

**Introduction to Political Theory**  
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**Lecture – 13**

**Justice – II: Procedural & Substantive Notions of Justice; Justice as fairness**

Hello, friends. This is the second lecture on Justice. We had one lecture, where we discussed justice as a distributive concept. In that lecture, we discussed how, different criteria can be used for distribution of resources, goods, and opportunities. Now, some of the criterias that we have discussed are like needs or desert, freedom of choice or maximization of utility or to benefit the least disadvantaged sections of society.

One of the contentious issues regarding the whole conception of justice as a distributive concept is that it talks about giving everyone his or her due. Now, what should be that criteria of giving everyone his or her due. The premise of such process of giving everyone his or her due is the idea of desert, what we call also, marrying. Thus, individuals are responsible for his or her conditions in life or the entitlements, he or she enjoys those conditions or entitlements are the results of his or her action.

Therefore, there are inequalities in society based on the individual scale, talent, capability or merit. The principle for justification of that kind of status or entitlements are things like desert, individuals differ in their capabilities, talents, and skills. So, the resulting inequality in society is justifiable. It is a kind of desert. Individuals should not have the same level of living. But, they should have different entitlements, property, depending upon their different capabilities.

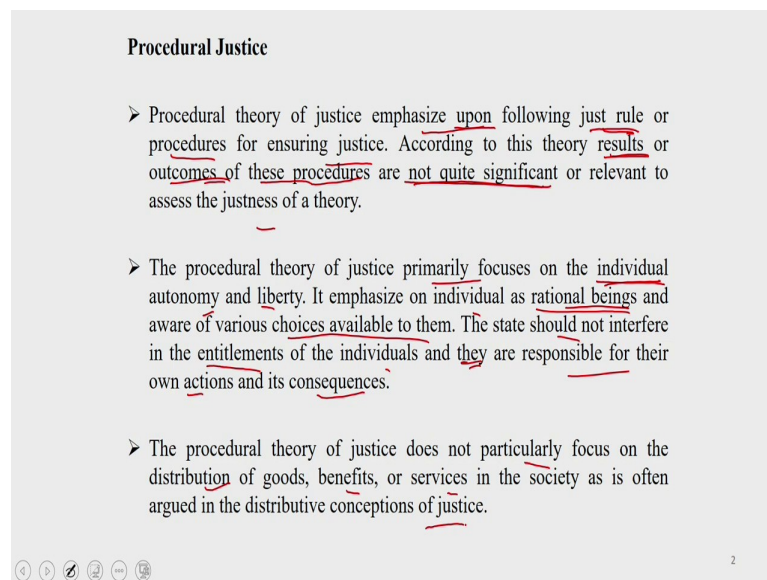
The other principle for such process of giving one's due is the idea of need. Individual may have different needs, then society should ensure that the distribution of resources are allocated according to, the needs of different people, individuals, and sections of society. These two remains one of the fundamental contentious issues in the idea of justice as a distributive concept.

Today in the first part of the lecture, we will discuss about the procedural and substantive notions of justice. And we will carry from what we have discussed in this distributive idea of justice. Because from both procedural to some extent is not about the outcome of

the procedure, but about following a procedure which in itself is just. The outcome of its implementation is not important in assessing about what is a just theory or what a correct theory of justice is.

We will also, discuss about the substantial notion of justice, where the procedure is important or we must have a just procedure. But we should be equally, concerned about the just outcome. That is, the substantial theory of justice which we will discuss. In the second part of today's lecture, we will discuss about John Rawls theory of 'justice as fairness'. In the next lecture, we will discuss about some of the critiques to John Rawls theory of justice, and then, we move on to some other topics.

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**Procedural Justice**

- Procedural theory of justice emphasize upon following just rule or procedures for ensuring justice. According to this theory results or outcomes of these procedures are not quite significant or relevant to assess the justness of a theory.
- The procedural theory of justice primarily focuses on the individual autonomy and liberty. It emphasize on individual as rational beings and aware of various choices available to them. The state should not interfere in the entitlements of the individuals and they are responsible for their own actions and its consequences.
- The procedural theory of justice does not particularly focus on the distribution of goods, benefits, or services in the society as is often argued in the distributive conceptions of justice.

Now, procedural theory of justice emphasize upon the following just rules or procedures for ensuring justice. The focus or emphasis of procedural theory of justice, as the name suggest is about a procedure or the rule, which should be just. To ensure justice, the scholars and theorists will argue that we must have just procedure and just law.

The assumption, here, is that if, we have a just theory or procedure for distribution of resources, it will naturally, lead to a just outcome without any consideration to different contexts, whether, geographical, historical, social or economic. The theory of justice could be applicable to all contexts universally, without any considerations to the specificities of a particular context, if we have a just theory. The whole discussion on the

positivist tradition of law of constitution is based on the fundamental premise of theory or procedure or rules, which will lead to a just outcome in the society.

The procedural theory, in that sense, is emphasizing upon arriving at just rule or procedure that will lead to an outcome. According to this theory, results or outcomes should not be the determining factor in devising or conceptualizing or constituting, what is just or a just rule and a procedure. This theory, results in or the outcome of these procedures are not quite significant. The focus or the emphasis should be on the formation or formulation of a just theory and procedure.

And if, we arrive at the procedure or a just theory, then, the outcome will automatically, be just. So, the outcome or the result should not be the determining factor in formulation of a just theory or procedure. Whether a theory is just or not, it should not be determined or assist by the outcome, but on the basis of a procedure or by the formulation of a theory itself. The emphasis on the procedural theory of justice is about a procedure, and not necessarily, the outcome.

So, the procedural theory of justice primarily, focuses on the individuals. The assumption in the procedural theory of justice is about individual autonomy and liberty should be always protected, and state should have very minimum role in interfering with the autonomy and liberty of individuals. And individuals should have maximum choices to make decisions, or to develop his or her skills. And if, such decisions and skills lead to different outcomes or results, then, that society should be just.

In that sense, in the procedural theory, there is no kind of end-result or end-goal which should be applicable to everyone, and which should be pre-determined. Now, what should be the end and what should be the goal, these theorists will argue that individuals should be left and individuals are best to decide. The procedural theory, primarily, focus on the individual autonomy and liberty. It emphasizes on individual as rational beings and they should be aware of various choices available to them. The state should not interfere in the entitlements of individuals. They are responsible for their own actions and the consequences there of.

The premise of this procedural theory of justice is that individual is rational, autonomous agent, aware of his or her choices or decisions. The result or the consequences of decisions should be also, raised with the individual himself. And state, should not

interfere with the decision-making or the opportunity or the choices that is, available to the individual. The procedural theory of justice does not particularly, focus on the distribution of goods, benefits, and services in the society as is often, argued in the distributive conception of justice.

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➤ Robert Nozick's principle of justice is a good example of procedural theory of justice. He puts forward two principles of historical and end-state principles of justice. He pointed out that past actions and choices of individuals should determine his/her desert and entitlements and the distributions by the state or its agencies.

➤ In the end-state principle, he emphasized that there should be certain goals or objectives to which the distribution pattern should look into and distribution of goods and benefits should be done accordingly.

➤ Nozick explains how only a just acquisition of property leads to just transfers of property. And therefore, he argues that state should have minimal role in distributions. For him distribution is justified only when property is acquired by foul or unjust means.

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The idea of a procedural theory is not to focus on the distribution or interference with the individual autonomy or liberty, but to provide them with the condition or a just condition for maximization of their opportunities and for development of their talents. In that way, society's role or the role of state is minimal to ensure the implementation of just laws or a just procedure which everyone should cooperate within the framework of law or a just procedure.

And while, following those just procedure and law, we will discuss it in Nozick, the outcome should not be determined or pre-determined by the state. So, Robert Nozick's principle of justice is a very good example of this kind of procedural theory of justice. He put forward two principles of justice, which is called historical or end-state principle of justice. Now, he pointed out that the past actions and choices or decisions which individuals make and it should determine his or her desert or entitlements.

The distribution whether state should actually, involve in distribution of resources or not will be determined by the actions of a past or historical actions of individuals, and the

entitlements that he or she achieved. Let's put it this way, the individual is entitled to maximize his property, to acquire more property, and to have more entitlements.

While doing so, individual must be following or must follow certain procedures, which established the just way for acquiring the property. If the individual acquires his or her property by following a just procedure established by law or the state, then, his acquiring of property or entitlements are just, and state should not interfere with his resources or do not take the responsibility of distribution among those who are less well-off.

Whereas, if the individual follow certain unjust or foul means for acquiring of the property, then, a state has the responsibility to correct the past mistakes, and to re-distribution. The historical actions or choices are focusing upon the individuals acquiring the property and if it is just, then state should not interfere. If it is unjust or acquired through false means, then state has the responsibility to re-distribute those resources. So, in the end-state principle, he emphasized that there should be certain goals or objectives to which the distribution pattern should look into and distribution of goods and benefits should be done, accordingly. That is, the end-result principle which focuses on certain ends and objectives are to be achieved.

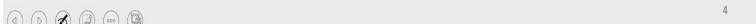
Nozick, explains how only, a just acquisition of property leads to the just transfer of property. If we remember in equality, also, we have discussed the idea of acquiring property in a just manner. And it is transferred to other individuals is just, if the holder has acquired his or her property in a just manner. So, the entitlement is not sufficient, but the process of acquiring that entitlement or transfer of entitlements is equally, significant.

So, Nozick, argued, state should have minimal role to play in distribution. For him, distribution is justified, only, when property is acquired by foul or unjust means, otherwise, state should have very minimal role, and it should not take the responsibility of distribution. If, the acquiring of property or entitlements by the individuals are just, even if, it is unequal in the society. Those inequalities in entitlements or rights are justified, if such acquisitions are based on just principles or by following the just procedure as established by law. If there is a foul or an unjust method for acquiring that property, then state has a role to take away that property and involved in the process of re-distribution, but otherwise, a state should not interfere with the individual entitlements and property.

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**Substantive Justice**

- The procedural theory of justice particularly focuses on following some procedures or rules to ensure justice but the outcome of such procedures are not that important while assessing a theory of justice. However, substantive theory do emphasize equally on how to get just results by applying just procedures like fair allocation of resources and how a society ought to work in order to achieve and maintain justice in the society.
- Substantive theory is about the fair distribution of goods like wealth, income, opportunities to all people despite of their different social position or economic status.
- It equally emphasis on fair principles of distribution. Its objective is to establish a just social system by ensuring fair distribution of goods.



The substantive justice, in contrast to the procedural theory of justice also, equally emphasize on the outcome or just outcome in the society. The procedural theory of justice particularly, focuses on the following procedures or rules to ensure justice, but the outcome of such procedures are not that important, while assessing a theory of justice.

So, the functioning or assessment of a theory of justice is based on the procedure itself or the rule itself. And it is argued, if a just rule is formulated or a just procedure is formulated, then the outcome will necessarily, be just. We do not have to take into account, the outcome to understand a theory of justice. But, we have to formulate a theory which is just in itself, then, the outcome or the result will be taken care of on its own.

However, in contrast, substantive theory does emphasize equally, on how to get just results by applying a just procedure. So, the procedure itself is not sufficient. We also, need to equally, emphasize on the just outcome. One of the examples, I have used in one of my lectures previously, it is the idea of applying the premise of this rule that treats everyone equally, and it appears to be just. It should work everywhere. We should treat everyone, equally.

Now, if a society is not equal, then if, we apply this just rule of treating everyone equally, may not lead to a just outcome. That is everyone will not be on the same level or with the same opportunities, or with the same entitlements or resources. So, treating everyone

equally, in an equal society will lead to just outcome. But, treating everyone equally, in unequal society will not lead to a just outcome.

Therefore, the substantive theory of justice argues not about a just principle or procedure of justice, but also, a just outcome or a just result of that theory. So, it emphasize on how, to get just result by applying, a just procedure like fair allocation of resources and how a society, ought to work in order to achieve, and also, to maintain justice in the society. Thus, there is Rawls and we will discuss the constant need of re-distribution.

In a society, there will always, be the concentration of wealth or resources and inequalities. Now, there is a role of state to device a mechanism, which will constantly, re-distribute the concentration of wealth and resources, and to ensure that everyone should have maximum equality of opportunity. If such, a difference is required, then, it should be for the least disadvantaged people. These are the things which we will discuss.

The point in substantive theory is not just to have merely, a procedure of just distribution or a just theory. But also, to focus equally, on a just outcome and more so, that justice is not merely, about formulating a theory or to achieve justice one's and for all, but it is a kind of constant process of maintaining or ensuring justice to everyone, or to every generation in the society.

The substantive theory of justice is about fair distribution of goods, and these goods are like wealth, income, and opportunities to all people, despite of their differences in social position and economic status. So, those differences should not be determining in the opportunities available to individuals or resources available to the individuals. It equally emphasizes on the fair principles. So, there is focus on just procedure of distribution. Its objective is to establish a social system by ensuring a fair distribution of goods.

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➤ Although, his theory is regarded as procedural theory of justice, John Rawls concept of 'justice as fairness' could be regarded as substantive theory of justice as well. Rawls emphasized upon equality in the society as a virtue. However, he argued that any deviation from the principle of equality is justified if that is for the benefit to the least well-off sections in the society. He argued that natural talents and social positions should be used to make everyone's life better off or for others benefit in society rather than merely benefiting oneself.

➤ Substantive justice is grounded on application of just procedure which intend to produce a substantive outcome or result for everyone in society.

➤ Therefore, substantive justice focuses on just allocation of resources, benefits or burdens. It requires a procedure with an objective to ensure fair and just allocations of resources. It also requires responsible agents like individuals, group of individuals, public institutions, and state.

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Although, his theory is regarded as a procedural theory of justice, John Rawls concept of 'justice as fairness', could also be regarded as a substantive theory. Rawls emphasized on equality, as a virtue in society. And the whole purpose of a political order or the state is to ensure that equality is maintained and to maintain it, he developed two theories of justice, which we will discuss. So, justice is the fundamental and a political virtue in the society.

However, he argued, any deviation from the principle of equality is justified, if that is for the benefit of the least well-off section in the society. He argued that to ensure substantive justice in the society, requires not just adherence to the principle of equality, but also, it sometimes, requires certain preferential treatment or some deviation from this principle of equality. Now, those preferential treatment and deviation from this principle of equality, it justified only, when it is in the benefit of the least well- off sections in the society and not otherwise.

He argued that natural talents, and social positions should be used to make everyone and not just one or few talented or socially, economically well-off people, but everyone. That is, the urge for creating a society which is more just or egalitarian which provides equality to everyone, every single individual or member of that society, and not to a few or selected group of individuals. So, natural talents and social positions should be used to make everyone's life better off or for others benefits in society rather than merely,



benefitting oneself. In the libertarian or procedural theory of justice, we have seen that individual entitlements are based on his or her choices, or decisions which he or she has made, previously.

And if, such decisions or choices led to different entitlements, then those entitlements are just. For them, justice is a matter of individuals and not of the society. The objective should not be to create a condition or justice is not something, related to the society, but it is an individual matter. And the purpose for justice is to ensure maximum liberty and freedom, and autonomy to individuals, to develop his talent, and accordingly, to get differential or unequal entitlements depending upon his or her capabilities and talents.

In contrast to that, we see, there is a kind of moral urge for not just ensuring the talent and social positions but it should be used to maximize benefits or entitlements of a few, but for everyone in the society. And that is something, which is moral, which is a normative, 'a priori' kind of approach to this whole question of justice. This we will discuss, when we will discuss the idea of 'justice as fairness' in Rawls, in the subsequent slides. But here, Rawls can also, be seen as a theorist who argued for a substantive theory of justice and not merely, a procedural theory.

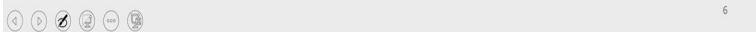
However, his emphasis remained about developing or formulating a theory which can be applicable, to every society or context, and not to a particular specific context. So, he did emphasized on developing a procedure or a just theory of justice, but his intentions or his objectives were not limited to procedure alone, but to create a society which will be more egalitarian and equal society.

So, the substantive justice is grounded on application of a just procedure, which intends to produce a substantive outcome or result for everyone in the society. Therefore, substantive justice focuses on just allocation of resources, benefits or burdens. It requires a procedure with an objective to ensure fair and just allocation of resources. It also, requires responsible agents, like individuals, groups of individuals, public institutions, and state to ensure that justice or allocation of resources is done in a just and fair manner.

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**Justice as Fairness**

- John Rawls in his book *A Theory of Justice* conceptualize a theory of 'justice as fairness'. Which is based on the basic tenets of the procedural theory of justice but equally emphasize upon the end results or outcome to create an egalitarian and just society. The premise of his theory is that human being, as a rational moral agent, would choose a principle of justice that would be consistent with the distributive theory of justice.
- Thus, the main focus of his theory is distribution of the benefits or primary goods i.e. liberty, opportunity, income, wealth, self-respect, and not having any scope for envy. Rawls argues that these goods should be distributed equally among all the members of the society. However, any deviation from this must be rationally justified.



Now, we move onto the second part of our lecture, today, that is Rawls conception of 'justice as fairness'. Rawls in his book *A Theory of Justice* conceptualized theory of 'justice as fairness'. This idea of 'justice as fairness' is based on the basic tenets of the procedural theory of justice. So, as I was saying Rawls concern was to arrive at a theory of justice, which will lead to a substantive outcome or to create a society, which will be more just and egalitarian which will provide maximum autonomy and freedom to every individual in that society.

So, to create, that kind of society, to provide that kind of opportunity to every single member of the society, Rawls conceptualized his theory as fairness, which equally, emphasized upon the end-results or outcomes, to create an egalitarian and just society. The premise of his theory is that a human-being is a rational, moral agent, and both these points are very significant in his conceptualization of justice that the individual is rational and also, a moral individual.

And this moral individual will also, have a sense of justice which is innate. We will discuss it in the veil of ignorance. The individual being by nature is rational, and also, a moral agent, that is the base or premise on which he or she develops some moral or normative judgements and course of action. The premise for this theory of 'justice as fairness' is thus, based on the idea of human-being as a rational or moral agent.

Therefore, they would choose a principle of justice which would be consistent with the distributive theory of justice. Rawls, talks about the distribution of primary goods. Here, he tries to combine the procedural and substantive theory of justice. And also, the idea of individual as the autonomous, rational, moral being on the one hand, but also, that individual is the part of a larger society or community.

Therefore, he had some obligations and responsibilities towards this idea of distribution of some resources. The main focus of his theory is distribution of the benefits or what he calls primary goods. So, in Rawls, we need to understand, while he was arguing for the distribution of the primary goods, he was not arguing for conceptualizing, and defining what is good for individuals.

Now, for what is good and desirable, what one should aspire to become should be left with the individuals to decide or to make decisions about. But certain primary goods or resources must be made available to everyone in the society. Therefore, the distribution of resources in Rawls is about the primary goods and not about the good conception or what is good for individuals that should be left. There is a kind of balancing the act between the state taking responsibility of not just providing good, but also, determining what is good for the individuals, on the one hand and what is the kind of authoritarian and a totalitarian state, on the other hand. The absolute and minimalist state is without any consideration to the responsibility of distribution or re-distribution of goods and benefits.

Rawls, was trying to balance between these two extremes of living individuals to his or her fate, and to interfering in every sphere of individual life. So, his theory of distributive conception of justice is about distribution of goods and not about conceptualizing or determining, what is good for every individual in society.

So, individual has the autonomy in determining, what is good for him or her, but a state has a role to ensure that the primary goods or resources are available to every member in the society. What are those primary goods? According to Rawls, liberty or the maximum liberty should be made available to everyone. The opportunity should not be limited to a few or selected groups, but to everyone's income, wealth, self-respect and not having any scope for envy.

To create a just society, it is necessary, that the entitlements or acquisition of property or the status of individual is not envied by others. It can only, be done when such acquisition and such status is seen as just by others or everyone in the society. So, they will cherish and not envy, others status or entitlements or property.

These primary goods are like liberty, opportunity, income, wealth, self-respect, and not having any scope for envy is something, which should be distributed to everyone one. So, Rawls, argues that these goods should be distributed equally, among all the members of society. However, any deviation, in the sense of, making some preferential treatment or to do some preferential distribution to a section of society is justified, only when it is rationally, explained.

The principle of justice requires equal distribution of primary goods among all the members of society. However, if some deviation has to be there, it must be rationally, explained or justified. And why, that should be rationally, explained is based on the premise that individual is a rational or moral agent which requires the theory to be rationally, or morally, convincing or justifiable.

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- As a procedural theory, Rawls pointed out that justice can be achieved through following a just procedure. Rawls theory of justice is egalitarian and he argues that theory of justice should be based on the notion of equality.
- Rawls theory is based on an abstract hypothetical idea of 'original position' which is he calls 'veil of ignorance'. In this 'veil of ignorance' individuals are unaware of their social status or position or class or any kind of discriminations that exist in the society.
- However, Rawls pointed out that individuals are aware of the basic elementary knowledge of economics, psychology and most importantly 'a sense of justice' and other primary goods. Individuals in the 'veil of ignorance', although would not have any particular vision of good life but they would all be interested maximizing the primary good like rights, liberty, power, opportunities, income and so on.

So, as a procedural theory, Rawls pointed out that justice can be achieved through following a just procedure, that is an emphasis on formulating or developing a just theory, which will lead to a just outcome. And that is a kind of universal approach, in his

conceptualization of theory of justice which he had modified and also, faced many criticisms for it, which we will discuss in our next class.

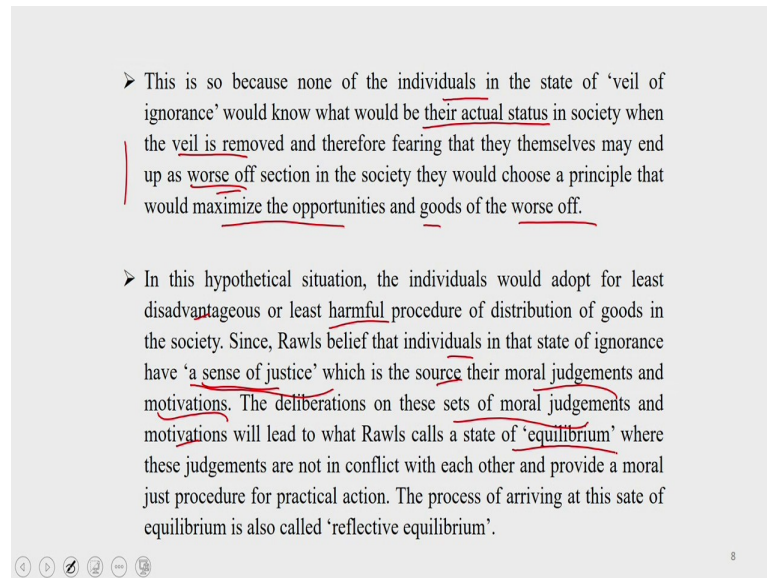
Here, we have to understand in his text, *A Theory of Justice* about his idea of justice as a distributive concept that it should be based on certain procedures which can be universally, applicable without any consideration to a particular context or society. So, Rawls theory of justice is egalitarian. He argues that theory of justice should be based on the notion of equality as we have discussed.

Rawls theory is based on an abstract hypothetical idea of original position, which he calls the 'veil of ignorance'. Now, the way, we arrive at this principle of justice is based on this hypothetical consideration of individuals which he talks about and he calls it as the original position, where the individual is abstracted from his or her actual, social conditions of living. And kept in a condition, where he or she is ignorant about his social positions, class or other personal positions and collective attributes and lives in a condition of uncertainties, as they do not know what should be the status, if such veil is removed.

So, the premise of arriving at a justice theory is based on this idea that individual is abstracted from his actual living status, to a hypothetical situation, which he calls the veil of ignorance. And, people in this original position are ignorant about their social status, position or class or any kind of discrimination that exists in the society. In this state of original position or veil of ignorance, the individual is not aware of his status, his positions, his class or any other discrimination that exists in the society.

However, Rawls, pointed out that individual are aware of the basic or elementary knowledge of economics, psychology, and most importantly, a sense of justice, and other primary goods. Individual in this veil of ignorance, although, would not have any particular visions of good life, but they would all be interested in maximizing the primary goods like rights, liberty, power, opportunity, income, and other goods that we have discussed. So, in this original position or what Rawls call a veil of ignorance, individual may not be aware of what constitutes a good life, but they all would be interested in averting the risk, and maximizing primary goods for every member in the society.

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- This is so because none of the individuals in the state of 'veil of ignorance' would know what would be their actual status in society when the veil is removed and therefore fearing that they themselves may end up as worse off section in the society they would choose a principle that would maximize the opportunities and goods of the worse off.
- In this hypothetical situation, the individuals would adopt for least disadvantageous or least harmful procedure of distribution of goods in the society. Since, Rawls believe that individuals in that state of ignorance have 'a sense of justice' which is the source their moral judgements and motivations. The deliberations on these sets of moral judgements and motivations will lead to what Rawls calls a state of 'equilibrium' where these judgements are not in conflict with each other and provide a moral just procedure for practical action. The process of arriving at this state of equilibrium is also called 'reflective equilibrium'.

This is so, because none of the individuals, in the state of 'veil of ignorance' would know what would be their actual status in the society, when the veil is removed. And therefore, fearing that they themselves may end up as worse off sections in the society, they choose a principle which would maximize the opportunity and good of the worse off. So, the idea is that individual in that veil of ignorance are uncertain about their actual conditions in the society, once the veil of ignorance is removed.

Now, if that is done, and if they are unsure about their conditions in society, they will devise a mechanism which will benefit or maximize the primary goods of those who are the worse off. Because they may fear that they themselves may end up as the worse off section in society. So, the principle of justice argues or requires individuals as a risk averter and will develop a mechanism which will be in the benefit of the worse off in society. That is the premise in the hypothetical idea of the veil of ignorance.

In this hypothetical situation, the individual would adopt for the least disadvantaged or the least harmful procedure of distribution of goods in society. Since, Rawls believed that individuals in that state of ignorance have a sense of justice. They are not like tabula rasa (Refer Time: 37:07) or blank that they do not have any idea. So, they do have, even in the veil of ignorance, when they are unaware of their actual status in society or the discrimination that prevails in the society, yet they have some innate sense of justice or basic economy or the psychology.

This sense of justice, according to Rawls, is the source of their moral judgments and motivations. So, this idea of individual being not just a rational person, but also, a moral person is very significant. That moral or a sense of justice is a source of moral judgment and motivation in individuals. The deliberation on these sets of moral judgments and motivations will lead to what Rawls calls a state of equilibrium.

Now, different sets of individuals with their sense of morality may not necessarily, or automatically, will have same set of moral judgments or moral decisions. These moral judgments or decisions, maybe, at conflict with each other or different sets of individuals will have often contradictory, set of moral judgments or decisions. Now, in that condition, the moral individual be not just being moral, but also, rational. It will deliberate, and reflect on those moral sets of judgments or decisions. And will arrive at a state, where there will be a kind of equilibrium. That equilibrium will remove the inconsistency, in those moral decisions or moral judgments.

This process of arriving at that condition, where the moral set of judgments are through rational deliberations reach a state or lead to a condition, where there will be a state of equilibrium, where they will all agree to certain moral, or general principle that would be a practical guide for individual. But if, there is some specific needs or if there is requirement for deviation that should have rational justification as well. So, this process is also, called reflective equilibrium.

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➤ Rawls argues that individual thus situated in a state of ignorance and still having an innate sense of justice would arrive at following two principles of justice. These are also called equality and difference principle of justice. They are-

1. Each person should have equal rights to liberty or freedom with similar liberty to others. (6)
2. Social and economic inequalities are to be arranged so that they are both
  - a) benefits to the least well off or more precisely if it is in the greatest benefit of the least advantaged.
  - b) attached to offices and job positions are open to all under conditions of fair or just equality and opportunity.

➤ These two principles are arranged in a specific order, which is also called lexical priority, that means he refers to specific procedures to be followed for the implementation of these principles. The first principle should be implemented before the second. And 2 b) must come before 2 a). Thus, Rawls talks about a procedural theory of justice. These principles, if implemented properly will ensure 'justice as fairness'.

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Individuals in Rawls, he argues, is thus, situated in a state of ignorance and still having an innate sense of justice which would arrive at these following two principles of justice. These are also, called equality principles or difference principle of justice. They are- the first principle, talks about which we call equality principle of justice that each person should have equal rights to liberty or freedom. This equal right to liberty and freedom should be maximum for every individual with similar liberties or freedom to others. So that is, the equality and freedom which state should ensure that everyone should have free and equal rights, and liberty to the maximum, which is available to other members in the society.

The second principle which is about difference principle, that talks about social and economic inequalities are to be arranged, so that they are both benefits to the least well-off or more precisely, if it is in the greatest benefit of the least advantaged sections in the society. The b) of this social and economic equalities, attached to the offices and job positions are open to all under conditions of fair and just equality and opportunity.

So, the difference principal talks about two sub principles, where 2a) is about if such inequalities in the treatment is to be done, then, it should be done on the condition, when it benefits the least well off or more precisely, the greatest benefit of the least advantage sections in the society. The 2b) principle talks about that offices and job positions are open to all and not few or selected groups, but to all under the condition of fair or just equality and opportunity. So, they can access to jobs or public offices which are made available on the principle of this fair equality of opportunity.

Now, this principle of justice, it is arranged in priority wise which we call lexical priority, that means, these two principle are arranged in a specific order which we call the lexical priority, that means, he refers, a specific procedure to be followed for the implementation of these principles. So, these two principles of justice, while following and implementing must follow certain sequences or certain priorities.

These priorities are: the first principle should be implemented before the second. So, the preference or primary emphasis should be given to the first principle which talks about that each person should have equal rights to liberty or freedom with similar liberty to others. So, the state ensures that individuals should have equal rights or maximum equal rights to liberty and freedom. The second principle, 2b) talks about equal opportunities or



fair equality, which must come before 2a). So, before the state go for the preferential treatment, state must ensure the free and equal opportunity, to offices and job positions.

Thus, Rawls, talks about a procedural theory of justice with some sequence, which we call lexical priority. These principles, if implemented properly, will ensure 'justice as fairness'. So, justice, in Rawlsian concept is not certainly, about a procedure or just procedure, but it also, equally, put emphasis on a just outcome or to create a society, which will be a fair or an egalitarian society or a just society.

The equality is the basic fundamental social virtue in the Rawlsian conception of justice. Of course, there are many critics to Rawls which we will discuss. So, in the Rawlsian conception of justice, once again, we need to think about some of the things like it is a distributive concept, which talks about distribution of primary goods. And not really, to determine what is good in itself, it should be left for individuals. So, individual has the autonomy, to define what is good.

The second, Rawlsian conception of justice is based on the idea that individual will arrive at the situation, when they are abstracted from their actual, social condition, and put in the veil of ignorance, where they will have a sense of justice. And through that sense of justice, they will arrive at certain procedure, principle of justice to deliberation, where there will not be any inconsistencies in the moral preferences or moral judgments.

And there, he talks about these two principles, equality principle which should be always, given preference to and if, there is some deviation or preferential treatment or move away from this equality, then, it must be justified only, on the grounds, when it meets the principle of equal opportunity to job and public offices, and if, that is, in the benefit or in the greatest benefit of the least disadvantaged section in the society. So, these are some of the ideas about the conception of 'justice as fairness'.

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On this topic, you can refer to some of these books, which are mentioned in the above slide. In the next lecture, we are going to discuss some of the criticisms made to John Rawls, theory of justice. Then, we will pick up different approaches to justice, like feminist, communitarian, capability, approach and so on. That is all for today.

Thanks for listening.