Cultural Pluralism: An Analysis of the Perspectives of Rawls's Conception of Justice

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[**Abstract :** Rawls tried to explain justice in terms of fairness, therefore his theory of justice can be termed as justice as fairness. Justice as fairness evolved with the academic career of Rawls and hence it is reflected in many of his writings. Based on the criticisms received, Rawls improved the theory of justice. Rawls revisited his theory of justice many times during his academic career. The theory of justice is the major contribution of Rawls to philosophy, and he took nearly four decades to sharpen it. Rawlsian conception of justice gained considerable attention of the academic world. It is still being studied in different parts of the world. This paper raised some relevant questions concerning the nature of Rawlsian theory of justice by studying it in the context of Cultural Pluralism. The main objective is to identify the characteristic features that make Rawlsian theory more alive even today. Do we need an ideal theory of justice that can be applied to any space and time? How does the Rawlsian conception interact with the concrete approaches to justice? These questions concerning *justice as fairness* are discussed in this paper by studying it in the political context of cultural pluralism's criticisms and viewpoints.]

Key Words: Culture, Justice, Pluralism, Democracy, Ethnicity.

Introduction:

The political problems of pluralism have moved to the center of John Rawls's account of a well-ordered democratic society. In *Political Liberalism* (1996) and recent essays, Rawls tells us that political liberalism emerges out of the conflicts between opposing moral doctrines, specifically the early modern wars of religion and the debates about religious tolerance. Rawls focuses on individual rights in his conception of justice. To formulate principles of justice, Rawls invokes a device called "original position". Impartiality of deliberation at original position is achieved with the aid of a hypothetical "veil of ignorance". Rawls negates the possibility of gambling at the original position. He presupposes that the agents at the original position would necessarily choose the principles of justice rather than the available theories. He emphasizes on individual rights and liberty in the unique set of principles. The stability of a multicultural society is the concern for the improvement of the theory of justice that originally appeared in *A Theory of Justice* (1999). By rejecting comprehensive doctrines, he accepts reasonable pluralism. When we observe the world democracies, we find that there are states in where regular elections take place, but the governments remain corrupt. Which democratic state can

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handle the difference principle effectively? It implies that, Rawlsian theory presupposes a perfect democratic government for the implementation of the principles of justice. A perfect democratic structure always remains an ideal. The situation becomes very different and difficult as the capitalists control the government and policy makers. Can the government be true to the spirit of Rawlsian theory of justice when it is influenced by the profit-driven capitalism?

Cultural Pluralism

In a broad sense, "cultural pluralism" can refer to any sort of cultural variety within a specific area, and it can refer to classifications based on race, ethnicity, religion, rural-urban status, occupation, income, or overall standard of living. Marie notes that the "…. existence of pluralism in a society is more likely to take place in societies that are young nations, covering large sparsely populated areas, engaged chiefly in agriculture and poor; their governmental functions are still shaky and unstable, as literacy rates are low and various interest groups struggle confusedly for dominance. These characteristics tend to increase in intensity the more plural the polity" (Marie,1967: 304). In the framework of pluralism, the major concern is peaceful co-existence and amity. The current study briefly discusses our ethnic diversity and certain assimilation issues.

The concept of ethnicity is a new concept and it was developed in the decade of 1960s in the context of sociology and anthropology. In that decade the word 'ethnicity' was not available even in many English dictionaries (Glazer & Moynihan,1975). However, in the last three decades of the past century, this concept was focused quickly by the social thinkers. Because of the world-wide diversity of the ethnic people and due to the diverse social aspects, it appeared to be extremely difficult to develop a definition of this concept. Daniel Bell, in his exploration on this issue, comes to the point that, "the term ethnicity is clearly a confusing one" (Bell, 1975:156). Consequently, Mallick thinks, "The nature of ethnicity has been a controversial issue in academic literature" (Mallick, 1998:113). However, on the basis of a through and comprehensive exploration of the writings on ethnicity, Richard Jenkins develops a 'basic social anthropological model of ethnic', where he gives primordial emphasis on cultural differentiation and ethnic identification (Jenkins, 2008). Such cultural differentiation and identification occur in the groups or small communities of people, even within the same state and the same political practices. As examples of ethnic communities, differentiated by language, Daniel Bell mentions "Bengalis, Gujratis, Marathis in India and also similar other examples from other countries" (Bell, 1975: 156). By the 1960s the notion of tribe was being replaced by the notion of ethnic groups; consequently, a paradigm shift took place with the replacement of 'tribal society' with 'ethnic groups' (Jenkins, 2008).

Rawls's Conception of Justice: Justice as Fairness

John Rawls addressed the concept of justice with the criterion of fairness. According to his theory of justice as fairness, it is fairness that determines the nature of the policy. His major concern is to reject the utilitarian understanding of justice by pointing out the ambiguities in utilitarian conception. John Rawls proposed the theory of justice, called justice as fairness, in his magnum opus, *A Theory of Justice* (1971). His new theory of justice emerged as a change alternative to the utilitarian theory of justice and to suggest that a reasonable principle of justice emerges under fair conditions where there is a possibility of a mutual agreement between persons. His theory could be considered to be an abstract form of the traditional social contract theory. Rawls's notion of social contract is much different from the traditional one. In the traditional theory of social contract

according to Hobbes (1651), Locke (1980) and Rousseau (1993), human beings are driven by self-interest, and hence they come to an agreement for the functioning of the system in a way that minimizes the harm done to the others as each one is exploring the possibilities of life. In the Rawlsian worldview, human beings are not driven by self-interest as in the traditional social contract. Rawls has in mind a liberal society made up of rational individuals. Inequalities concerning wealth and income are allowed only if they are for the advantage of the least advantaged in the society.

Political Liberalism (1996), his primary book, explores the concept of a political view of justice. The concept of acceptable plurality is central to political liberalism. Through overlapping consensus among people, a political idea of justice may fit into any conflicting worldviews. The main concern of Rawls was to reflect on justice and formulate a theory in the context of a liberal society. The main concern of *A Theory of Justice* (1999) is to give and defend a liberal and egalitarian idea of justice (Maffettone, 2010). While thinking of justice, Rawls allows the legitimate use of power in a liberal state. He thought that justice gives the standard for arranging social institutions in a morally best way (https://plato.stanford.edu/archives/spr2017/entries/rawls/).

According to Rawls's notion of society, there are citizens who are free and equal, and the society is fair. Individual freedom and liberty are promoted and respected in a liberal society. Rawls presupposed a society which is made of free, rational and equal citizens while formulating a theory of justice. In many cases, the order in the society does not presuppose freedom and equality. The state can assure order in society through the illegitimate use of power on the citizens. Rawls would say that there cannot be justice in such a society. According to Rawls, a liberal society bases on two presuppositions. The first one is that the individuals as the building block of the society are equal and free. Both of these notions are abstract in nature. More than that, it is an ideal or utopian situation to find all the individuals in a society being equal before the institutions. The second condition is that the society must be fair. A liberal society is possible when the given conditions are met. Rawls is concerned about the reason behind the coexistence of citizens who are divided by reasonable religious, philosophical and moral doctrines (Rawls, 1996).

Rawls conceive society as a fair system of cooperation. According to a commonsensical understanding, it is impossible for people with conflicting worldviews and value systems to coexist. In *Justice as Fairness: A Restatement* (2001), Rawls talks about four roles of political philosophy that is responsible for a political agreement by settling the problem of order in a society which is composed of different worldviews and doctrines. The first role of political philosophy is to focus on disputed questions to figure out the possibilities of moral agreement. If that is not possible, a moral agreement can be achieved by narrowing down the political differences in the society. For example, one problem could be the arrangement of the basic institutions in a society that is appropriate for freedom and equality of the citizens. The second role of political philosophy concerns the way people think of entities like society and nation as opposed to their aims and purposes as individuals (Rawls, 2001). The members of a civilized society think beyond their identities to reach collective identity as finding themselves as members of a collective entity. This notion of collective identity helps them to relate to the social world. The third role of political philosophy is that of reconciliation. The fourth role of political philosophy is to deal with the questions concerning a just democratic society, the historical conditions, the ideals and principles must be realized by the society. The fourth role also deals with some questions concerning reasonable pluralism in the society.

In his *Theory of justice* (1999), Rawls introduces the concept of a well-ordered society. A society that is well-ordered is one that is governed by a shared sense of fairness. This notion is a part of Rawls' main argument, which is that society is a fair co-operative structure. According to Rawls, a society is well-ordered only if it satisfies the following criteria: first, political conception of justice remains as a common knowledge that means everyone knows that everyone else knows the same thing or idea, and there must be a mutual recognition of this knowledge, second, society's basic structure like the institutions and the way they work together must be known for all and they must satisfy the principles of justice, and third, citizens may have a sense of justice which must help them to understand publicly accepted principles of justice, and they must act according to their position in the society with all duties and obligations (Rawls, 2001). This concept of a well-ordered society is significant in the context of a society made up of citizens who collaborate based on a widely accepted notion of fairness. In other words, a well-ordered society is one that is successfully governed by a public notion of justice. It is not necessary for all members of a liberal society with tolerable plurality to embrace the same philosophy without debate. Citizens following various ideologies may be able to agree on political concepts of justice. This trait, according to political liberalism, provides the foundation for citizen solidarity in a democratic society. Many civilizations, according to Rawls, are not well-ordered due to a lack of among the citizen agreement.

The concept of fundamental structure is an important element of a well-organized society. Justice as fairness, according to Rawls, considers the fundamental structure to be the essential topic of political justice. The basic framework provides the backdrop against which all individual transactions and exchanges take place. It refers to the method in which society's institutions are connected to form a system of social cooperation. It also deals with the way the rights and duties of the citizens are assigned and it regulates the distribution of benefits and burdens arising out of the cooperative activities in the society. Basic structure includes the constitution with independent judiciary, property rights, structure of market, and the family. Rawls focuses on basic structure as the subject of political and social justice (Rawls, 2001).

A set of principles governs society as a fair system of cooperation. The presupposition leads to members the idea of original position. The persons in the society are considered to be equal and free. But, what is the method of reaching fair terms of cooperation in Rawlsian worldview? It is not established by an authority which is separated from the members in cooperation, and a transcendental authority like God. It is not established by the natural law, order of the cosmos, or the wisdom of the culture. According to Rawls, it is established by the citizens who are in cooperation in the society. Justice as fairness presupposes that the fair terms for social cooperation must be given by an agreement among the people in cooperation. Rawls thinks that it is impossible for citizens in a pluralistic society to agree upon moral principles given by the sacred text, God, natural law or any other transcendental authority, but it will be better if the citizens themselves can reach some agreement under conditions that are fair (Rawls, 2001). According to Rawls, "the original position is a completely hypothetical situation" (Rawls, 1999:104).

By adding the concept of overlapping agreement, the ideal of a well-ordered society becomes more plausible. It also aids society's adjustment to different aspects of democracy, such as the reality of acceptable plurality. Despite their differing perspectives on life, individuals accept the same political idea of justice for a variety of reasons. All the opposing doctrines in the society will not prevent to have a shared point of view that helps to resolve problems related to constitutional essentials. According to a reasonable

pluralism, there is no comprehensive doctrine that can effectively deal with the questions of political justice. The political conception is affirmed by a reasonable overlapping consensus in the context of a well-ordered society (Rawls, 2001). The overlapping consensus is the most sensible foundation for the political and social unity of a democratic society. Justice as fairness becomes meaningful in the context of the possibility of an overlapping consensus. Reasonable pluralism is one of the facts which are important in justice as fairness. Reasonable pluralism is not just a passing state in a particular epoch of history, but it will remain as a lasting aspect of the public culture of democracy. Under the suitable conditions of free institutions, a number of irreconcilable but meaningful comprehensive doctrines will arise and continue to exist (Rawls, 2001). Only an oppressive state can establish by the use of power, a persisting comprehensive doctrine for the entire society. Any enduring democratic regime is supported by a large number of people who are politically active. According to Rawls, pluralism is a permanent characteristic of the democratic culture (Rawls, 2001).

Critiques of Rawls
Patrick Hayden criticizes John Rawls's theory of 'Justice as fairness' in his paper "Rawls, Human Rights, and Cultural Pluralism: A Critique" (1998). He demonstrates why Rawls' attempts to extend justice as fairness to a global context is flawed. First, he argues that the theory fails because, in an attempt to accommodate cultural heterogeneity, it allocates different sets of rights to various societies. Since, the rights derived from the first liberal original-position, as well as those of the 1948 Universal Declaration of Human Rights (UDHR), are based on the ideal of persons as free and equal, hierarchical societies are unlikely to endorse the same law of peoples that liberal societies have promulgated. Second, he shows that the theory fails because Rawls claims that individuals do not need to be considered as free and equal in non-liberal or hierarchical societies. He believes that the concept of respect for human rights, which Rawls says is inherent in the laws of peoples, would need the transformation of hierarchical societies into egalitarian liberal democracies, as well as a cosmopolitan ideal of global justice (Hayden,1998).

The argument presented by Rawls does not convince me on this crucial point. Rawls characterizes his goal as an attempt to refute the notion that the rule of law and the concept of respect for human rights are ethnocentric, reflecting and imposing Western norms. Rawls separates the basic stance for the law of peoples into two distinct stages, each corresponding to predefined characterizations of opposing political cultures; as a result, he is compelled to distribute various levels of freedom and equality. In liberal democratic countries, commitments to the common good and other perfectionist principles do not take precedence over individual's liberties and interests. Individual rights, freedoms, opportunities, and socioeconomic means must be guaranteed under liberal peoples' legislation, particularly the concept of respect for human rights. To show that the liberal law of peoples may secure that set, Rawls makes sure to incorporate the fair equality of opportunity and difference principles. Several criteria, according to Rawls, are necessary for the agreement he proposes. Human rights, according to Rawls, are distinct from political liberalism's rights. Human rights, he says, do not depend on any specific comprehensive moral theory or philosophical understanding of human nature, such as that human beings are moral individuals of equal value, or that they have certain moral and intellectual capacities that entitle them to rights (Rawls, 1996).

Human rights, on the other hand, can only be assigned once it is decided into which society a person is born, and then that individual's fundamental moral responsibilities and

interests will change depending on whether that society is liberal or non-liberal. If a person is born into a liberal society, he or she has the rights that come with being a free and equal individual; if a person is born into a hierarchical society, he or she does not have these rights and is only given a limited set of rights.

Because it allows for the potential of unjust inequality as a result of ascribing a distinct, more restricted set of rights to individuals in hierarchical systems, Rawls' theory of human rights fails to fulfill the requirement of universality. It is also unable to meet the standard of universality because Rawls eliminates the ideal of persons as free and equal from the conception of human rights, thereby undermining the basic justification for international human rights norms. Both aspects of his theory lead Rawls to an unsatisfying version of cultural relativism.

Rawls' *political liberalism* appears to have two traits that foresee significant tensions between cultural membership and democratic citizenship. First, the idea of a "overlapping consensus" may be interpreted as a foundation for democracy based on pre-existing agreements and shared values. In the political practice of resolving most disagreements, a "overlapping consensus" is generally all that is required, according to empirical evidence. Second, in today's complex and diverse cultures, however, there is no reason to assume that such a foundation would be sufficient for a "political" notion of justice. Deeper disputes can only be addressed publicly if political liberalism is changed in two ways: by making the political notion of justice more dynamic and by making public reason "plural" rather than "single". Both characteristics are lacking not only in Rawls' account of the public application of reason, but also in all previous Kantian interpretations of the subject, including Jurgen Habermas' proceduralist idea of communicative reason (Rawls, 1996).

Michael Sandel argues against the Rawlsian theory of justice in his major work titled *Liberalism and the Limits of Justice* (1981). Sandel holds that in political liberalism, Rawls tries to defend his position concerning the priority of right over good (Sandel,1981). Through this work, Sandel tries to question the validity and effectiveness of the Rawlsian theory of justice with a focus on the principles. He finds a contradiction in the Rawlsian notion that Rawls subscribes to liberalism which affirms freedom for every individual to choose his or her own ends and value systems. At the same time, Rawls envisions a sort of metanarrative for the society. In a liberal society, the Rawlsian notion of justice should not propose any specific view of principles for the entire society. Sandel asks questions in this book concerning the very possibility of such principles. He argues that there is no notion or theory of person in John Rawls' theory and hence this theory is ineffective. The moral subject is very abstract in nature which is isolated from personal ends, history or sense of belonging to a community. Sandel argues that the Rawlsian idea of deontological liberalism falls apart as Rawls subscribes to a thorough going individualism.

Sandel (1981) raises three major critiques: the first critique is concerning the primacy of justice as it is manifested in the Rawlsian project, the second critique is concerning the incompatibility between the notion of person and the difference principle, and the third critique is concerning Rawls commitment to a thin notion of person. Rawls claim that, "Justice is the first virtue of social institutions, as truth is of systems of thought" (Rawls, 1999:3). Rawls, emphasizes on the importance of justice and just institutions. Liberalism and its emphasis on rights are criticized by the communitarians. According to the communitarians, the drawback of liberalism is that it overlooks the role of community and fraternity. It can be said that Sandel criticizes the very first premise of the Rawlsian project of justice. Sandel (1981) has raised two arguments against the liberal

emphasis on rights. These arguments are "circumstance of justice" and "crowding out" (Caney, 1991).

Circumstances of justice argument challenges the claim of the primacy of justice in Rawls. It argues that fraternity is similarly valuable and sometimes fraternity gains primacy. Sandel's argument is based on Hume's notions of circumstances of justice. According to Hume, justice is necessary only when there is a limited benevolence or shortage of goods (Caney, 1991). Rawls also deals with Hume's notion of circumstances of justice in *A Theory of Justice* (1999). Based on these premises, Sandel argues that when there is an abundance of benevolence, people normally do not insist on justice. According to him, fraternity makes justice unnecessary, and hence justice cannot be taken as the first virtue of social institutions.

Sandel (1981) suggests that the implementation of justice involves a loss of fraternity. Rawls (1999) says that a sense of justice among the people is contagious. It is contagious in the sense that the people grown under just institutions will gradually develop a sense of justice, and that will be communicated to the others in the society. As people become inspired by the notion of justice, they start to assert rights. Sandel (1981) thinks that such a development will result in a sort of death of fraternity. It is natural that there are claims and counter-claims in a system of justice. A misplaced sense of justice can harm tranquil surroundings, the warmth of friendship and embarrassment in relationships (Sandel, 1981). Sandel's claim that justice will crowd out fraternity which is meaningful in small communities and families. It is a fact that giving favor to one member of the family will make another member deprived of it as the mere act of distribution of the resources is clearly visible among the family members. Crowding out argument implies that the self-interests of the people are visible whenever people demand the institution of rights. The mere act shows that people are concerned about their own rights and the legal recognition. The communitarian thesis is that the ideal of community and fraternity results in the rejection of the principles of justice. It implies that wherever there is an abundance of fraternity, benevolence and communal feelings, justice does not enjoy the primacy as in John Rawls.

Sandel (1981) put the theory of person and theory of justice in Rawlsian project side by side in order to check whether there is a proper fit between them. His purpose is to analyze whether the theory of person found in Rawls is compatible with the difference principle. Sandel's major focus is on the "difference principle" which deals with permitting only the inequality to the benefit of the worst-off in the society. The "difference principle" is something unique in Rawls which demands that the social institutions may maximize the situation of the least advantaged. Sandel raises questions concerning the nature of the moral subject in Rawls. If the moral subject is an individual in Rawls, then it treats the subjects as means as the difference principles involves making use of a few people's talents for the benefit of the worst-off (Baker, 1985). As an alternative, Sandel (1981) proposes the notion of a group subject which can choose the difference principle so that the moral subject is not treated as a means as it involves the pooling of resources and talents of each person to the group subject. He concludes that the notion of individuated person in Rawlsian theory is insufficient to support the theory of the right of Rawls.

According to Sandel (1981), one of the key flaws of Rawls who represents the deontological liberals is the doctrine that the self is prior to ends. He restates the Rawlsian view that the essential characteristic of our personhood is our capacity to choose the ends, not the ends themselves. Since this capacity is located in the self, it is prior to the ends. Sandel goes on arguing that this view of liberals is wrong, because such a self is beyond

the touch of experiences, disconnected from others and cut off from the community. He says that such a conception "rules out the possibility of a public life in which, for good or ill, the identity as well as the interests of the participants could be at stake" (Sandel, 198:180).

Rawlsian Response to the Critique of Sandel

Sandel (1981) questions the foundation of the Rawlsian theory that justice has priority among the virtue and justice is portrayed as the first virtue. He argues against this primacy of justice thesis by claiming that certain conditions and circumstances like fraternity and benevolence make justice unnecessary. Sandel says that when fraternity disappears, the notion of justice becomes important. Hence justice does not have any primacy as Rawls conceptualized, but it has only some remedial functions in the society. He holds on to the view that there is and there must be agreement when there are benevolence and fraternity in a society or a community. Hence, he rules out the possibility of any sort of conflict or disagreement. It is possible that there can be disagreement concerning resources or doctrines, even in a society where benevolence exists. A system of justice is necessary as there is a possibility of conflicts in any benevolent society (Caney, 1991). Sandel (1981) tries to show that with a higher degree of benevolence, there is no claim for justice, but from a Rawlsian perspective, this is not the same as justice is unnecessary. Everyone has a fair share in any benevolent society, and people do have rights that need to be protected.

Sandel (1981) argues that a sufficient degree of benevolence in any community rules out the questions and claims concerning justice. He brings the example of a well-knit family and benevolence in a group of friends to substantiate his argument. These specific examples are no good reason to accept the thesis of Sandel that justice becomes unnecessarily in a climate of benevolence. The liberal claim of the primacy of justice remains intact. Sandel is not successful to give a counterexample to challenge the theory of thesis of Rawls concerning the claim that justice is the first virtue of social institutions. The Rawlsian claim is that people always do have rights and conception of justice is appropriate. Even in a heavenly place of fraternity and benevolence like a utopian state, we can never say that people do not have rights. Wherever there is right, there must be a system of justice maintained by an impartial body. Still, people have a freedom not to make claims concerning rights. Even if there is a higher degree of benevolence, it is not sufficient to claim that we do not have rights to be protected. In the first example of the case of family relationship where justice becomes irrelevant, notions of rights and justice are not discussed just because of the factor of spontaneous affection in relationships which presupposes certain sacrifices. A mother is ready to remain as an ideal housewife by doing all the household tasks by letting other members of the family to enjoy themselves. Deep within the fact, it results from a prevailing system of social order originating from a patriarchal worldview. The sense of justice and sense of right are misinterpreted by Sandel through this example. The same mistake can be seen in the second example of Sandel (1981) where one person in a group is ready to do all the works of others and makes sacrifices for the rest of the members. As these two cases are analyzed, a deep underlying factor of injustice can be seen there. Certain people in the community are used as a means by the rest of the community under the label of benevolence and fraternity. It gives the insight that many of the so-called benevolence and fraternity are not morally desirable. Benevolence cannot be taken as a blessing all the time. Benevolence becomes meaningful only when people are aware of their rights and duties

and then act on that understanding, but an act of benevolence based on ignorance of rights are meaningless and undesirable (Caney, 1991).

Sandel's (1981) claim that the concept and claims of justice have resulted in a decline of the moral fabric of the society appears to be meaningless. It gives the idea that Sandel seems to misinterpret the Rawlsian notion of justice, where justice is the first virtue of social institutions (Caney,1991). As Rawls focuses on social institutions where political institutions need to institute justice, Sandel is engaged in an agent-related reading of the concept of justice, where justice is the virtue of agents like courage, wisdom, and charity. But the Rawlsian claim is that justice is the first virtue of social institutions and personal relations, and associations do not come under Rawlsian conception (Rawls,1999). Rawls necessarily rules out the agent-related interpretation of justice that we find in critics like Sandel. He that throughout the project he considers justice as the virtue of social institutions. It is related to the political institutions, power relations, liabilities, rights and duties. He further says, "justice as a virtue of particular actions or of persons I do not take up at all" (Rawls,1999:3). A liberal like Rawls can still affirm the primacy of justice in the social institutions. Benevolence and justice are not in conflict as Sandel understood. These two concepts are not incompatible. It can be said that benevolence flourishes only within the system of justice and hence just institutions become the precondition for benevolence and fraternity. Hence it can be said that a conception of justice does not lead to a decline in fraternity and benevolence. Rawls argues that a decline of benevolence arises from injustice (Rawls, 1975).

Sandel's critique of Rawls shows that he has the strong affinity towards the communitarian tradition. However, Sandel seems to be not ready to accept this fact. A careful reading of the communitarian tradition and *Liberalism and the Limits of Justice* (1981) indicates that Sandel falls into the camp of communitarians. Sandel tries to analyze the limits of liberalism and he finds that there is an emphasis on the conception of the individual. Sandel argues that a deeper understanding of community is required rather than being limited within the walls of liberalism. He says that only a fraction of his argument says that liberalism gives an insufficient account of community. Sandel also emphasizes the notion of priority of the individual over the ends which is found in Rawls. It seems that Sandel subscribes to a hardcore belief that our existence becomes meaningful only within the context of a community that is historically grounded. Sandel has the notion of group subject and group rights. In his consideration, the person is partly constituted by the community, and he very often refers to the community and its constitutive role. He criticizes the primacy of self in Rawls and affirms the role of culture, history and community in the development of the person. Sandel believes that the talents of the individual belonged to and meant for the community and community must not be sacrificed at the altar of individualism which is found in liberalism.

Conclusion

Justice seems to be a dynamic concept which is still budding. It is conceptualized differently in different cultures around the world. The conception of justice is different in every religious, cultural, and philosophical tradition. As we go through the various traditions which conceptualize justice, we find different ways of dealing with the concept of justice. In some cultures, there are literal or concrete approaches to justice. But there is a tendency to adopt figurative expressions to deal with justice in many other traditions. It implies that we cannot have a single comprehensive theory of justice which can effectively deal with almost all the situations of justice. There can be some family resemblance that runs through almost all the theories or conceptions of justice in the

world. Still, it is meaningful to ask some questions concerning a general theory of justice which could be applied in most of the circumstances in the life situations. It can be said that Rawlsian theory of justice – *Justice as Fairness*, is a product of a particular epoch of the history. It is not mandatory that the Rawlsian conception must be implemented as it is in all the nation states around the world. Rawls sets certain limits and within the limits of justice, the individual is allowed to pursue his or her goals in life. Rawlsian principles of justice are not totalitarian in nature but they are very flexible. More than that, Rawlsian principles allow the existence of the other perspectives of justice.

Apart from *A Theory of Justice* (1999) and *Political Liberalism* (1996), he has written *Law of the Peoples* (1999), *Justice as Fairness: A Restatement* (2001), and many papers and provided many lectures which are available in the academic sphere. We can claim that Rawls work on justice is the most extensive work among the all-available works on justice. One may agree with Rawls or not but can't ignore Rawls in the contemporary era if one is dealing with justice. He continuously develpos his theory and comes up with a better solution. So, we can come to an idea from Rawls himself that the conception of justice always needs to evolve through reformulating itself by synthesis and assimilation, with the critiques and different ideas on justice present on different times and injustices presented in the society. His *Political Liberalism* (1996) has a better solution for a pluralistic society which has different groups of people having their own comprehensive principles of life, *The Law of Peoples* (1999) has a better solution for the problem of global justice which is a major lacuna in *A Theory of Justice* (1999).

References

Baker, C. E. (1985). "Sandel on Rawls", *University of Pennsylvania Law Review* 133, no.4, p. 895-928.

Bell, D. (1975). "Ethnicity and Social Change", in Glazer, N. & Moynihan, D.P. (Ed.), *Ethnicity, Theory and Experience*. Massachusetts: Harvard University Press, p. 156.

Caney, S. (1991). "Sandel's Critique of the Primacy of Justice: A Liberal Rejoinder", *British Journal of Political Science*, 21, no. 4, p. 511-521.

Glazer, N.& Moynihan, D.P. (Ed.). (1975). *Ethnicity, Theory and Experience*. Massachusetts: Harvard University Press, p.1.

Hayden, P. (1998). "Rawls, Human Rights, and Cultural Pluralism: A Critique", *A Journal of Social and Political Theory*. No. 92, Justice, Equality and Difference, pp. 46-56.

Hobbes, T. (1651). *The Matter, Forme, and Power of a Common-Wealth Ecclesiaticall and Civill.* Oxford: James Thornton, High Street.

Jenkins, R. (2008). *Rethinking Ethnicity*. London: Sage Publications.

Maffettone, S. (2010). *Rawls: An Introduction*. Cambridge: Polity Press.

Mallick, R. (1998). *Development, Ethnicity and Human Rights in South Asia*. New Delhi: Sage Publications.

Macpherson, C. B. (Ed.). (1980). *Second Treatise of Government.* Hackett Publishing Company, Inc.

Marie, H. (1967). "Social and Cultural Pluralism as a Concept in Social System Analysis", *American Journal of Sociology*. No. 73, p. 304.

Rawls, J. (1975). "Fairness to Goodness", *Philosophical Review*, 84, p. 536- 564.

Rawls, J. (1996). *Political Liberalism*. New York: Columbia University Press.

Rawls, J. (1999). *A Theory of Justice*. Revised Edition. Cambridge: Harvard University Press.

Rawls, J. (1999). *The Law of Peoples*. Cambridge: Harvard University Press.

Rawls, J. (2001). *Justice as Fairness: A Restatement*. New Delhi: Universal Law Publishing Co. Pvt. Ltd.

Rousseau, J. (1993). *Discourse on Political Economy and The Social Contract* (Christopher Betts, Trans.). Oxford University Press.

Sandel, J. M. (1981). *Liberalism and the Limits of Justice*. Cambridge: Cambridge University Press.

Sandel, J. M. (1998). *Liberalism and the Limits of Justice*. Second Edi. Cambridge: Cambridge University Press.

Wenar, L. (2017). "John Rawls", in Edward, N. Z. (Ed.), *The Stanford Encyclopedia of Philosophy* (Spring 2017 edition), URL= https://plato.stanford.edu/archives/spr2017/entries/rawls/. Accessed 23 January 2023.

[সার-সংক্ষেপঃ জন রলস সুবিচারের পরিপ্রেক্ষিতে ন্যায়কে ব্যাখ্যা করার চেষ্টা করেছিলেন ফলে তাঁর ন্যায়পরায়নতার তত্ত্বটি সুবিচার বা সমতা হিসেবে ন্যায়, এই অনুসারে বর্ণিত হয়েছে। রলসের সমগ্র চিন্তায় এই বিষয়টি একটি গুরুত্বপূর্ণ স্থান দখল করে আছে যা তাঁর বিভিন্ন লেখা থেকে আমরা স্পষ্ট ধারণা পাই। বিভিন্ন চিন্তাবিদগণ রলসের তত্ত্বকে যেভাবে গ্রহন বা সমালোচনা করেছেন সেগুলোর প্রেক্ষিতে তিনি তাঁর তত্ত্বের উন্নয়ন সাধন করেন। তাঁর সমগ্র জীবনের বিভিন্ন সময়ে এই তত্ত্বের নানা রূপ পরিবর্তন প্রত্যক্ষ করা যায়। দর্শনে রলসের অবদানের উল্লেখযোগ্য দিক হলো তাঁর এই ন্যায়পরায়নতার নীতি যা চার দশকের বেশি সময় ধরে বিকাশ লাভ করেছিল। পৃথিবীর বিভিন্ন দেশে এই তত্ত্বটি বর্তমান সময় পর্যন্ত গুরুত্বের সাথে অধ্যয়ণ করা হচ্ছে। এই প্রবন্ধে বহু সংস্কৃতিবাদ তত্ত্বের ক্ষেত্রে জন রলসের ন্যায়পরায়নতার তত্ত্বটি বিশ্লেষণ করে কিছু গুরুত্বপূর্ণ প্রশ্নের উত্তর অনুসন্ধান করা হয়েছে। রলসের তত্ত্বের উল্লেখযোগ্য বৈশিষ্ট্য যা বহু সংস্কৃতিবাদ তত্ত্বের ক্ষেত্রে সমতা বিধান নিশ্চিত করতে দৃঢ় ভূমিকা রাখতে পারে এই বিষয়টির পক্ষে উক্ত যুক্তি উপস্থাপন করা হয়েছে। এমন কোন আদর্শ তত্ত্বের প্রয়োজনীয়তা আছে কি যা যে কোন স্থান ও সময়ে ব্যবহার উপযোগী হতে পারে? বহু সংস্কৃতিবাদে রলসের তত্ত্বটি কিভাবে সমতা ও ন্যায়পরায়নতার বস্তুগত অর্থের প্রতি প্রতিক্রিয়া ব্যক্ত করে? এই প্রশ্নসমূহকে বিবেচনা করে রাজনৈতিক দর্শনে বহু সংস্কৃতিবাদে রলসের ন্যায়পরায়নতার নীতির ভূমিকা এবং এই নীতির বিভিন্ন সমালোচনার জবাবে রলসের অভিমত ও তার সমর্থনে যুক্তি প্রদান করা এই গবেষণার মূল আলোচ্য বিষয়।]