

DEMOCRACY AND SOCIAL JUSTICE: COMPARATIVE INSIGHTS FROM RAWLS AND AMBEDKAR

¹Renu Meena ²Dr. Nidhi Sharma

¹ Research Scholar, (Political Science)

²Research Guide, Vivekananda Global University, Jaipur, Rajasthan.

Email. - renumeena813@gmail.com

ABSTRACT

This research paper presents a critical and systematic comparative analysis of two of the most significant, yet mutually distinct, political philosophies of the twentieth century the liberal contractualist theory of justice developed by John Rawls, and the radical socio-constitutionalist perspective propounded by Bhimrao Ramji Ambedkar. The research problem is mainly oriented to the following question: Can process-oriented theories of justice, including that of Rawls, be able to solve the situation in the societies with historical inequalities based on caste? Otherwise, what will an Ambedkarite framework add to sealing this divide? By conducting a qualitative textual analysis of the primary philosophical texts and exploring secondary interdisciplinary literature, this paper has determined both important areas of normative convergence such as the shared concern about human dignity, constitutional democracy, and the welfare of the most disadvantaged and deep structural differences about social ontology, historical consciousness, the role of religion in social reform, and the justification of group-based affirmative policies. The paper states that both of the traditions do not provide a complete sufficient theory of democratic justice in the context of the societies plagued by caste-based exclusion. It is argued in the paper that a merged analysis of the two frameworks would make a stronger, more contextual, and internationally usable model of democratic governance a model that is procedurally just and historically responsible. The implications of these findings on political philosophy, constitutional theory and comparative study of democratic institutions in post colonial societies are that they have.

Keywords: Social Justice; Democratic Theory; Rawlsian Liberalism; Ambedkar; Caste and Inequality

1. INTRODUCTION

1.1 Background and Research Problem

One of the most debated fields of the political philosophy today is its normative basis of democracy and social justice. Although Western liberal political theory has long been concerned with issues of fairness, rights and redistribution, Global South scholars have become more and more concerned that these conceptions have silent and concealed assumptions based on Western social conditions, which then make them somewhat or entirely unsuitable when applied to societies whose organisation is based on entirely different principles, such as the caste system of South Asia (Guru & Sarukkai, 2012; Mills, 1997).

This strain is more effectively seen now than between John Rawls (19212002) and B. R. Ambedkar (18911956). Rawls, who was writing in the Anglo-American tradition of liberal

thought, developed an extensive theory of justice based on a hypothetical social contract a theory that attempted to derive universal principles of fairness using the device of the veil of ignorance. Ambedkar, in his turn, addressed the questions of justice and democracy with the standpoint of the most marginalised community within the Indian society, which made the theory of justice that disregards the historical presence of caste oppression not only incomplete but a false guide.

The main research question that the paper explores is the following: How do the Rawlsian liberalism and the socio-political philosophy of Ambedkar overlap and contradict each other on matters of democracy and social justice, and what does the comparison of the two traditions tell us about the development of a more solid theory of democratic governance in the societies characterised by substantial structural inequality?

1.2 Objectives of the Study

The paper pursues four specific objectives:

- (i) To reconstruct and critically examine the philosophical foundations of Rawls's theory of justice as fairness and Ambedkar's conception of democratic social order;
- (ii) To identify and analyse points of normative convergence and structural divergence between the two frameworks;

1.3 Significance of the Study

The importance of this comparative investigation is both theoretical and practical. In theory, it adds to current discussions in the field of political philosophy on the universality and situational constraints of the liberal democratic theory. In practice it has a direct implication on the controversies of affirmative action, constitutional design, and the institutional demands of democratic justice in postcolonial societies. The discourse between Rawls and Ambedkar provides resources of concepts that would remain relevant over time as countries in Asia, Africa, and Latin America continue to negotiate the legacies of colonialism, caste, and structural discrimination.

2. LITERATURE REVIEW

2.1 Scholarship on Rawlsian Justice

The theory of justice developed by Rawls since the publication of *A Theory of Justice* in 1971 has spawned a colossal amount of secondary literature. Among the most effective preliminary criticisms was provided by Sandel (1982), who held that the idea of the unencumbered self the self that is abstracted and depersonalized of its social roles and communal relations by Rawls is philosophically inconsistent and impoverished in political insightfulness. The same was put forward by communitarian critics like Walzer (1983) and MacIntyre (1981) who argued that justice could not be elicited using context free principles, but must be produced through the collective insights of specific groups.

In her feminist perspective, Young (1990) maintained that the distributive paradigm presented by Rawls does not take into consideration the structural aspects of oppression such as cultural imperialism, violence and marginalisation that cannot be attributed to maldistribution of primary goods. More recently Mills (1997) has stated that the social contract of Rawls assumes a racial contract an unspoken agreement between whites to deny non-whites the full fruits of social cooperation - and is structurally incapable of dealing with the problem of racial injustice. Sen

(2009) makes internal critiques against Rawls as being a part of the liberal tradition itself in the sense that ideal institutional design fails to consider the comparisons of actual injustices that practical reason entails.

2.2 Scholarship on Ambedkar's Political Philosophy

Scholarship on the political philosophy of Ambedkar has increased significantly in the last 30 years, partly due to the development of Dalit studies as an academic discipline around the world. Jaffrelot (2005) gives a detailed political biography that places the intellectual growth of Ambedkar in the context of the history of anti-caste movement in India. Omvedt (2004) follows the lineages of how the thinking of Ambedkar is related to the wider traditions of social radicalism, such as the philosophy of Buddhism and Deweyan pragmatism.

Influential collections of the writings of Ambedkar have been edited by Rodrigues (2002) and Zelliott (1992) and made his main writings available to the global community. Philosophical studies on his work have recently focused on epistemology (Guru & Sarukkai, 2012), constitutional theory (Sheth, 2004), and sociology of recognition (Nussbaum, 2000). The influence of Gopal Guru has been felt, especially in the form of his geography of untouchability (Guru, 2009) in demonstrating how the thought of Ambedkar sheds light upon the spatial and embodied aspects of caste oppression.

2.3 Comparative Studies: Rawls and Ambedkar

Rawls and Ambedkar have comparatively few direct comparative engagements in literature but has increased over the last few years. In the case of multiculturalism and group rights, Parikh (2000) addresses the two thinkers and finds that there is a lot of tension between an individualist liberal framework and group-centred approaches to justice. The study by Darlay and Mason (1998) focuses on the applicability of the Rawlsian principles to the affirmative action policies, a study that can be applied to find more insight into the reservations system of Ambedkar.

The difference principle has been used by some researchers to construct a version of the caste-conscious policy on the basis of the difference principle into a form of a reconstructed Rawlsian case (Mehta, 1999), whereas other researchers have said that the capabilities approach of Sen (2009) and Nussbaum (2000) can be better aligned to the Ambedkarite approach than Rawlsian contractarianism. The current paper aims to make a contribution to this growing comparative literature, by performing a systematic and methodologically sound juxtaposition of the both systems on a number of major philosophical and policy questions.

2.4 Research Gap

Although more and more scholarly study is done on both thinkers, a long-term, comparatively methodological study of their respective frameworks in the full spectrum of questions that are pertinent to democratic theory such as social ontology, historical consciousness, the place of religion, as well as the design of affirmative policies is still a relative rarity in the literature. This is where this paper aims to fill that gap.

3. METHODOLOGY

3.1 Research Design

The research design in this study is the qualitative interpretive research design, which is placed within the framework of philosophical and comparative political inquiry tradition. It does not produce primary empirical data, in the form of surveys, interviews, or experiments; it utilizes a structured close reading and comparative analysis of philosophical texts as its major method of inquiry. This method is typical and adequate in political philosophy and history of idea, in which the meaning and implications of theory arguments are the focal point of analysis (Taylor, 1971; Skinner, 1969).

3.2 Data Sources

The key literature of this paper is the works of the foundational literature of both Rawls and Ambedkar. These are *A Theory of Justice* (1971), *Political Liberalism* (1993), *The Law of Peoples* (1999), and *Justice as Fairness: A Restatement* (2001) to Rawls. To Ambedkar, the main sources are *The Annihilation of Caste* (1936), *What Congress and Gandhi Have Done to the Untouchables* (1945), *The Buddha and His Dhamma* (1956), his speeches in the Constituent Assembly (1949), which are assembled in Rodrigues (2002).

Secondary data comprise peer-reviewed journal articles, scholarly monographs, edited collections that were sourced in the disciplines of political philosophy, constitutional theory, South Asian studies and Dalit studies. The sources were determined by systematic searches of databases Web of Science Core Collection, JSTOR, Philpapers, and Google scholar on the basis of the following search terms: Rawls justice, Ambedkar democracy, caste and liberalism, difference principle affirmative action and Dalit political philosophy.

4. RESULTS AND ANALYSIS

4.1 Rawls's Theory of Justice: Key Principles

Three initial results can be recreated through the analytical reconstructions of the framework of Rawls. To begin with, procedural foundations of the theory are the basis of defining justice: justice is not described in substantive terms as to what a good society is but rather in terms of the equity of a procedure that may be used to select principles of social organisation. This procedural commitment is operationalised as the 'original position' filled with rational agents in a veil of ignorance that eliminate the morally arbitrary aspects of their nature, i.e., birth, class, talent, gender, which has no right to play a role in determining the choice of fundamental principles (Rawls, 1971, pp. 1122).

Second, the two principles derived out of the original position lead to the creation of lexically ranked hierarchy of values, the equal basic liberties principle on one hand, is more important than all the other factors, including welfare and equality considerations, and the difference principle that allows the socioeconomic inequalities to exist under the society, is subordinated to the fair equality of opportunity principle. Such a lexical priority matter: that under Rawls there should be no condition of welfare betterment of the worst-off in order to justify an infringement of fundamental liberties.

Third, in his subsequent work, Rawls proposes the notion of a later term, which is the public reason, as a limitation of political discourse, which obliges citizens to explain their political views in a way that can be agreed on by all reasonable fellow citizens irrespective of their overall

dogmas. This step creates a sharp contrast between the political and the comprehensive, which facilitates a liberal pluralism that is tolerant of their various lifestyles and yet has a common set of political values.

4.2 Ambedkar's Framework: Core Concepts

The re-construction of the framework of Ambedkar provides an equally systematic and structurally different system of results. To begin with, the theory developed by Ambedkar is based on historical sociology, as opposed to hypothetical procedure. The social structure that he examines is not the free and equal association but a stratified system of graded inequality whereby social status is inherited through birth and driven by ritual, social ostracism and physical force. The original position, here, is not a thought experiment, but a historical fact: the place of the untouchable, who is born to live in a state of social death and has to struggle to establish that she is a person.

Second, the conception of democracy that Ambedkar had is substantive and not procedural in nature. Democracy, according to Ambedkar (1949) is not a government structure but a kind of concomitant living a social state where the three values of liberty, equality, and fraternity have their institutional and cultural internalisation. Most importantly, according to Ambedkar, of these three values, fraternity the sense of common humanity that breaks caste boundaries is the most basic since in the absence of it liberty and equality are empty formalities that can not change existing social relations.

Third, the study of religion by Ambedkar makes him stand out among Rawls. Where Rawls is widely accommodating to religious diversity within the parameters of the public reason, Ambedkar believes that the Hindu religion, as a system of religious belief, offers the ideological justification of the caste hence a barrier to social reform that needs to be addressed face-on. This belief can be most dramatically manifested in his conversion to Buddhism in 1956 a political gesture of cultural self determination and a renouncement of the religious tradition which had been used to authorize the degradation of his own people.

4.3 Convergences: Where Rawls and Ambedkar Meet

The comparative analysis displays three major areas of normative convergences. To begin with, both philosophers have an underlying belief of equal moral value of all humans and do not accept any hierarchies formed out of birth, race, religion, or caste. This anti-hierarchical conviction gives their designs the moral basis out of which both theories follow yet they follow very divergent paths.

Secondly, they both believe in constitutional democracy as the right institutional system towards achieving social justice. Rawls envisions a constitutional regime where basic rights against any majoritarian encroachment are secured, Ambedkar, who was the architect of the Indian Constitution (1950) entrenched the protection of rights, reservations to groups, and judicial review in the written constitution, because he believed that legal-constitutional mechanisms had to be the primary tools of social transformation.

Third, they both apply privileged normative weight to the situation of the least advantaged. The principle of difference proposed by Rawls demands that social pact be considered in the perspective of the least benefitting parties thus, the whole political project of Ambedkar is aimed

at the upliftment and politician empowerment of the Dalit people, the most marginalised group in Indian society. Even in cases where the frameworks of analysis are dissimilar, the normative rationale of both positions is remarkably alike.

4.4 Divergences: Where Rawls and Ambedkar Part Ways

The structural divergence as it is identified in the analysis has four main areas. The former deals with social ontology. The theory developed by Rawls assumes that the social ontology is liberal where the society is understood as a network of collaboration between individuals who are free and equal whose identities do not exist as a result of their social status. Ambedkar works with a relational social ontology where there is an ongoing business of people enclosed within power, dignity and opportunity giving and taking structures of caste. Such a departure has far-reaching consequences: the autonomous individual who Rawlsian theory starts with, in the view of Ambedkar, himself is an ideological fiction that masks the structural realities of caste.

The second break is the issue of historical consciousness. The original position advanced by Rawls is very plainly ahistorical: it suspends the history of historical injustice to come up with principles that are not simply the rationalisation of extant power setups. According to Ambedkar, this ahistoricism is not an apolitical doctrine but a politicized doctrine: it makes invisible the historical accumulations of injustice of caste and is thus a denial of justice to the historically aggrieved of their due.

The third point of drift is with regard to the role of religion and culture. Political liberalism of Rawls is quite liberal to the various forms of comprehensive doctrine, such as religious doctrine; however, they must be confined within the parameters of the common sense. Ambedkar adopts a confrontational stance: according to him, the ideological legitimization of caste can not be separated from the religious tradition to Hinduism and that social reform in a genuine sense, then, demands assault on the religious premises of caste. However, there is no Rawlsian principle of public reason that can admit this insight without making significant changes to the conditions upon which religious toleration is granted.

The fourth and most practically important point of divergence is the rationale of affirmative group based policies. The difference principle can be applied to justify the promotion of the least advantaged, according to the difference principle developed by Rawls, but the individualistic approach does not offer the principles of the group in the differentiation and the acknowledgment of group-related identities. The theory of group rights and historical redress therefore makes the argument of reservations (affirmative action quotas) very explicit in the context of the case made by Ambedkar: it is due to the systematic exclusion of Dalits as a group that they as a group merit guaranteed representation and access. This group-based method cannot be easily inferred, basing on Rawlsian assumptions.

5. DISCUSSION

5.1 The Limits of Rawlsian Abstraction

The above discussion indicates that Rawlsian liberalism, even with the rigour of its procedures and the moral sophistication, has serious shortcomings when implemented into the society that is organized around the inequality based on caste. The most basic of such restrictions is what can be

termed the problem of social invisibility: by depriving the parties in the original position of their social positions, Rawls is guaranteeing that the principles that they select will be formally fair, but he is also making unseen the structural processes such as caste, untouchability, and ritual pollution by which social positions are produced and preserved. Theory of justice that fails to observe these mechanisms cannot provide a sufficient prescription of how they should be remedied.

This weakness is not just a theoretical one. The use of formal principles of liberalism of equal treatment in one before law, colour-blind, meritocracies, and disregard of the structural conditions that create inequality in India have been demonstrated to reinforce and even enhance existing hierarchies (Sheth, 2004). A Rawlsian analysis, that only makes use of the difference principle to respond to caste inequality, but does not assist group-based recognition and historical redress, would probably not be adequate to the extent and magnitude of the injustice it is attempting to resolve.

5.2 The Ambedkarite Contribution

The three important contributions to the democratic theory that Ambedkar presents in his framework are complementary and add complexities to the Rawlsian approach. To begin with, his insistence on historical consciousness the acknowledgment that justice must seek to repay the past injustices, and not just to create a fair procedure in the future, furnishes the ahistoricism of liberal contractarianism with the needed remedy. This observation is justified by recent contributions to the philosophy of reparations and transitional justice (Miller, 2007; Torpey, 2006) that portrays that backward looking redress claims are an essential element of a complete sufficient theory of justice.

Second, the idea of fraternity that Ambedkar suggests as the precondition of significant democracy addresses an aspect of democratic life that procedural theory disregards. The recent field of deliberative democracy (Habermas, 1996) and political emotion (Nussbaum, 2013) has also contended that the affective and relational aspects of democratic citizenship empathy, solidarity, mutual recognition are not merely good but require the proper functioning of the democratic institutions. This literature is predicted and enriched by the focus of fraternity that Ambedkar puts. Third, the way Ambedkar dealt with the correlation between religion, culture, and social justice poses questions that liberal theories of toleration have not been able to answer. The toleration principle presented by Rawls (1993) which is being argued by Sandel (1982) and others presupposes a specific conception of religious belief as a personal, free, and revocable commitment assumptions that are incompatible with the experience of communities where religious identity is enforced, social, and determinant of social status. The way of how caste challenges Hinduism was analyzed by Ambedkar challenges liberal theories of toleration to create a more politically sensitive approach to how religious traditions may become structures of oppression.

5.3 Toward an Integrative Framework

As the analysis indicates, a complete satisfactory theory of democratic justice to the societies where deep structural inequality is evident must involve the incorporation of the ideas of both the Rawlsian and the Ambedkarite tradition. This integrative framework would uphold the Rawlsian emphasis on procedural fairness and the safeguarding of basic liberties, and would add the

emphasis of Ambedkar on historical responsibility, group recognition, and the substantive social conditions to the foremost, i.e. fraternity as without which formal rights will not be realised.

It is not an eclectic project, but rather one which is founded on principles. The proposed possible theoretical mediation between the Rawlsian and Ambedkarite approaches is Fraser (1995) theory of participatory parity that demands redistribution of resources as well as due attention to social identities. Another way is the capabilities approach by Sen (2009) which focuses on the concrete freedoms people have as opposed to the formal rights people have. The latest literature on the topic of relational equality (Anderson, 1999; Scheffler, 2003) that has made such an appeal to the central role of social relationships of equality as opposed to egalitarian distributions only can also present fruitful material in the context of this integrative project.

5.4 Policy/Constitutional Design Implications.

Certain policy implications and constitutional design of the society characterized by caste-based inequality have direct implication in the integrative framework proposed by this analysis. It helps to justify and promote the affirmative action policies that are based on a solid theory of group-based historical redress and not as a mere implementation of difference principle. It also encourages the investment into what could be termed as the institutions of fraternity building the educational, cultural, and civic institutions that are meant to be used to promote cross-caste solidarity and mutual understanding at the expense of the official legal safeguards.

At the constitutional level, the model of a transformative constitution proposed by Ambedkar is backed by the integrative model namely the framework that is not simply a neutral framework of social cooperation but rather a working tool of social transformation whereby there are substantive undertakings to equality, dignity, and redress of historical injustice. This model is in fruitful conflict with the more minimalist Rawlsian understanding of a constitution as a charter of fundamental rights and just procedures, and the conflict between them is itself an active arena in the continuing democratic debate.

6. CONCLUSION AND SUGGESTIONS

6.1 Summary of Findings

The paper has also attempted a systematic comparative analysis of the political philosophy of John Rawls and that of B. R. Ambedkar in reference to the theory and practice of democracy and social justice. The three key findings have been determined in the analysis. To begin with, both frameworks have considerable normative commitments to human dignity as well as constitutional democracy and well-being of the less advantaged that offer a ground of fruitful intellectual exchange. Second, their social ontologies, their perspectives on history, their handling of religion and culture, and their treatment of group-based claims to justice, all have a significant divergence that is indicative of very different social experience and political interests. Third, neither system can be sufficient to its theoretical and practical requirements of democratic justice in a society where structural inequalities are profound: e.g. caste; but an integrative interpretation of the two traditions would play an important role in developing a more strong and place-based theory of democratic governance.

6.2 Theoretical Suggestions

The paper based on these findings suggests four theoretical recommendations to the further evolution of the democratic theory. To begin with, the political philosophy is required to shift its focus out of the ideals theory model, which elicits principles by hypothetical conditions of perfection justice and more towards a more comparative and contextual model, which seriously considers the analysis of actual injustices and the historical process by which it has been produced and reproduced (Sen, 2009). Second, the notion of fraternity is worth a prolonged philosophical consideration as a constituent of democratic justice in addition to the more long-standing notions of liberty and equality. Third, liberal theories of toleration need to be modified to include how religious and cultural traditions may be used as tools of structural oppression as opposed to being individual beliefs and should not be interfered with by the state. Fourth, comparative political philosophy ought to actively engage with the intellectual traditions of the Global South such as the Ambedkarite tradition as intellectual resources of conceptual renovation, not as the object of empirical study.

6.3 Policy Suggestions

On the policy level the current paper proposes: (i) that the policy of affirmative action in caste-based inequality societies must be based on a sound theory of historical redress and group rights, and no longer be seen as solely on welfarist grounds; (ii) that the design of the constitution in postcolonial society must be understood as transformative, and not necessarily only as procedural, with specific measures to remedy historical injustice; (iii) that the politico-legal approach to safeguarding human rights must be reconsidered as more transformative, and less procedural;

6.4 Future Research Recommendations.

The comparative analysis that has been conducted in this case can be continued in different directions in future research. The analysis presented would be augmented by a closer investigation into how the Buddhist philosophy engaged with by Ambedkar would apply to the democratic theory. A three case-study of the affirmative action policy design in India, Brazil and South Africa-comparative studies based on the Rawlsian and the Ambedkarite framework would put to the test the practical implication of the integrative approach put across in this paper. Lastly, both frameworks when reconstructed by feminists with references to the writings of Young (1990), Nussbaum (2000) and Guru (2009) would inject a gender aspect to the comparative analysis which has not been able to emerge fully in the present paper.

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