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# Rawlsian Perspective and the Covid-19 Situation in India

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## ABSTRACT

*The covid-19 pandemic was a big humanitarian crisis faced globally. Many developing countries were pushed towards extreme poverty. The scenario triggered us, as individuals, to counter numerous moral dilemmas that came up. Every person delved upon their moral reasoning to assess what would be the right thing to do. The notions related to justice were called into question every time.*

*Many thinkers and jurists have given their theories analysing the concept of justice from time to time. In fact, every person has their own set of ideas and reasoning as to what, according to them, is justice. One amongst them was the idea of justice as fairness. This idea was discussed at length by the great political thinker John Rawls.*

*The present essay aims to analyse the concept of justice as fairness as given by John Rawls and its application during the covid situation in India from behind the veil of ignorance.*

## I. INTRODUCTION

Philosophers have constantly been delving upon the concept of justice since ancient times. Their notions are based on the societies they have lived in, the social conditionings and the prevalent governmental systems. Traditionally, justice meant the presence of virtues in a man. It was more individual-centric than society centric. But with globalisation, the concept of justice is now more focused on society with just distribution of resources.

The approach of justice as a metaphysical concept does not hold much relevance now. The concept of justice from a political or economic perspective has gained more prominence in the modern world. John Rawls is one of the contemporary political theorists who viewed justice from the prism of fairness.

## II. JUSTICE

From time immemorial, the quest of defining what justice is has been going on. Many philosophers have given their own conceptions and notions of justice. Some defined justice as a metaphysical concept guiding individuals to act in a way that is just. They associated justice

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with morality and that the individual units form a big societal unit, and hence justice should be individual-centric. An individual-centric notion of justice is one where the individuals are guided by the prevalent customs and traditions while answering the question of what kind of person they should be.<sup>2</sup>

But in modern times, the idea of justice has become society centric. It is prominently based on the idea of distribution- who gets how much share of resources and why. To ascertain the answer to this question correctly, many theories like utilitarianism, liberalism etc., were formulated. The main aim of every theory was to define justice with a societal approach.

One such view was Justice as Fairness, given by a contemporary political theorist John Rawls. He gave principles of the veil of ignorance and distributive justice, which hold relevance even today.

### III. JUSTICE AS FAIRNESS

John Rawls was a political philosopher from Harvard University. He addressed the problems of modern liberal societies and the ways to address them. He, too, supported the idea of a modern society that has come together because of an agreement known as the social contract. According to him, justice is what society has agreed to and is not dependent upon any command of the divine. In his essay Justice as Fairness, Rawls opined that<sup>3</sup>

“The principles of justice are regarded as formulating restrictions as to how practices (social institutions) may define position and offices, and assign thereto power and liabilities, rights and duties. Justice is not to be confused with an all-inclusive vision of good society; it is only one part of any such conception.”

Through this, Rawls clearly points out the difference between a good and just society define position and offices, and assign thereto power and liabilities, rights and duties” (1985c, society, it is only one part of any such conception.”

### IV. PRINCIPLES OF JUSTICE

Rawls, in his Theory of Justice, gave two principles of justice<sup>4</sup>-

The First Principle says, “*Each person has the same and inalienable [permanent] claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same*

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<sup>2</sup> Stathis Banaka, *A Global Concept of Justice-Dream or Nightmare? Looking at Different Concepts of Justice or Righteousness Competing in Today's World* 63 Louisiana LR, (2007).

<sup>3</sup> Eder J. Eder, *John Rawls's Concept of Justice as Fairness* 4 Pinisi Discretion Review, (2020).

<sup>4</sup> JOHN RAWLS, *A THEORY OF JUSTICE (REVISED EDITION)*. (Massachusetts: Harvard University Press, 1999).

*scheme of liberties for all.”*

Through this principle, Rawls meant that there are some basic liberties that every human being possess. These liberties broadly include all the fundamental rights enshrined in our constitution or the liberties in the US Bill of Rights.

The Second Principle says, “*Social and economic inequalities are to satisfy two conditions: first, they are to be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefit of the least-advantaged members of society (the Difference Principle).*”

Rawls was aware of the fact that inequalities exist in every society, and so he, through his theory, focused on reducing inequalities. Equality is a virtue that every society wants to attain, and inequalities are inherent in the society in the form of social class, caste or luck. Equality of opportunity should be provided in every sphere of private and public employment. There should be no discrimination in employment or education.

Rawls, through the Difference Principle, said that “All differences in wealth and income, all social and economic inequalities, should work for the good of the least favoured.”<sup>5</sup>

So, it is clear that Rawls was not against the rich and wealthy. He was of the opinion that the socially or economically disadvantaged should be guaranteed some minimum wages.

The first principle given by Rawls holds priority over the second principle. The basic liberties are weighed more than the second principle of equality of opportunity. And this part of the second principle is placed on a higher pedestal than the second part of the principle- the Difference Principle. But both these principles hold great importance in a just society.<sup>6</sup>

## V. THE VEIL OF IGNORANCE

Rawls followed the theory of social contract and devised its hypothetical version wherein there is an ‘Original Position’. This is an imaginary position wherein no individual knows anything about their social standing in society. They are unaware of their gender, class, castes etc. and are in a position of neutrality. This is the ‘Veil of Ignorance’ behind which every individual gathers and chooses the principles of justice.<sup>7</sup>

Every person is motivated by the desire of getting the maximum benefit for themselves. This can lead to prejudices while making decisions for society. Hence, Rawls gave this hypothetical

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<sup>5</sup> Ibid.

<sup>6</sup> Supra note 3.

<sup>7</sup> Supra note 2.

thought experiment such importance. If the people are not aware of who they would be in a society, in terms of their religion, caste, sex, class, preferences etc. and only possess a certain basic knowledge about the working of the society, the inequalities that exist and the economic and social functioning of the society, then the social justice principles that would be formulated would be impartial and to the benefit of all. And since these principles would be devised by the individuals together, so, they would hold a binding force over the society as a whole.

Behind this Veil of Ignorance, the individuals have to reach a fair and impartial decision. They will be guided by human reason to decide the principles of a society the people would like to live in.

These people involved in the Rawlsian Experiment would choose the primary goods according to Rawls. These primary goods include wealth, rights and liberties, self-respect and advancement opportunities. Then a decision will be made as to the distribution of these primary goods among the various classes of people. Here, the main issues arise regarding distribution, if it should be equal or unequal; whom should it favour the most etc. Favouring the already advantaged class would not be justice. Everyone would want equal distribution amongst all.<sup>8</sup>

But Rawls had a different perspective. He was of the opinion that inequalities too form an important part of a just society. People who are doing good for the progress of society, like scientists, innovators etc., should be awarded for their work. Hence, a maximum-minimum rule would be the most appropriate one. The highest minimum is the preferred choice here, i.e., the disadvantaged classes are favoured more, and the benefits are maximised towards them.<sup>9</sup>

Behind the veil of ignorance, people would not know about their position in society, and so, they would choose the policies that would be fair to all, which according to Rawls, would mean benefiting the disadvantaged or the bottom class.

## VI. COVID SITUATION IN INDIA WITH A RAWLSIAN PERSPECTIVE

The covid-19 pandemic unveiled the widespread inequalities that infiltrated everyone around the world. Some millionaires became billionaires while many poor trodded to a dark level of poverty. The students faced a great and deep digital divide during the lockdown period. Numerous people lost their jobs, and the unemployment rate increased tremendously.<sup>10</sup>

From a Rawlsian perspective, assuming that all the people knew in advance that a disaster like

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<sup>8</sup> Supra note 2.

<sup>9</sup> Constitutional Rights Foundation, *Justice as Fairness: John Rawls and His Theory of Justice*, <https://www.crf-usa.org/bill-of-rights-in-action/bria-23-3-c-justice-as-fairness-john-rawls-and-his-theory-of-justice>.

<sup>10</sup> Irshad Rashid, *From behind the veil: John Rawls and COVID-19* The Hindu, May 22, 2020 <https://www.thehindu.com/society/from-behind-the-veil-john-rawls-and-covid-19/article31649350.ece>.

covid was going to happen, and they were to reach a consensus regarding the kind of political system that would serve the best interests of all, from behind the veil of ignorance, what structure such people would have designed? Here, the people would have all the knowledge about the society, but they would be unaware of their status and position in the society.<sup>11</sup>

It is the human tendency to think about their own benefit first. If the people are aware of their position in society, they will try to make a social structure where they are conferred with more benefits. For instance, a person who knows that he is a rich businessman in society will want such policies through which he would be able to maximise his profits, even if such schemes are to the disadvantage of others.

#### (A) Healthcare questions

People behind the veil of ignorance while framing policies to tackle the covid situation would have a choice regarding access to healthcare. Who should be given access to healthcare facilities? Only the rich, or the poor? The young generation, which is likely to live for more years or the old age people who have fewer chances of survival? Should the vaccination be made on the criteria of first come, first serve, or the people who are going to live more be given a priority? All these were the bigger questions we faced during the pandemic.

Also, there are many old age people who live alone and require regular medical attention due to various ailments they face. But due to the covid guidelines, they were not allowed to step out, and the provision for providing them with the necessities was made at a very late stage.

The great philosopher Emmanuel Kant warned, “Out of the crooked timber of humanity, no straight thing was ever made,” but that doesn’t mean that we, the people accept whatever comes our way, however shabby it may be. We need to see justice from the perspective of fairness so that a more humane society can be established.<sup>12</sup>

#### (B) Lockdown ethics

As the covid cases began to rise in the country, restrictive measures were imposed. Lockdowns followed one after the other in a hurry. But was any risk-benefit analysis performed? Were the long-term effects of lockdown and its impact on the weaker sections of the society assessed? The spread of the pandemic had started early, and India was affected later. There was enough time to take proactive steps; better arrangements could have been made.

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<sup>11</sup> Ibid.

<sup>12</sup> Kaushik Basu , Ela R. Bhatt, *Crisis also brings opportunity for building a nurturing economy*,The Indian Express, June 19, 2020 <https://indianexpress.com/article/opinion/columns/coronavirus-covid-19-economy-empathy-6465530/>.

Social distancing is easy for the people working from a particular place and who have adequate supplies of necessities with them. But the daily wage workers who do not have a fixed accommodation and have to travel from place to place in search of work were affected the most. The vulnerable people were left in a destitute condition. Restrictions on transportation added to the miseries of such people.<sup>13</sup>

Where on the one hand, the stranded Indians were brought back from different countries through special aeroplanes, the migrant labourers within the county had to suffer. There was no option left with them except walking miles and miles to their hometowns. That was a shocking reality which also brings into the picture the Difference Principle given by Rawls. According to this principle, economic inequalities can be tolerated if they are for the benefit of the disadvantaged sections of society.

But this didn't happen during the lockdown, where a lot of people died of hunger, starvation, suicides and other related issues.<sup>14</sup>

It is also pertinent to note that social distancing is very difficult to be followed by the slum dwellers. Nor could people sanitise or wash their hands frequently in areas where there is a lack of sanitation and clean drinking water. The imposition of lockdown would have benefited people if adequate arrangements of facilities had been arranged beforehand. Announcements, if made in advance, would have helped people to be ready for the lockdown. Migrants were not allowed to go back, and the transportation facilities were halted due to the threat of covid spread through them.<sup>15</sup> But then, wasn't it better to allow them to travel to their hometowns rather than starving and sleeping on the streets while walking miles to reach their places?

What choice is appropriate if the lockdown scenario is observed. Is it better to give liberty to political parties to hold gatherings, rallies etc., while the other people are forced to obey the lockdown guidelines?

### (C) Empathy

Mahatma Gandhi said that “recall the face of the poorest and weakest man you have seen and ask yourself if this step you contemplate is going to be any use to him.” This thought can also be seen contemplated in the works of John Rawls. It was a period where empathy was needed towards everyone suffering. But nobody cared about this. People were fired from jobs, their

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<sup>13</sup> Supra note 11.

<sup>14</sup> *lockdown: unable to harvest, farmer burns sugarcane crop worth ₹ 2 lakh*, *The Hindu*, 3 May 2020 <https://www.thehindu.com/news/national/karnataka/coronavirus-lockdown-unable-to-harvest-farmer-burns-sugarcane-crop-worth-2-lakh/article31493576.ece>.

<sup>15</sup> Supra note 11.

salaries were not paid, many were stranded without work, poverty and unemployment rose to great numbers, and so did the intolerance levels.<sup>16</sup>

Everyone wanted to protect themselves and their close ones. Nobody cared about others. The plight of doctors in their apartments was no good. People behaved contrary to Gandhiji's principle of empathy with them. People abused them, didn't let them enter the buildings and treated them as the carriers of the virus. Was this good? Being behind the veil of ignorance, would we have chosen such a scenario for society? A note should be taken of the Categorical Imperative as given by Immanuel Kant where he proposed that "Act only according to that maxim whereby you can, at the same time, will that it should become a universal law."<sup>17</sup>

The situation of lockdown made us think about what kind of society are we in. Is it an equitable and just society? Did we abandon the jobless, or did we support them during the pandemic? Do we discriminate against minorities and make them feel insecure?

## VII. CONCLUSION

Covid-19 made everyone equal in the real sense. Everyone had to face the lockdown restrictions. But then, many inequalities were also highlighted. Some people had enough money to hoard the food items, whereas others had to rely on the free food banks for their meals.

Justice, according to Rawls, is fairness, where the inequalities can exist till time, they benefit the weaker sections of the society. If analysed from the Indian context, majorly, Rawls's theories were implemented. For instance, the vaccination policy mandated the frontline workers and the aged people to be vaccinated first. Mask was necessary to control the spread of the virus, and so, policies were formulated wherein everyone had to wear masks irrespective of their status or position. This was for the benefit of all.

The pandemic showed us a scenario that came to be known as the 'new normal'. From the Rawlsian point of view, the original position is the one from where we would like to recreate the societal rules. The pandemic gave us an opportunity to ponder and make the society that we wish to live in—a society that would be nurturing the victims. The lesson that this pandemic taught us was not limited to food or avoiding the virus spread, but it was much more than that if a thought at a deeper level. This was the time when we realised the sanctity of human life. However strong and influential a person was, the pandemic made everyone realise that we all

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<sup>16</sup> John Authers, *How Coronavirus is shaking up the moral universe* The Economic Times, March 30, 2020 <https://economictimes.indiatimes.com/news/international/world-news/how-coronavirus-is-shaking-up-the-moral-universe/articleshow/74888344.cms?from=mdr>.

<sup>17</sup> Supra note 15.



are on the same boat, weak and fragile, but we have to grow together and support and comfort each other to get out of the miseries. The veil of ignorance plays an important role here. The government cannot ignore any person just because the person is unwilling or resenting. It is the duty of the government to protect the strongest and the weakest equally.

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