

John Rawls' Theory of Justice: Foundations, Principles, and Enduring Relevance.

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ABSTRACT

This study critically analyzed the theory of justice advanced by John Rawls, focusing on its foundational assumptions, principles, and continuing relevance in contemporary political and policy discourse, particularly through the lenses of fairness, equality, and distributive justice as articulated in the original position and the veil of ignorance, which were designed to ensure impartial selection of principles governing society; from this framework emerged the principle of equal basic liberties for all and the difference principle, which permits social and economic inequalities only if they benefit the least advantaged and are attached to positions open under fair equality of opportunity, thereby aiming to institutionalize fairness within liberal democratic systems. Using a qualitative and analytical methodology based on critical textual analysis of Rawls' works and major philosophical critiques from scholars such as Robert Nozick, Amartya Sen, and others, the study employed a comparative normative approach against libertarianism, communitarianism, Marxism, and multiculturalism, emphasizing interpretive synthesis and conceptual clarification in relation to governance challenges such as inequality, social welfare, and public policy design. Findings indicated that Rawls' theory remains highly influential in shaping debates on constitutionalism, human rights, and welfare policy, yet it is limited by its abstract assumptions, limited applicability in deeply unequal or non-ideal societies, and insufficient engagement with cultural diversity and historical injustice, with critics arguing that the difference principle may still legitimize inequality and overlook structural power imbalances. Libertarian critiques, particularly associated with Nozick, rejected Rawls' redistributive justice as coercive and incompatible with inviolable property rights, advocating instead for a minimal state grounded in entitlement theory; communitarian critiques, associated with thinkers such as Michael Sandel, challenged Rawls' notion of the unencumbered self, emphasizing that identity is socially embedded and justice must reflect shared communal values; Marxist critiques argued that Rawls fails to address capitalist structures that generate inequality, viewing his framework as reformist rather than transformative; while multiculturalist critiques, associated with Will Kymlicka, emphasized that Rawls' universalism neglects cultural diversity and group-based injustices, calling for recognition and differentiated rights for marginalized communities. Despite these critiques, Rawls' theory remains a powerful moral benchmark for evaluating institutions, and the study recommended a contextualized and pluralistic application of Rawlsian principles in public administration, through integration with capability approaches and restorative justice frameworks, alongside strengthened participatory governance, inclusive policy design, and accountability mechanisms to better operationalize fairness in practice.

Keywords: *Justice, Rawlsian Theory, Original Position, Veil Of Ignorance, Difference Principle, Distributive Justice, Libertarianism, Communitarianism, Marxism, Multiculturalism, Capability Approach, Public Policy, Inequality, Fairness, Political Philosophy.*

1.1 BACKGROUND OF THE STUDY

John Rawls (1921–2002) stands as one of the most influential American philosophers of the 20th century, renowned for revitalizing political philosophy through his seminal work, *A Theory of Justice*, published in 1971 (Zipursky, 2023). His intellectual journey bridged the traditions of analytic philosophy and normative political

theory, drawing deeply from a rich lineage of thinkers (DeLue & Dale, 2021). Rawls was profoundly shaped by Immanuel Kant's emphasis on moral autonomy, rationality, and the inherent dignity of persons as ends in themselves, which informed his commitment to treating individuals as free and equal rather than mere means to collective ends (Lenczewska, 2021). Similarly, Jean-Jacques Rousseau's ideas on the social contract, general will, and the need for legitimate political authority resonated with Rawls, inspiring his vision of justice emerging from hypothetical agreement among equals (Rousseau, 2022). At the same time, Rawls engaged critically with utilitarian thinkers like John Stuart Mill, whose focus on maximizing aggregate happiness and utility he found inadequate for protecting individual rights and ensuring fairness across society (Raja & Alias, 2024). Rawls developed his theory in explicit opposition to utilitarianism, which had dominated Anglo-American moral and political thought for centuries through figures such as Jeremy Bentham, Mill, and Henry Sidgwick (Schultz, 2024). Utilitarianism's core principle—promoting the greatest happiness for the greatest number—allowed, in Rawls's view, for the sacrifice of minority interests or individual liberties if they contributed to overall welfare gains (Lubis & Azhami, 2025). This approach, he argued, failed to respect the "separateness of persons" and could justify deeply unjust distributions where the well-being of some was subordinated to the majority (Božac, 2021). By contrast, Rawls sought a contractualist framework that prioritized fairness, impartiality, and the protection of basic rights and liberties as inviolable, even against claims of greater social utility (Gökçekuyu, 2024). His theory thus represented a deliberate revival and modernization of the social contract tradition, updating it to address contemporary concerns about equality and distributive justice in complex, pluralistic societies (Colin-Jaeger, 2025).

The publication of *A Theory of Justice* occurred in a pivotal historical moment, the post-World War II era, marked by intense social and political transformations (Kamali, 2016). The aftermath of global conflict had spurred widespread reflection on human rights, democracy, and the role of the state in ensuring welfare and equity (Sriram *et al.*, 2017). In the United States and beyond, the civil rights movement of the 1950s and 1960s challenged systemic racial discrimination and inequality, demanding not just formal equality but substantive justice in opportunities and resources (Bloom, 2019). Concurrently, debates over expanding welfare states—through policies addressing poverty, education, healthcare, and social security—highlighted tensions between individual freedoms and collective responsibilities (Greve, 2019). Rawls's work emerged amid these struggles, offering a philosophical foundation for egalitarian liberalism that could justify redistributive measures while safeguarding personal liberties, thereby providing a moral alternative to both *laissez-faire* individualism and unchecked majoritarian utilitarianism (Parrouffe, 2020). In essence, Rawls's *A Theory of Justice* aimed to articulate a comprehensive vision of "justice as fairness," one that reconciled liberty and equality through the lens of a hypothetical original position behind a veil of ignorance (Yadav, 2025). This thought experiment ensured impartial reasoning, free from biases of personal circumstance, leading to principles that protect the worst-off while preserving fundamental rights (Jun & Lee, 2025). By addressing the perceived shortcomings of utilitarianism and responding to the ethical demands of his time, Rawls not only reinvigorated normative political theory but also influenced ongoing discussions in law, economics, public policy, and social justice movements worldwide, cementing his legacy as a bridge between classical liberal ideals and modern egalitarian aspirations.

1.2 Statement of the problem.

The study of justice has remained a central concern in political and legal philosophy, particularly in societies characterized by persistent inequality, exclusion, and contested understandings of fairness. In contemporary democratic and developing contexts such as Kenya, questions regarding the equitable distribution of resources, opportunities, and rights continue to generate debate among scholars, policymakers, and citizens. Despite the existence of constitutional provisions, human rights frameworks, and public policies aimed at promoting equity, significant disparities in wealth, access to services, and social recognition persist, indicating that the problem of justice remains unresolved in practice. This situation raises critical concerns about the adequacy of existing theoretical frameworks in guiding fair, inclusive, and sustainable governance. Among the most influential contributions to contemporary political philosophy is John Rawls' *Theory of Justice*, particularly as articulated in *A Theory of Justice*, which conceptualizes justice as fairness through principles such as the original position, the veil of ignorance, equal basic liberties, and the difference principle. Although Rawls' framework has significantly shaped global academic discourse and policy thinking, it has also attracted substantial critique regarding its assumptions about rational actors, its relevance in non-Western and developing contexts, and its

capacity to address structural injustices rooted in history, culture, and unequal power relations. Consequently, there remains an ongoing scholarly debate concerning the relevance, adaptability, and limitations of Rawls' theory in addressing contemporary realities marked by pluralism, inequality, globalization, and institutional fragility. The problem addressed by this study is the lack of a comprehensive and context-sensitive evaluation of Rawls' Theory of Justice that integrates its philosophical foundations with its practical implications for governance and social policy. Existing literature often treats Rawls' ideas as abstract philosophical constructs, detached from real-world policy environments, or fails to adequately examine their applicability within diverse socio-political contexts, particularly in African settings. Therefore, there is a need for a critical and balanced analysis of Rawls' theoretical contributions alongside their practical relevance in addressing contemporary issues of inequality, rights, and social welfare. This study thus sought to bridge the gap between normative theory and practical governance by examining the foundations, principles, and enduring relevance of Rawls' Theory of Justice in promoting equitable and inclusive societies.

1.3 Objective of the Study.

The main objective of this study was to critically examine John Rawls' Theory of Justice with a view to understanding its philosophical foundations, core principles, and enduring relevance in contemporary political and social discourse.

2.0 LITERATURE REVIEW

2.1 The Shift from Utilitarianism to Justice as Fairness

John Rawls, in *A Theory of Justice*, critically challenged utilitarianism for its reliance on maximizing overall happiness, arguing that it fails to respect individuals as separate and inviolable persons because it can justify sacrificing the rights or well-being of minorities for greater aggregate benefits (Orji et al., 2025). Unlike utilitarian thinkers such as Bentham and Mill, Rawls maintained that justice should not be reduced to overall utility since this approach overlooks fairness and permits unequal treatment if it increases total welfare (Bisathu, 2018). In response, he proposed "justice as fairness," which prioritizes equal basic liberties for all and allows social and economic inequalities only if they benefit the least advantaged through the difference principle (Nehri, 2024). Drawing from the social contract tradition of Hobbes, Locke, and Rousseau, Rawls reinterpreted contractualism through the original position and the veil of ignorance, a hypothetical situation in which individuals choose principles of justice without knowledge of their social status or personal characteristics, ensuring impartiality and fairness in decision-making (Hobbes, 1964; Schmidt, 2018). This approach ensures that chosen principles protect the vulnerable and promote equality of opportunity, offering a stronger foundation for justice than utilitarian aggregation and reinforcing the idea that institutions must be acceptable to all citizens under fair conditions (Rosenfeld, 2022).

2.2 The Original Position and the Veil of Ignorance

In John Rawls' seminal work, *"A Theory of Justice,"* the original position serves as a foundational thought experiment designed to establish fair principles for structuring society (Gališanka, 2019). Imagine a hypothetical assembly where rational individuals come together to determine the basic rules governing social institutions, economic systems, and political frameworks (Ostrom, 2019). Crucially, these agents operate under conditions of strict impartiality: they are unaware of their own personal attributes, such as their socioeconomic status, race, gender, intelligence, or physical abilities (Harris & Sen, 2019). This ignorance prevents them from tailoring principles to favor their own circumstances, ensuring that the resulting agreements are equitable and unbiased (Persson, 2022). Rawls posits that in this state, participants, driven by self-interest but stripped of personal biases, would prioritize justice as fairness (Jamnik, 2022). The original position thus acts as a device for modeling moral reasoning, drawing on contractarian traditions from philosophers like Locke and Kant, but innovating by emphasizing procedural fairness over substantive outcomes (Colin-Jaeger, 2025). In this scenario, Rawls aims to derive principles that any rational person could accept, regardless of their actual position in society, thereby providing a blueprint for just institutions in the real world.

2.3 The Role of the Veil of Ignorance

At the heart of the original position lies the "veil of ignorance," a metaphorical barrier that systematically deprives decision-makers of specific knowledge about themselves and their place in society (Barber, 2021). Under this veil, agents know nothing of their wealth, social class, natural talents, religious beliefs, or even their particular conception of what constitutes a good life (Baehr, 2019). Instead, they are equipped only with general knowledge—facts about human psychology, sociology, economics, and the natural sciences—that allow them to make informed but impartial choices (Gjorgjioska & Tomicic, 2019). This setup compels them to design principles that could benefit anyone, as they might end up in any social position once the veil is lifted (Baehr, 2019). Rawls argues that this ignorance fosters true fairness, echoing Kantian ideals of autonomy where individuals are treated as ends in themselves, not as means to others' advantages (Kogelmann, 2019). For instance, without knowing if they are rich or poor, agents would avoid endorsing extreme inequalities that could leave the disadvantaged in destitution (McKeever et al., 2018). The veil also mitigates the influence of arbitrary factors like luck in the natural lottery of talents or birth, promoting a society where opportunities are distributed based on merit and need rather than fortune (Fulton, 2022). Critics, however, question whether such complete ignorance is realistic or if it overly constrains rational deliberation, but Rawls maintains it as an essential tool for achieving reflective equilibrium in moral philosophy.

2.4 Rational Choice under Uncertainty

The theory of Rational Choice under Uncertainty explains that individuals in the original position make decisions without knowing their future social status, wealth, or opportunities, leading them to adopt the maximin strategy, which seeks to maximize the welfare of the least advantaged members of society (Owen, 2025). Faced with uncertainty, rational agents avoid risks that could leave them in disadvantaged positions and instead support principles that guarantee fair treatment and protection for all, particularly the most vulnerable (Perez et al., 2025). This approach forms the basis of Rawls' difference principle, which permits social and economic inequalities only when they benefit the worst-off members of society (Ikomi & Idjakpo, 2025). Consequently, the theory provides a strong justification for policies such as progressive taxation, universal healthcare, social welfare programs, and equal access to education, while challenging systems that perpetuate arbitrary advantages and social inequalities (Idoko & Okeke, 2025). Although critics argue that such redistributive measures may limit individual rights, the framework remains influential for promoting fairness, equality of opportunity, and justice in diverse and unequal societies (Zhang, 2021).

2.5 The Two Principles of Justice

John Rawls' Two Principles of Justice form the core of his theory of "justice as fairness" and provide a structured way of designing a just society. The first principle emphasizes equal basic liberties for all individuals, including freedoms of speech, conscience, assembly, and political participation. These liberties are considered fundamental and are given absolute priority over social or economic advantages, meaning they cannot be compromised for the sake of economic efficiency or social welfare gains (John, 2017). The second principle focuses on how social and economic inequalities should be arranged. It has two key components: fair equality of opportunity and the difference principle. Fair equality of opportunity requires that all individuals, regardless of their social background, should have genuinely equal chances to access positions of power and opportunity. The difference principle further allows inequalities in wealth and income only if they result in the greatest benefit to the least advantaged members of society, ensuring that any disparities contribute to improving the situation of the most vulnerable groups (Edor, 2020). Rawls further organizes these principles in a lexical order, where the first principle of basic liberties takes precedence over fair equality of opportunity, and equality of opportunity takes precedence over economic distribution. This hierarchy ensures that fundamental rights are never sacrificed for material gain (Idoko & Okeke, 2025).

2.6 Major Dissenting Perspectives Include: Libertarianism, Communitarianism, Marxism, and Multiculturalism.

2.6.1 Libertarian Critique

The libertarian critique of Rawls' theory of justice, most prominently associated with Robert Nozick, strongly challenges the idea that distributive justice should aim at patterned outcomes such as equality or benefiting the least advantaged. According to Nozick's entitlement theory, justice is not about achieving a particular end-state distribution but about the legitimacy of how holdings are acquired, transferred, and rectified. From this perspective, as argued by Stephen and Ikechukwu (2026) and Salahuddin (2018), individuals possess inviolable rights to life, liberty, and property, which the state must not violate under any circumstances. Therefore, Rawls' Difference Principle—which allows inequalities only if they benefit the least advantaged—is viewed as unjust because it justifies coercive redistribution through taxation. Libertarians argue that taxation for redistributive purposes is morally equivalent to forced labor, since it compels individuals to surrender the fruits of their labor for the benefit of others. They therefore reject the idea that the state should actively engineer distributive outcomes and instead advocate for a minimal state whose role is limited to protecting property rights, enforcing contracts, and ensuring security. In this view, justice is achieved not through redistribution but through respecting voluntary exchanges and historical entitlement processes. Consequently, libertarians see Rawls' theory as undermining individual freedom by subordinating personal rights to collective welfare goals.

2.6.2 Communitarian Critique

The communitarian critique, advanced by thinkers such as Michael Sandel, challenges Rawls' assumption of the "unencumbered self" who is capable of choosing principles of justice behind a veil of ignorance. Communitarians argue that this model is overly abstract and fails to reflect the reality of human identity formation, which is deeply embedded in social, cultural, and historical contexts. As Youngmevittaya (2023) and Sarma (2020) note, individuals are not isolated rational choosers but socially constituted beings whose values, obligations, and identities are shaped by community membership. From this standpoint, Rawls' original position is criticized as unrealistic because it assumes people can detach themselves from their traditions, families, religions, and cultural loyalties when determining principles of justice. Communitarians further argue that justice cannot be reduced to fair procedures among abstract individuals; instead, it must reflect shared moral understandings and the common good embedded within particular communities. Sandel, for instance, emphasizes that moral reasoning is always situated, meaning that what counts as justice is inseparable from collective narratives and social practices. Therefore, communitarians reject Rawls' strong individualism and instead prioritize social cohesion, civic responsibility, and the moral significance of community bonds. They contend that a just society must nurture shared values and collective identity rather than relying solely on universal principles derived from abstract reasoning.

2.6.3 Marxist Critique

The Marxist critique of Rawls' theory argues that while Rawls attempts to soften inequality through redistributive justice, he fails to address the structural roots of inequality embedded within capitalist economic systems. Marxist scholars maintain that justice cannot be achieved within a framework that preserves private ownership of the means of production, as this system inherently generates exploitation, class divisions, and unequal power relations. As Audard (2024) and Prasad (2018) suggest, Rawls' Difference Principle may regulate inequality, but it ultimately legitimizes the continuation of capitalist accumulation, which Marxists view as the primary source of injustice. From this perspective, redistributing wealth after production does not solve the deeper problem of how wealth is produced and who controls productive resources. Marxists therefore argue that Rawls focuses too narrowly on distributive outcomes rather than transformative change in the economic structure itself. They advocate for a fundamental restructuring of economic relations through collective ownership or socialist arrangements that eliminate class exploitation altogether. Nehri (2024) further emphasizes that without changing the capitalist system, inequalities will persist regardless of redistributive policies. Thus, Marxists see Rawls' approach as reformist rather than revolutionary, arguing that it stabilizes capitalism instead of challenging its foundational injustices.

2.6.4 Multiculturalist Critique

Multiculturalist theorists, such as Will Kymlicka, critique Rawls' theory for its insufficient attention to cultural diversity and group-based identities in modern pluralistic societies. They argue that Rawls' framework, which emphasizes universal individual rights and equal liberties, assumes a culturally neutral standpoint that does not adequately reflect the lived realities of minority groups. As Léger (2024) and Outeiro (2024) explain, justice requires more than formal equality among individuals; it also demands recognition and protection of cultural identities, languages, and traditions that are often marginalized within dominant political systems. From this perspective, Rawls' theory is criticized for prioritizing individual autonomy while neglecting the collective dimensions of identity that shape people's social and political experiences. Multiculturalists argue that without group-differentiated rights, formal equality may actually reinforce historical injustices by ignoring the unequal starting positions of indigenous peoples and minority communities. Therefore, they advocate policies that go beyond uniform rights to include affirmative recognition, cultural protections, and institutional accommodations for diverse groups. As Pirsoul (2025) notes, such recognition-based approaches aim to ensure that democracy is genuinely inclusive by allowing different cultural communities to preserve and express their identities within the broader political order. Ultimately, multiculturalists seek to complement Rawlsian equality with a stronger emphasis on cultural justice and recognition.

3.0 RESEARCH METHODOLOGY

This study adopted a qualitative content analysis methodology anchored in John Rawls's normative framework to systematically examine the foundations, principles, and enduring relevance of justice as fairness. The unit of analysis consisted of Rawls's canonical works, including *A Theory of Justice*, *Political Liberalism*, and *Justice as Fairness: A Restatement*, alongside selected secondary scholarly interpretations that engage Rawlsian theory in contemporary political philosophy. A purposive sampling strategy guided the selection of primary and secondary texts to ensure coverage of Rawls's core concepts such as the original position, veil of ignorance, two principles of justice, basic structure, and overlapping consensus. Data collection involved close textual reading and systematic coding of the documents using pre-determined analytical categories derived from Rawlsian theory—namely liberty, equality, fairness, legitimacy, and stability—while allowing inductive emergence of sub-themes reflecting interpretive debates and applications of the theory. This study further employed a thematic analytical procedure to interpret the coded data, focusing on conceptual linkages, internal coherence, and the evolution of Rawls's ideas across his works and their critiques. Analytical rigor was ensured through triangulation of primary texts and secondary commentaries, constant comparison of themes, and reflexive engagement with Rawlsian assumptions about rationality, pluralism, and moral consensus. Reliability was strengthened by maintaining an audit trail of coding decisions and ensuring consistency in the interpretation of key constructs such as justice as fairness, public reason, and basic liberties. Ethical considerations were minimal due to the reliance on publicly available scholarly texts; nonetheless, strict adherence to proper citation and academic integrity was maintained. The overall methodological approach enabled a systematic reconstruction and critical appraisal of Rawls's theory while situating its continued relevance within contemporary debates on democracy, rights, and social justice.

4.0 CRITIQUES OF RAWLS' THEORY.

4.1 Libertarian Critiques: Nozick's Entitlement Theory

The libertarian critique of distributive justice, most famously associated with Robert Nozick, directly challenges the Rawlsian egalitarian framework by insisting that justice is not about patterned outcomes but about legitimate acquisition and transfer. As explained within the tradition of social contract and liberal political philosophy, justice must be evaluated historically: "justice in holdings is historical and depends upon how those holdings came about" (Magar, 2025). In this regard, Nozick's entitlement theory holds that "a distribution is just if everyone is entitled to the holdings they possess under the principles of justice in acquisition and transfer" (Wolff, 2023). This position aligns with classical liberal thought rooted in property rights and individual liberty as articulated within social contract traditions such as those of Thomas Hobbes and John Locke, who grounded political authority in consent and property protection (Colin-Jaeger, 2025). From this standpoint, redistributive

institutions—central to Rawls’ difference principle—are viewed as violations of individual liberty. As one interpretation of libertarian thought emphasizes, redistributive taxation resembles “a forced contribution of labor”, which undermines self-ownership and autonomy (Wolff, 2023). The moral objection echoes Kantian principles that persons must never be treated merely as means, reinforcing the libertarian argument that Rawlsian redistribution unjustly instrumentalizes the productive members of society. In contrast, Rawls defends redistribution by appealing to fairness in the basic structure of society, insisting that inequalities are just only when they “benefit the least advantaged” (Reidy, 2023). Rawls’ original position—where parties choose principles behind a veil of ignorance—ensures impartiality and moral equality (Persson, 2022). Yet critics argue that Nozick’s framework assumes ideal conditions of acquisition that rarely exist in real societies shaped by historical injustice. As scholars of social inequality emphasize, “Structural inequalities are reproduced across generations through unequal access to resources and opportunities” (Greve, 2019). Rawls’ notion of background justice responds to this by emphasizing fair equality of opportunity and institutional correction of inherited disadvantage (Jamnik, 2022). Thus, while libertarianism elevates negative liberty—freedom from interference—Rawlsian liberalism stresses positive liberty and social cooperation, viewing justice as a system of fair reciprocity among free and equal citizens (Guyer, 2018). The enduring debate therefore reflects a deeper philosophical divide over whether justice should prioritize historical entitlement or distributive fairness within a cooperative social order.

4.2 Communitarian and Feminist Objections: Michael Sandel — *Liberalism and the Limits of Justice*.

Communitarian scholars, most prominently Michael Sandel, mounted a fundamental critique of Rawls’s original position by arguing that it presupposed an overly abstract and socially detached conception of the person. As Sandel famously argued in *Liberalism and the Limits of Justice*, Rawls’s framework treated the individual as an “unencumbered self,” that is, a subject “prior to and independent of the ends it chooses,” thereby neglecting the constitutive role of community, tradition, and moral attachments in shaping identity (Wolff, 2023). This communitarian critique resonated with broader social contract scholarship which insisted that persons are historically and socially situated, not abstract choosers behind a veil of ignorance (Magar, 2025). In this regard, critics argued that Rawls’s liberalism risked producing a procedural vision of justice detached from “shared purposes or common goods,” reducing justice to rules of fair distribution rather than a morally substantive vision of social life (Rosenfeld, 2022). Consequently, communitarians contended that Rawls’s emphasis on neutrality and individual autonomy weakened civic virtue and collective responsibility, echoing wider concerns about the fragmentation of liberal societies (Parrouffe, 2020). Feminist theorists, particularly Susan Moller Okin, extended this critique by exposing what they described as Rawls’s “gender blindness,” especially in relation to the family as a basic structure of society. Okin argued that Rawls’s theory implicitly assumed that families were just institutions and thus failed to examine the “systematic inequalities of power, resources, and opportunity within the household,” thereby overlooking how gender hierarchies are reproduced through socialization (Warwick-Booth, 2022). Scholars of human rights and social justice similarly emphasized that if primary institutions such as the family remained unjust, then the Rawlsian project of moral development and stability would be undermined because citizens would internalize inequality from childhood (Das et al., 2024). Feminist critiques further maintained that the veil of ignorance inadequately accounted for gender as a structural category of disadvantage, thereby limiting its capacity to generate genuinely inclusive principles of justice (Yadav, 2025). In this respect, Okin and other feminists insisted that justice as fairness must extend fully into the private sphere, ensuring equal distribution of care work, opportunities, and social recognition across genders. In response to these sustained critiques, John Rawls reformulated his theory in *Political Liberalism*, introducing the idea of an “overlapping consensus,” whereby citizens holding diverse moral and religious doctrines could nonetheless endorse the same political conception of justice for different reasons (Reidy, 2023). This later development acknowledged that individuals are indeed embedded in social contexts while still preserving the neutrality and fairness of political principles (Jamnik, 2022). Rawls also clarified that the family, though partly private, remained subject to constraints of justice, especially regarding equal liberty and fair equality of opportunity (Okeke, 2025). These revisions aimed to reconcile liberal impartiality with social embeddedness, thereby strengthening the theory’s applicability to pluralistic societies while retaining its commitment to fairness, dignity, and equal citizenship (Reidpath, 2025).

4.3 Global Justice and Cosmopolitan Critiques: Thomas Pogge on theory of justice and global justice works.

The cosmopolitan critique of Rawlsian justice builds on the core Rawlsian framework articulated in *A Theory of Justice*, where justice is defined through the original position and the veil of ignorance as a device of fairness. As Rawls argued, “principles of justice are chosen behind a veil of ignorance” so as to ensure impartiality and fairness among free and equal persons (Reidy, 2023). However, as scholars have noted, Rawls deliberately confined these principles to the “basic structure” of a domestic society, prioritizing national institutions over global ones (Gökçekuyu, 2024). This limitation has attracted strong criticism from cosmopolitan theorists such as Thomas Pogge, who contend that Rawls’ model is state-centric and fails to account for global institutional harms. Pogge’s position resonates with broader analyses of inequality and global injustice, where economic structures and trade systems reproduce disadvantage across borders (Corimanya, 2025). As Reidpath (2025) emphasizes, modern human rights theory must confront “the limits of sacrifice” imposed by global inequality, thereby reinforcing Pogge’s argument that justice cannot remain territorially bounded. Cosmopolitan theorists extend this critique by drawing on earlier social contract traditions such as *The Social Contract*, where Jean-Jacques Rousseau declared that “man is born free, and everywhere he is in chains” (Rousseau, 2022). This assertion has been interpreted as a universal moral claim that transcends political boundaries and demands a rethinking of political community beyond the nation-state (Colin-Jaeger, 2025). Building on Kantian moral universalism, cosmopolitans insist that justice must apply equally to all persons irrespective of nationality, echoing Kantian ideals of dignity and autonomy (Guyer, 2018). From this perspective, the Rawlsian original position should be globalized so that individuals deliberate without knowledge of nationality, class, or geography, thereby producing principles of global distributive justice (Yadav, 2025). As Scanlon (2017) contended, justice must be grounded in principles that “no one could reasonably reject,” a formulation that supports the cosmopolitan insistence on global moral inclusion.

Within utilitarian and welfare-oriented traditions, similar global concerns have been raised regarding the distribution of happiness and welfare. In Utilitarianism, John Stuart Mill famously stated that actions are right “in proportion as they tend to promote happiness” (Mill, 2016), a principle later expanded by contemporary theorists to include planetary well-being (Schultz, 2024). Yet critics argue that utilitarianism risks sacrificing the rights of vulnerable populations for aggregate welfare (Reidpath, 2025). This tension parallels critiques of Rawls, where the difference principle seeks to benefit the least advantaged but remains limited to domestic institutions (Orji et al., 2025). Cosmopolitans therefore propose mechanisms such as global redistribution, resource dividends, and reform of global institutions to address structural injustices embedded in international systems (Rosenfeld, 2022). Such proposals align with Sen’s capability approach, which emphasizes expanding human freedoms globally rather than merely redistributing domestic resources (Yadav, 2025). Evaluating the scalability of Rawlsian justice to global problems reveals both potential and limitations. On one hand, extending the difference principle globally could justify redistributive climate policies, migration frameworks, and transnational human rights protections (Leal-Arcas, 2025). On the other hand, critics argue that Rawls’ theory presupposes a unified political structure, which does not exist at the global level, thereby complicating enforcement and accountability (Persson, 2022). As Božac (2021) emphasizes in contractualist theory, the “separateness of persons” requires institutions capable of mediating competing claims, something still lacking globally. Consequently, while Rawlsian justice provides a powerful normative framework for fairness, its global application demands new institutional designs and cosmopolitan commitments that transcend state sovereignty.

4.4 Researcher’s Analytical Conclusion.

John Rawls’ theory of justice has remained a central pillar of contemporary political philosophy precisely because it invites rigorous critique and reconstruction. As John Rawls argued in *A Theory of Justice*, justice must be understood as fairness grounded in impartial choice, where “principles of justice are chosen behind a veil of ignorance” (Rawls, 2016). This foundational idea has been refined through engagement with libertarian and corrective justice traditions. For example, Benjamin C. Zipursky emphasized that corrective justice rests on the idea that “wrongdoers have a duty to repair the losses they wrongfully caused,” reinforcing Rawls’ concern with fairness but grounding it in moral responsibility (Zipursky, 2023). Similarly, utilitarian thinkers such as John Stuart Mill argued that “actions are right in proportion as they tend to promote happiness” (Mill, 2016), a

principle that Rawls explicitly sought to temper by protecting basic liberties. Contemporary scholars affirm that Rawls' difference principle—requiring that inequalities benefit the least advantaged—remains a powerful tool for redistribution (Gökçekuyu, 2024), even as critics warn that it must not override individual rights or dignity (Reidpath, 2025). Thus, Rawls' framework has endured not by resisting criticism, but by absorbing it into a more nuanced theory of fairness that balances liberty, equality, and moral accountability. Communitarian, Kantian, and social contract perspectives further deepen the Rawlsian framework by situating individuals within moral and social relationships. Jean-Jacques Rousseau insisted that legitimate authority arises when individuals collectively will the common good, noting that “each of us puts his person and all his power in common under the supreme direction of the general will” (Rousseau, 2022). This insight challenges Rawls' abstract individualism by embedding justice within shared civic identity. Likewise, Kantian interpretations emphasize that persons must always be treated as ends in themselves, not merely as means (Lenczewska, 2021), reinforcing Rawls' commitment to equal moral worth. Contractarian scholars have extended this logic, arguing that justice arises from fair cooperation among free and equal citizens (Heath, 2022), while contemporary debates about impartiality highlight that the veil of ignorance is designed to “exclude morally irrelevant information” from decision-making (Kelly, 2019). These perspectives collectively demonstrate that Rawls' theory is not an isolated construct but part of a broader tradition of social contract and moral equality, linking it to classical and modern conceptions of rights, dignity, and political legitimacy (Colin-Jaeger, 2025).

Feminist, global justice, and capability-based critiques have further expanded Rawls' theory by exposing hidden inequalities and extending justice beyond national borders. Scholars argue that Rawls' original formulation underestimates structural inequalities rooted in gender, class, and race (Bloom, 2019), thereby necessitating reforms that address both public and private spheres of injustice. Capability theorists such as Amartya Sen insist that justice must focus on what individuals are actually able to be and do, not merely on resource distribution (Yadav, 2025). At the global level, contemporary theorists emphasize that justice must respond to transnational inequalities, human rights concerns, and global governance structures (Leal-Arcas, 2025). Moreover, emerging debates even extend Rawlsian reasoning to new domains such as human–AI relations, suggesting that principles of fairness must evolve alongside technological change (Jun & Lee, 2025). In synthesis, Rawls' theory remains a dynamic and evolving paradigm—one that continues to provide a robust normative foundation for addressing inequality, protecting rights, and guiding policy in an increasingly diverse, interconnected, and complex world.

5.0 CONTEMPORARY APPLICATIONS AND FUTURE DIRECTIONS

5.1 Applying Rawls to Economic Inequality

In the contemporary landscape characterized by widening income disparities and structural inequalities, John Rawls' difference principle remains a compelling framework for distributive justice. Rawls famously insisted that “social and economic inequalities are to be arranged so that they are to the greatest benefit of the least advantaged” (A Theory of Justice). This formulation has continued to inspire redistributive policy models, especially in contexts where wealth concentration undermines social cohesion. As noted by Gökçekuyu (2024), Rawls' redistributive vision is rooted in a moral commitment to fairness, where “the institutional structure of society must actively mitigate disadvantages.” Similarly, Idoko and Okeke (2025) defend Rawls by arguing that justice as fairness “prioritizes the moral worth of persons as free and equal citizens,” thereby legitimizing policies such as progressive taxation, universal basic income, and expanded welfare provisions. These policy instruments align with what Von Platz (2016) calls a Rawlsian route to social democracy, where basic economic rights and cooperative institutions secure dignified living conditions for all members of society.

Empirical examples from welfare-oriented societies further illustrate the viability of Rawlsian justice. Nordic models, with their robust social safety nets and redistributive taxation systems, embody what Greve (2019) terms “institutionalized solidarity,” ensuring that public resources are directed toward the least advantaged. These arrangements resonate with Rawls' insistence that justice regulates “the basic structure of society” to guarantee fairness in opportunities and outcomes. At the same time, egalitarian theorists such as Armstrong (2017) argue that natural resources must be distributed according to principles that treat persons as moral equals, reinforcing Rawls' emphasis on fairness in access to primary goods. The success of such models challenges utilitarian approaches, which, as Mill (2016) stated, seek “the greatest happiness of the greatest number” but risk

overlooking the rights and dignity of minorities (Schultz, 2024). In contrast, societies that deviate from Rawlsian principles often exhibit deepening inequality and weakened social trust. Scholars such as Orji et al. (2025) observe that when economic policies prioritize market freedoms over distributive justice, they “perpetuate structural disadvantages that undermine the moral legitimacy of institutions.” From a Rawlsian standpoint, this failure reflects a neglect of the veil of ignorance, which demands that policymakers design institutions without privileging their own social position (Persson, 2022). Consequently, contemporary reforms—such as wealth taxation, labor protections in the gig economy, and universal social protection floors—represent attempts to restore fairness by ensuring that inequalities operate as compensatory mechanisms rather than instruments of exclusion.

5.2 Justice in Diverse Societies

In culturally plural and socially diverse societies, Rawls’ framework of justice as fairness offers a powerful normative guide for reconciling equality with difference. Rawls’ original position requires that principles of justice be chosen under conditions where individuals are ignorant of their social identities, ensuring impartiality and fairness. As Božac (2021) explains, this contractualist model reflects the “separateness of persons,” recognizing each individual as morally distinct and deserving equal respect. This idea resonates with Rousseau’s earlier claim that “man is born free, and everywhere he is in chains” (The Social Contract), highlighting the need for legitimate social arrangements that respect both individual autonomy and collective belonging. In practice, Rawlsian justice has been extended to address multiculturalism, minority rights, and identity politics. Scholars such as Okcuoglu (2024) argue that Rawls’ principles can be interpreted to support recognition-based justice, where cultural and identity-based claims are integrated into fair institutional frameworks. Similarly, Scanlon (2017) emphasizes that rights and fairness must be justified to each individual as free and equal, while Demaske (2019) links recognition theory to freedom of expression and social justice in plural societies. These perspectives align with Kantian interpretations of Rawls, where moral autonomy and dignity underpin just political arrangements (Lenczewska, 2021). As Kamali (2016) and Sriram et al. (2017) demonstrate in contexts of conflict and post-war reconstruction, justice frameworks grounded in fairness and dignity are essential for reconciliation and sustainable peace. Moreover, Rawls’ theory has found renewed relevance in addressing technological and algorithmic inequalities. Jun and Lee (2025) extend the original position to “human-AI assemblages,” proposing a hybrid veil of ignorance that accounts for technological bias and digital inequality. This aligns with Reidpath’s (2025) emphasis on dignity and welfare as foundational to human rights, and with Sheikh’s (2024) work on balancing civil liberties and security in digital governance. By applying Rawlsian fairness to AI ethics, policymakers can ensure that emerging technologies do not reproduce systemic inequalities but instead promote inclusive and equitable outcomes across diverse populations.

5.3 Enduring Relevance and Reforms

Despite ongoing critiques, Rawls’ theory of justice as fairness retains enduring relevance as a normative framework for evaluating modern institutions. Rawls’ vision of a well-ordered society—where citizens cooperate on terms they can reasonably accept—continues to offer a moral benchmark for democratic governance (Wolff, 2023). As Reidy (2023) explains, the two principles of justice are grounded in a commitment to reciprocity and fairness, ensuring that institutions respect both liberty and equality. Critics such as Eryılmaz (2019) and Nehri (2024) acknowledge limitations in Rawls’ approach, particularly in addressing global inequality and historical injustices, yet they concede that it provides “a coherent moral architecture for reform.” Contemporary scholars have therefore sought to expand Rawlsian theory to incorporate environmental justice and intergenerational equity. Gelaye (2021) argue that ecological resources must be governed in ways that respect both present and future generations, while Leal-Arcas (2025) highlights the need to balance economic growth with sustainability and social justice in global governance. These extensions resonate with Rawls’ own acknowledgment of “just savings principles,” which require each generation to preserve conditions for future justice. By integrating environmental concerns into distributive frameworks, Rawlsian theory evolves into a more comprehensive model of justice that addresses ecological crises alongside social inequality. In conclusion, Rawls’ philosophy remains a living and adaptable framework for contemporary political thought. As Fleurbaey (2019) observes, modern economic theories of justice continue to draw on Rawlsian insights to balance efficiency with fairness. Similarly, Yadav (2025) demonstrates how Rawls’ ideas can be adapted to address

gender justice and social inclusion in diverse contexts. Through continuous reinterpretation and reform, Rawls' theory sustains its relevance as a guiding ideal—one that calls societies to pursue justice not merely as an abstract principle but as an institutional commitment to fairness, dignity, and the equal moral worth of all persons.

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Author Contribution

KWK conceived, researched, wrote, revised and submitted the article.

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