basic liberties come first:** speech, conscience, vote, and the rule of law. They are not traded for growth.
- **Fair equality of opportunity plus the difference principle:** inequalities must be attached to offices open to all and must help the least advantaged.
- Lexical order is the enrichment. Utility and GDP cannot buy a smaller liberty.
- The fair value of liberties requires some regulation of political money and of education, so the liberal state is not minimal.

Enrichment against rivals

- Against **Hayek**, **Rawls** keeps markets inside a just basic structure, not as the definition of justice.
- Against **Marx**, he keeps private association and equal liberties, while admitting that class can destroy the fair value of those liberties.
- Against **Nozick**, patterned principles are allowed because goods are not only private histories; they are socially produced.
- **Ambedkar still goes further on caste: Rawls's persons are already moral equals.** Indian reservation after **Mandal** is a non-ideal tool **Rawls** can allow but did not design.

Indian liberal use

- Part III's basic liberties and **Kesavananda Bharati** (1973) echo lexical rights against an amending majority.
- Part IV and **Article 38** ask the state to reduce inequality, which is closer to the **difference principle** than to **Nozick**.
- **Minerva Mills** (1980) refused to let Directive Principles swallow fundamental rights, a Rawlsian-looking lexical hint in Indian doctrine.
- Enrichment, then, is not American textbook only. It is a way to read why Indian liberalism is rights-first and still redistributive.

Flow diagram

Rawls -> Veil of ignorance
 Veil of ignorance -> Equal basic liberties
 Veil of ignorance -> Fair opportunity and difference principle
 Utilitarianism -> Rejected as first virtue
 Equal basic liberties -> India Part III Kesavananda

Conclusion

Rawls enriched liberal justice by replacing utility and a thin property-trust with two lexical principles chosen in an original position. Liberties first, then fair opportunity and the **difference principle**. Hayek is narrowed; **Locke** is completed; **Marx** is partly answered. Indian Parts III and IV and Kesavananda show the same architecture in constitutional form.

Facts & figures

A Theory of Justice, 1971

Rawls's main statement of the original position and the two principles.

Difference principle

Social and economic inequalities must be to the greatest benefit of the least advantaged.

Kesavananda, 1973

Basic structure protects a core of constitutional identity, a limit on majority like lexical liberties.

Minerva Mills, 1980

Held that harmony of Parts III and IV cannot mean destruction of fundamental rights.

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