

Introduction to Political Theory
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Lecture -14

Justice – III: Capability Approach; Libertarian, & Communitarian conceptions of Justice

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Intro

- In the previous lecture we have discussed the liberal egalitarian conception of justice through John Rawls's *A Theory of Justice*. His theory is regarded as the most comprehensive account of justice in modern times. His conception of justice re-establishes the value of justice as the first virtue of society and public institutions. It also sought to establish a balance between liberty on the one hand and social equity/equality on the other. However, there have been many critique to Rawls theory of justice.
- We will particularly focus on Amartya Sen's critic of Rawls and his capability approach of justice. We shall also discuss Libertarian and Communitarian conceptions of justice. We will discuss Feminist conception of justice and global justice in the next lecture.
- C B Macpherson, criticizing Rawls theory of justice and its claims of universality, argues that Rawls theory of justice is very much culture specific. According to him, Rawls theory essentially rationalizes liberal belief and values. It is a defense of liberal democratic governments or societies with welfare orientation.

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Hello and welcome friends. Today, in this lecture, we are going to discuss some of the critiques of Rawls theory of Justice. In the previous lecture, we have discussed two principles of justice as argued by John Rawls in his work *A Theory of Justice*. In today's lecture, we will start with his critique by C. B. Macpherson. And then, focus on the capability approach by Amartya Sen, and his critique to John Rawls theory of justice. We will also focus on the libertarian and communitarian critique of Rawls theory of justice.

In the previous lecture, we have discussed the liberal and egalitarian conception of justice, basically, looking at John Rawls text *A Theory of Justice*. This theory by John Rawls is regarded as the most comprehensive account of justice in modern times. Robert Nozick regarded this theory, though he also, provides a substantial critique to Rawls theory of justice as well. However, he acknowledged the significance of Rawls theory of justice by claiming that everyone should work within the framework of justice as provided by Rawls or explain it why not. That is the comprehensiveness or the

significance of Rawls theory of justice. It has transformative impact on many policies, discussions and debates in political philosophy of modern times.

His conception of justice re-establishes the value of justice as the first virtue of society or public institutions. It also, sought to establish a balance between two political values of liberty on the one hand and equality or what we call social equity or social justice on the other, which is often seen by many philosophers as contradictory or as something, which is incompatible with each other.

Thus, one cannot have equality without compromising on liberty or freedom or we cannot have absolute freedom without compromising on the value of equality or social equity. Rawls, while providing the most comprehensive account of justice, also, tries to balance between these two sets of political values, political equality and liberty. However, as we will discuss today, there are many critiques of Rawls liberal and egalitarian theory of justice. Today, we will particularly, focus on Amartya Sen's critique of Rawls and his capability approach of justice. We will also, discuss then libertarian and communitarian conceptions of justice.

In the next lecture, we will discuss about the feminist conception of justice and global justice. In the final or concluding lecture on justice, we will take up these two sub-topics within justice, where we will discuss on the feminist conception of justice followed by a discussion on global justice. To start with Rawls critique, we will begin with C B Macpherson, who writes, in Rawls theory, and there is this assumption that if, we construct a theory, and if that theory is just context free, that means, the construction of a theory of justice must be context free, independent or autonomous from its contexts.

So, as I have discussed in my previous lecture, his conceptualization of justice is based on a set of individuals, who are abstracted from their actual social positions in the society. And they are put in a 'veil of ignorance', which he calls the original position. Now, in that position through reflective equilibrium, they arrive at a theory of justice which is context free that is, not related or confined to only a particular context.

In Rawls theory, the argument for justice is that his theory has application across the context, universally. Now, in this kind of argument, C B Macpherson argues that Rawls theory of justice and its claims of universalities is very much culture specific. So,

contrary to its claim of universality, C B Macpherson argues that Rawls theory of justice is very much limited to a particular, cultural context.


According to Macpherson, Rawls theory essentially, rationalizes liberal beliefs and values. So, despite of his claim of 'veil of ignorance' or the original position, according to C B Macpherson, what Rawls theory essentially does is to rationalize a liberal set of values and beliefs. That means, his theory is applicable only to a society which is a liberal society or a government or a liberal government with welfare orientation. Therefore, the claim of universality is something, problematic, according to C B Macpherson. He argues that thus, it is a defense of liberal democratic governments or societies with welfare orientation. Therefore, it cannot be argued that it is something which is universally, applicable.

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Capability Approach

➤ Amartya Sen's theory of justice is regarded as both a critique and also an extension of Rawlsian theory of justice. It is also known as capability approach to justice. According to Sen, in Rawlsian framework liberty is given more central a role. In this framework distribution of primary goods among every members of the society to achieve and exercise freedom or liberty are given more importance. However, Sen argues that this approach hardly deals with the question of capabilities and needs of each individual in the society to use such primary goods to lead a live that they value.

➤ For Sen, it is not enough to distribute same set of primary goods to each individuals. And, then assume that justice is done and subsequent inequalities resulted out of this arrangement is perfectly justified. But, it is also necessary to consider that people's capacities to use or convert these primary goods into freedom or skill differ. These difference might be result of individuals age, sex, or genetic endowments.



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Now, we will look at the capability approach of Amartya Sen which is a critique of Rawls theory of justice. His theory can be argued also, as an extension of John Rawls theory. That means, some of the values that is put forward by Rawls is acknowledged by Amartya Sen as well. However, he also made an argument, to include not just what people are allocated in terms of distribution or re-distribution of primary resources.

Sen extended the argument of Rawls and said that we also, need to take into consideration the differential needs and requirements of different people depending upon their age, sex, gender or genetic endowments. So, people may require different kinds of

primary goods like most importantly, what people do with their primary goods. So, their capability to convert the primary goods is more important for us to take into consideration, while we are arguing or discussing about justice rather than limiting the argument merely, to distribution or re-distribution of primary sources.

Thus, Amartya Sen's theory of justice is regarded as both a critique and also, an extension of Rawls theory of justice. It is known as the capability approach to justice, where the focus is not merely, on liberty or freedom, but on the capability, that means, individual capacity to make choices whether that capability is enhanced or not. It arises questions like what are the differential capabilities of different individuals.

Now, this interpersonal understanding of differential capabilities is necessary, for ensuring overall justice or ensuring that everyone is capable or has the opportunity, to live a life which they value. To ensure that the focus or emphasis should not be merely, on the primary sources or on the idea of liberty, but to see, whether individuals are capable enough, to use or convert the primary resources into skills or resources which enable them to lead a life which they actually, value. So, this is called the capability approach to justice.

According to Sen, in Rawlsian framework, liberty is given a central role. We will discuss this point again, when we will discuss on Nozick's, understanding of libertarian conception of justice or libertarian critique of Rawls egalitarian conception of justice. But starting point for both of them was protecting or ensuring the maximum liberty to the individual.

In Rawlsian framework, liberty is given the central role or liberty is primarily focused on. Although, he moves away from that position to justify difference, only if that difference is for the benefit of the least advantaged section of people. This point we call as the difference principle which we have discussed already, in the previous lecture. But nonetheless, even that difference is to ensure liberty or to maximize liberty of the individuals.

So, in Rawlsian framework, liberty is given a more central role and in this framework, focus is on the distribution of primary goods among every members of society to achieve and exercise freedom. The idea of distribution of the primary goods is to ensure that everyone should be given a set of primary goods which will enable them, to exercise

their freedom or liberty. Rawls was trying to ensure that everyone should have access to certain primary goods, which is necessary, for him or her to enjoy his or her freedom and liberty.

In this framework, distribution of primary goods among every member of society to achieve and exercise freedom of liberty is given more importance. However, Sen, argues that this approach hardly, deals with the question of capabilities and needs of each individual in the society, to use such primary goods to lead a life that they value. So, firstly, the needs of a sick or a healthy person is not the same. The need of a child or an adult is not the same.

Thus, there are differential needs, depending upon the sex, age, and status of the individuals which we need to take into account. And most importantly, it is not just enough to distribute the primary goods, but also, to take into account what individual does with those primary goods, whether they have the capability to convert this primary goods to lead a life that they value or not, whether that is happening or not, that is the major concern for Amartya Sen.

For Sen, it is not enough to distribute same set of primary goods to each individual. And then, assume that justice is done and subsequent inequalities resulted out of this arrangement. That means, when you ensure the distribution of primary goods and if, that leads to inequalities in outcome, then inequalities in outcome is justified and acceptable. Now, Sen, also, argues that this is not enough, and it is necessary, to consider that people's capacity or capabilities to use or convert these primary goods into freedom or skill differs.

Some may be brilliant, some may not be brilliant, some may be healthy, some may not be healthy, some may be adults, some may be children, some may be old, so these differential requirements and capabilities has impact over the capabilities of these members to use the primary goods for their liberty or freedom or the kind of life that they like to enjoy. So, these differences might be the result of individual age, sex or genetic endowments. Now, in the conception of justice to create a society which is just, we also, need to take into account the capabilities of individuals and to use these primary goods for the kind of a life they wish to lead or value.

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- Hence, Sen focuses on the capabilities. Here capabilities mean individual freedom to choose between available alternatives. Thus, capability in Sen's framework represent real freedom and uphold justice. Whereas, Rawls idea of redistribution of primary goods is only about means to the freedom. It hardly takes into account what individuals actually do with these primary goods. Sen on the other hand focuses precisely on this point as to how individual capacities to use these primary goods differ. And without taking into account those differences freedom or justice can not be ensured.
- Thus, in Sen's framework of justice distribution of primary goods is not enough. According to him, focus should be given on strengthening the capabilities of individuals and fulfilling their different needs if justice is to be ensured.

Libertarian Approach

- Arguing about the significance of Rawls theory of justice Nozick wrote that everyone should now work within the framework of justice provided by Rawls or explain why not. However, he provides a libertarian critique to Rawls's liberal egalitarian theory of justice. Where he differs from Rawls idea of freedom and consider it as an infringement on individual freedom and liberty.

Hence, Sen focuses on the capabilities. Here, capabilities mean individual freedom to choose between available alternatives and also, their capabilities to convert the primary goods into the freedom or liberty or the life that they value living. Thus, capabilities in Sen's framework represent real freedom and uphold justice. It is not merely, the primary goods which is the sufficient condition for enjoying freedom or to lead a good life or worthy life. It is necessary, but, more than that we need to strengthen the capabilities of individuals to convert these primary goods into liberty or use them to lead a life that they value.

Thus, capabilities in Sen's framework, represented real freedom and it uphold justice whereas, Rawls idea of re-distribution of primary goods is only, about means to the freedom. Rawls considered the distribution or re-distribution of goods as means for realizing the freedom or true liberty. It hardly, takes into account what individuals actually, do with these primary goods. Sen, on the other hand, focuses precisely, on this point as to how individual capacities or capabilities to be used as these primary goods differ. And without taking into account these differences, freedom or justice cannot be achieved. So, the capabilities or strengthening the capabilities is perhaps, significant for distribution or re-distribution of primary goods.

So, in Sen's framework of justice, the distribution of primary goods is not enough. According to him, focus should be given on strengthening the capabilities of individuals

and fulfilling their different needs, if justice is to be ensured. Hence, he focused on the capabilities approach.

Now, moving onto the next approach or critique of Rawls theory of justice, we have libertarian approach to justice, where we will discuss mainly, about Robert Nozick's views on John Rawls theory of justice, and his own entitlement theory of justice. While arguing about the significance of Rawls theory of justice as I have discussed in the first slide, Nozick wrote that everyone should now work within the framework of justice provided by Rawls or to explain why not. So, that is, how he acknowledged, the significance or the comprehensiveness of Rawls theory in modern times.

He provided a substantial critique to Rawls theory of justice which he considered as the liberal and egalitarian theory of justice. His own theory of justice is regarded as the libertarian conception of justice. He did provide a critique to Rawls theory of justice, but he also, acknowledged the significance of Rawls theory of justice, where he argues that everyone should now work within the framework of justice as provided by Rawls or to explain why not. However, he provides a libertarian critique to Rawls liberal and egalitarian theory of justice, where he differs from Rawls idea of re-distribution, and considers it as the infringement on individual freedom and liberty.

As we have discussed in some of the previous lectures that for the libertarian, the value of liberty or freedom is absolute. It must not be compromised for some higher goods or goals. The liberty or freedom is considered as self-justified, it does not require further justification. The following idea from this absolute notion of liberty is about the self-ownership. So, individual as a rational, self-defining, autonomous individual has the rationality or right to own himself or to own his or her property.


Therefore, the property right is then extension of this understanding of self-ownership or self-position, which must not be taken away for some higher goods or goals. So, the Rawls egalitarian conception of re-distribution is in a sense, from the libertarian perspective, an infringement of individual freedom and liberty.

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➤ And therefore, Nozick argued for a minimalist state and do not want it to undertake any welfare or redistributive activities as envisaged by Rawls. The state, according to Nozick should be 'limited to the narrow functions of protection against force, theft, fraud, enforcement of contracts and so on'.

➤ He also argued in his work *Anarchy, State, and Utopia* that the principle of equality is incompatible with the principle of liberty. Although, Rawls and Nozick seems to have started from the same position. That is to say that they both value liberty, they drifted from each other when it comes to realizing such liberty. Nozick consider it primary and main objective whereas Rawls, although gave primacy to liberty, he wanted to balance the ideals of liberty on the one hand and the quest for equality and social justice on the other.

➤ Nozick's theory of justice defends absolute property rights of the individual. It is also regarded as *entitlement theory of justice* which means 'whatever arises from a just situation by just steps is itself just'. This theory rests on the twin principles of just acquisition and just transfer. So any property that has been acquired or transferred in a just manner must not be taken away by the state for any other 'higher goals' or ideals.



Therefore, Nozick argued for a minimalist state. The term minimalist state means the state which has a limited role to play. Nozick again criticized Rawls, but do acknowledged the role of a state. Unlike, an anarchist who questions the very legitimacy or existence of a state and want to do away with any form of institutions or the state, Nozick, defends the existence of a state.

However, unlike, Rawls who want the state to take up the role of re-distribution of primary goods or maintaining welfare, Nozick considered having a minimalist state. That means, it gives very minimum function to the state and to leave the individual with maximum freedom or maximum liberty, which must not be compromised for some other social and political higher goals and ideals.

So, Nozick, argued for a minimalist state and do not want state to undertake any welfare or re-distributive activities as envisaged by Rawls. The distribution or re-distribution of primary goods and to ensure that wealth should not be concentrated in a few hands; Rawls gave extensive role to the state. In contrast, Nozick argued that state should have a very minimum role to play and it should not indulge in any welfare or re-distributive activities. The state, according to Nozick should be limited to fulfill the functions like to provide protection against force, theft, fraud, or enforcement of contract.

The minimum role of the state is to ensure in law and order in society. So, state must ensure law and order. If there is some fraud or theft, there is betrayal or the party in

contract betrayed other partner, then state in that situation must intervene and ensure the enforcement of contract. So, the state has a very minimum role in the society, that is, limited to protection against force, theft, fraud, and enforcement of the contract. And that is the minimum role which Nozick has prescribed for the state.

He also, argued in his work, *Anarchy, State, and Utopia* about the principle of equality and this is the point which we have discussed, as to why Rawls is considered as the most comprehensive theorist in modern times. Because he tries to balance between two incompatible sets of political values, that is, political liberty or freedom on the one hand, and equality or social equity on the other hand.

For Nozick, the principle of equality is incompatible with the principle of liberty. Although, Rawls and Nozick seems to have started from the same position, that is to say, that they both value liberty. Now this point, you should take and remember or recall about Rawls two principle of justice. First principle is considered as the liberty principle that means, maximum liberty and freedom should be made available to everyone. The second principal has two parts: part a) talks about equality of opportunity to everyone, and b) talks about difference principle, if that difference is for the least advantaged rights, or the least most disadvantaged section in the society.

So, Rawls in a way, assumed or presented the significance of liberty, and as we have discussed during the capability approach. Liberty remains the priority for Rawls. So, for distribution or re-distribution of primary goods is to ensure that everyone should have the chance or opportunity, to maximize his liberty or freedom. For Rawls, as for Nozick, liberty is of some significant value. However, both Nozick and Rawls drifted from each other, when it comes to realizing the notion of liberty. For Nozick, liberty and freedom is the primary objective.

Whereas, Rawls, although, gave primacy to liberty as we have discussed in two principles of justice. He wanted to balance the ideal of liberty on the one hand, and the quest for equality and social justice on the other. So, that is the common starting point. And yet when it comes to realizing, Rawls take into account the critique to the libertarian ideals of freedom and liberty. Thus, Rawls, although give primacy to liberty, he wanted to balance the ideal of liberty on the one hand, and the quest for equality and social

justice on the other that makes Rawlsian conception of justice, more egalitarian and inclusive.

Nozick's theory of justice defends absolute property rights of the individuals. Now, this absolute property rights of individual is an extension of the idea of self-ownership or self-defining individuals having the capacity to create wealth and own wealth. And if, that ownership of wealth is just, then state or any other bodies have no right to take away the wealth in the name of some higher goods and ideals.

So, Nozick's theory of justice defends absolute property rights of the individuals. It is also, regarded as entitlement theory of justice which means, whatever arises from a just situation by just step is itself just. Thus, anything which is owned created or transferred, so property can be owned, created or owned through transfer. Somebody who had rightful ownership of property may transfer it justly, to some other person. Now, that other person who acquired this property to transfer by just means, their ownership is just and the state must not interfere in the legal or just transfer of such property. This entitlement theory of justice rests on these twin principles of just acquisition and just transfer.

So, if one acquires property in a just manner without resorting to fraud or some kind of illegal activities, then your acquisition is just, similarly, with a just transfer. If the ownership of property is through just transfer, then that ownership is perfectly, legitimate and state must not interfere with that ownership. Any property that has been acquired or transferred in a just manner must not be taken away by the state for any other higher goals or ideas. Because the state has a minimum role to play and it should not according to, Nozick undertake any welfare or distributive roles.

However, Nozick, argues that his argument of justice is 'a historical'. In fact, it misses the very history of ownership and transfer of property. It was never in the human history ever happened through a just manner. So, the war, conflict, and winning the territory through war, and violence are some of the examples, where the properties are owned and transferred, most of the time in a fraudulent or illegal or unjust manners, and not through rightful means as what Nozick would like us to believe.

The human history is thus, full of fraud, wars, ownership or transfer of property through war and violence. In that context, although, Nozick argued about this rectification

principle that is, if property is owned and transferred through fraudulent means, through unjust means, then he argued that state has a role to interfere, and re-distribute that property.

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➤ Nozick did recognize the principle of rectification, if and only if such acquisition or transfer has been done in an unjust manner. However, he gives more importance to the first two principles rather than the principle of rectification. Liberty and absolute property rights remain central to Nozick conception of justice.

Communitarian Approach

➤ The main focus of the communitarian critique of Rawls theory of justice is the idea of the individuals abstracted from their actual social position and put in some hypothetical 'original position' or *veil of ignorance* and theory they choose become the foundation of universal idea of justice. Michael Sandel and Michael Walzer are two prominent communitarian critique of Rawls theory of justice.

➤ They argue that such isolated and abstract individuals do not exist. In contrast to liberal conception communitarian conception of self is *embedded self*. That means individuals are part of a pre-existing social organizations which enable them to make choices. In other words the conception of good or just is not result of individual rationality and determinations as liberals would argue. Rather these are constructed and held together by the community of which individual is a member. And therefore the notion of good or just differ from community to community or culture to culture. In other words communitarians conception of justice take into account context specificities or particularities which is actual rather than based on some thought experiment.

However, he gives more importance to the first two principles, that is just acquisition or just transfer, and give very little or minimum focus on this principle of rectification which is the basis of Rawls conception of re-distribution of primary goods. So, in Nozick, what we find is that liberty and absolute property rights remained central to his conception of justice.

Now, we will move on to the third and the final approach, we have to discuss today. That is the communitarian approach and in this approach, we will primarily, focus on thinkers Michael Sandel and Michael Walzer. The main focus of communitarian critique of Rawls theory of justice is the idea of individual. For Rawls, and many other liberals, the individual is seen as a self-defining, autonomous rational subject, which takes decision on its own.

Whereas, communitarian believes that individual is the member of society or community. That membership of a society and community determines the notion of good or just in the individual. It is not the individual capacity or rationality that determines what is good or just, but it is the society or the community which determines for the individual, what

is good and just. So, the conception that we have about good and just are socially, determined and not by the act of individual rationality.

So, the main focus of communitarian critique of Rawls theory of justice is the idea of individuals abstracted from their real actual social positions and put in some hypothetical original situation or what is also called the 'veil of ignorance' in his theory. It became the foundation of universal idea of justice. So, in the Rawlsian framework, some individuals are put in a hypothetical position which he calls the 'veil of ignorance' or original position as already discussed.

And these individuals are abstracted from their actual social positions that means, they do not know their status in the society. And yet, they pick up through reflective equilibrium a theory of justice, which would be the foundation of universal theory of justice. Now, communitarians critique this kind of abstraction of individuals. Michael Sandel and Michael Walzer are two prominent communitarians who critiqued Rawls theory of justice.

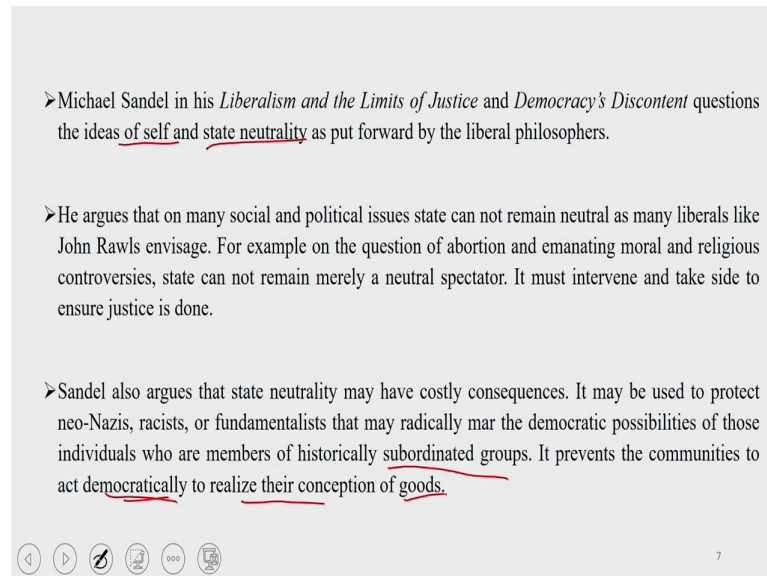
They argued that such isolated or abstract individuals do not exist. In contrast to the liberal conception, communitarian's conception of self is an embedded self. The term embedded self means, the individual is already, always, embedded in the life of the community of which he or she is a member. So, one cannot think of through thought experiment, the individual is isolated and abstracted from the society. They argued that without a social or community life, individuals will not have any sense of good or justice that means, individuals are part of a pre-existing social organization, which enables them to make choices.

In other words, the conception of good or just is not the result of individual rationality, and determination as liberals would argue. Rather these are the means, the notion of good and justice are constructed and held together by the community where each individual is a member. Thus, contrary to the liberals, they believed the idea of good and justice is socially, constructed and determined. It is not the result of individual rationality and autonomy.

Therefore, the notion of good or just differs from community to community. So, different communities have different notions of good or different notions of justice. That cannot be determined beforehand or 'a priori'. So, in communitarian conception of justice, we

also, find that they take into account the cultural or community or context specificities or particularities, when they argued for justice or how to ensure justice in the society. So, they do not argue for a kind of hypothetical abstract or experimental notion of justice, but they want to engage with the local particularities or community specificities, and through them, they try to develop or construct a sense of justice or good.

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➤ Michael Sandel in his *Liberalism and the Limits of Justice* and *Democracy's Discontent* questions the ideas of self and state neutrality as put forward by the liberal philosophers.

➤ He argues that on many social and political issues state can not remain neutral as many liberals like John Rawls envisage. For example on the question of abortion and emanating moral and religious controversies, state can not remain merely a neutral spectator. It must intervene and take side to ensure justice is done.

➤ Sandel also argues that state neutrality may have costly consequences. It may be used to protect neo-Nazis, racists, or fundamentalists that may radically mar the democratic possibilities of those individuals who are members of historically subordinated groups. It prevents the communities to act democratically to realize their conception of goods.

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To briefly look at, Michael Sandel, in his *Liberalism and Limits of Justice and Democracy's Discontent*, he questions the ideas of self and state neutrality. So, the self, we have discussed as communitarian has argued that self is always, an embedded self, and not really, the abstract or isolated autonomous rational self as liberals would like us to believe.

The other point which we need to focus is the idea of state neutrality. So, all the state liberals would argue that state must maintain neutrality that means, it must not take side when there are differences of opinions of different groups, and state must maintain neutrality. Now, the communitarians, like Michael Sandel question this liberal position on state neutrality. And he, argues that on many social and political issues state cannot remain neutral.

For example, on the question of abortion and emanating moral and religious controversies, state cannot remain really a neutral spectator and state must take side, to ensure that justice is done. Sandel also, argues that state's neutrality, if it maintains, may

have costly, consequences. What can be such consequences, that many groups which may be detrimental to democracies or liberal democracy can take advantage of this state neutrality.

This idea of state neutrality may be used to protect groups like neo-Nazis or racists or the fundamentalist that may have a detrimental effect on the democratic possibilities of those individuals, especially, who are members of the historically, subordinated groups of people. So, democracy has a positive impact. It includes those who were excluded from the participation or governance or from the administration.

So, it has ever inclusive tendency. But, if that democracy maintains neutrality, then it is also, possible that such neutrality may be used by the fundamentalists or racists or the neo-Nazis forces to radically, mark the possibilities of those groups or individuals, who are part of the historically, subordinated groups. It prevents the communities to democratically, realize their conception of goods.

Therefore, Michael Sandel argues that state must also, ensure that justice is done and democracy is strengthened, to belief and keep faith in democracy alive, especially, for those who are from the subordinated or disadvantaged groups. So, contrary to the liberal argument of state neutrality, Michael Sandel argues for state intervention to ensure justice in the society.

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➤ Michael Walzer's critic of liberal conception of justice is much beyond its conception of self or state neutrality. He rejects the universalist aspirations of liberals who seek to construct a theory of justice that would be applicable to all cultures universally.

➤ Giving pluralistic account of justice, Walzer argues that justice is a human construct and if we consider the history, culture and membership of different societies, they might have different conception of social good or justice. And thus the conception of social good or justice will vary from community to community or culture to culture.

➤ Walzer's own conception of distributive justice is based on the premise of complex equality. This he argues in his book *Spheres of Justice*. By complex equality he means that no citizen's standing in one sphere or with regard to one social good can be undercut by his standing in some other sphere, with regard to some other good. Thus, it requires different distributive spheres be autonomous from each other and superiority in one sphere must not result in superiority in another spheres. Only then domination can be checked and proper equality and justice for everyone can be ensured.

Now, we will discuss briefly, Michael Walzer, and then we will conclude, today's lecture. Michael Walzer's critique of liberal conception of justice is much beyond its conception of self or state neutrality. In Michael Sandel, we have seen the communitarian critique of Rawls theory of justice is primarily, based on the liberal conception of self on the one hand, and state neutrality on the other.

In Michael Walzer, you will find that he moves beyond the conception of self or state neutrality, and rejects the universalist aspiration of liberals who seek to construct a theory of justice that would be applicable to all cultures, universally. So, Michael Walzer criticized the universalist aspirations and liberal conception of justice who want to construct a theory of justice, which will be universally, applicable across cultures and contexts.

Michael Walzer's own conception of justice is a pluralist conception of justice. So, giving pluralist account of justice, Walzer, argues that justice is a human construct and not a kind of hypothetical thought, experiment or abstract ideas. It has to be constructed among the actual, real individuals, groups, and societies. And groups and societies may have different conceptions of goods or justice.

Now, that varies from community to community, and culture to culture, which we must take into account, when we construct a theory of justice. Unlike, liberals, who believes in a theory of justice which will have universal application, Michael Walzer talks about the pluralist conception of justice, where different communities and cultures may have their own conception of good and justice, and yet justice can be ensured.

So, Walzer, argues that justice is a human construct. And if, we consider the history, culture, and membership of different societies, they might have different conceptions of social good or justice. Thus, the conception of social good or justice will vary from community to community or culture to culture. The notion of good in a liberal society will vary from notion of good in a caste ridden, hierarchical society or in a society which is deeply, religious or theocratic society.

So, all these three kinds of societies may have different conceptions of good and justice. Again, the communitarians are very sensitive to the culture and its specificities, or particularities, when they develop their theory of justice. Now, Michael Walzer's own conception of distributive justice is based on the premise of 'complex equality'. This we

have discussed, when we have discussed the idea of equality. Again this idea of ‘complex equality’ is explained in his book *Spheres of Justice*. And by ‘complex equality’, he means, no citizen standing in one sphere or with regard to one social good can be undercut by his standing in some other spheres with regard to some other goods.

So, the idea of ‘complex equality’ is a bit different from simple equality. Here, Michael Walzer argues that there are possibilities that one individual may have a superior or dominant position in one sphere of life, but ‘complex equality’ must ensure that such domination or such superiority in one sphere of life must not automatically, extend in other spheres of life or other walks of life.

For example, one person may have a superiority or dominant position in the political sphere, but that domination or superiority in political sphere must not extend in sphere of society or economy or culture. So, these all spheres must be independent and autonomous from each other, where individuals may have the chances of having a better position in one sphere, but that must not automatically, extend in other spheres of life, and that is, the irony of our modern society.

For example, if you have enough money, you can have access to better healthcare, education opportunity and so on. Those do not have the money; they may not have as better opportunities in education or employment or health. So, Michael Walzer argues against that kind of extension of position from one sphere of life to another sphere of life.

The ‘complex equality’ in a way, checks the domination or superiority of one person in all spheres of life. It requires different distributive spheres, be autonomous from each other and superiority in one sphere must not result in the superiority in other spheres. So, only then, domination can be checked and proper equality and justice for everyone can be ensured. Thus, everyone should have an opportunity or access to have a better position in different spheres of life, and so not to be concentrated (Refer Time: 43:58) or limited to only, a few sections or few individuals in the society.


So, this is all on the communitarian philosophy. Here, we are not making a difference between libertarian and the communitarian, but we have tried to understand their conceptions of justice vis a vis Rawlsian conception of justice. However, many communitarians do assume some of the tenants of liberal philosophy of thought but that is not the subject matter for our discussion.

In today's class, we have discussed about the capability approach of Amartya Sen, and his critique to Rawls theory of justice. And then, we have discussed Robert Nozick's libertarian approach to justice. Finally, we have discussed the communitarian critique of justice or conception of justice through Michael Sandel and Michael Walzer. In the next class, we will discuss on the feminist conception of justice and global justice.

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References

1. Bhargava, Rajeev and Ashok Acharya. (2008). *Political Theory: An Introduction*. Delhi: Pearson Longman.
2. Hoffman, John and Paul Graham. (eds.) (2015). *Introduction to Political Theory*. New York: Routledge.
3. McKinnon, Catriona (2012). *Issues In Political Theory (Second Edition)*. United Kingdom, Oxford University Press.
4. Farrelly, Colin ed. (2004). *Contemporary Political Theory: A Reader*. New Delhi: Sage Publications.
5. Barry, Norman P. (1989). *An Introduction to Modern Political Theory*. United Kingdom: Palgrave Macmillan.
6. Rawls, John. (1999). *A Theory of Justice*. Massachusetts: The Belknap Press, Harvard University Press Cambridge.



So, for the discussion that we have had today, you can follow some of these books. Like Rajeev, Bhargava, and Ashok Acharya's *Political Theory: An Introduction*. And Hoffman's, *Introduction to Political Theory*. In McKinnon's text, you can also look at issues, *In Political Theory*. In Colin Farrelly's, you can read some of the original excerpts from some of these thinkers as we have discussed like Michael Walzer or Robert Nozick. You can also, look at Norman, P Barry's, *An Introduction to Modern Political Theory* and of course, John Rawls, *A Theory of Justice*. That is all for today.

Thanks for listening. Thank you all.