



Amartya Sen and “The Idea of Justice”: An Extension of Rawls “Theory of Justice

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Key words :

Justice is an old, pervasive and disparate idea. Very basically justice requires us to give to others what they are due and entitled. In the modern world, justice is a distributional concept, i.e., it is concerned with how different resources – wealth, income, educational opportunities and so on are to be distributed.

Rawls and ‘A Theory of Justice’:

In modern times John Rawls’s ‘**A Theory of Justice**’, published in 1971, has been regarded as the most important work of political philosophy since World War II. Rawls theory is unique. Ideologically he is a supporter of contemporary socio-political synthesis, which combines

- liberal democracy
- market economy
- redistributive welfare state

He tries to justify this synthesis by providing a systematic, unified, justifying theory. Rawls’s idea of distributive justice is based on the normative idealism of Kantian imperatives and the assumption that the desire to do the right thing is innate in all of us. Thus, his concept of “**justice as fairness**”, defends the concept of social justice. Rawls considers justice as the primary and an indispensable virtue of social system.

- Rawls theory can be divided into 2 parts
 - Method
 - Principles

1. Rawls draws from the **social contract** associated with Hobbes and Locke and seeks to devise a method for arriving at the principles of justice. Rawls’s theory was founded on the simple question of how we would decide if placed in a situation where we did not know how we would be affected by that decision.

Rawls provides a hypothetical situation in which he argues there will be an unanimous support for particular principles of justice. This situation is commonly referred as “original position”. A decision in the “original position” can be made only if made behind a “veil of ignorance” i.e. they will have no idea of their position in society.

Rawls also assumes that individuals in the original position will be self interested, wanting the best for themselves. Finally, he also suggests that they will desire what he calls primary goods such as wealth, good health, education and so on.

2. In the second part of his theory, Rawls outlines the principles he thinks will derive from individuals in the original position.

- **Rawls** gives his two ‘principles of justice’.
 - Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty to all. (*equal basic liberties principle*)
 - Social and economic inequalities are to be arranged so that they are both
 - a) to the greatest benefit of the least advantaged (*difference principle*)
 - b) attached to the offices and positions open to all under conditions of fair equality of opportunity (*fair equality of opportunity principle*)

The principles are presented in lexical order. This means that they are

listed in order of priority. Rawls adds that 1 (*liberties principle*) has priority over 2, and 2(b) has priority over 2(a).

II. Sen’s “Idea of Justice”

In a world of crisis and manifest injustices, with no institutional arrangements that provide immediate and lasting solutions, Sen’s “The Idea of Justice”, offers an alternative reading to the questions of justice. It is a timely critique of Rawls and Rawlsian theories of justice. It is only a partial and not full departure of Rawls’s theory that is primarily focused on transcendental concepts of justice and the search for those institutional frameworks that are seen to lead to the realization of perfectly just societies.

Animated by the avoidable suffering and destitution of the world’s most vulnerable people, Sen in his provocative book, ***The Idea of Justice*** attempts to reorient the overly idealized direction that political philosophy has taken. He argues that political philosophy should aim at clarifying and diagnosing evident injustices here and now. The book covers a range of other important topics such as rationality, public reasoning, democratic deliberation, social choice theory, the limitations of social contract theories, understanding of well-being, freedom and equality, which have been longstanding themes of Sen’s work.

His theory focuses on two parts:

Approach: Sen’s criticisms of the impracticality of theories of ideal justice, as opposed to his own contrasting approach to social evaluation.

Capability: Sen’s view of the place of capability within that comparative approach

APPROACH:

Sen makes two powerful indictments of contemporary political philosophy. First he argues that political philosophers have spent too much time trying to ascertain the shape of the world with perfect justice—what Sen calls **as transcendental justice** – are entirely redundant. Second, he claims that the quest for justice leads philosophers to embrace an unobtainable standard of theoretical completeness and consistency. He argues perfect justice does not allow for conflicts about justice. Yet conflicts about values are inevitable and cannot be eliminated even by the most impartial scrutiny and logical reasoning. Sen illustrates this point with the parable about three children each with a legitimate claim to a flute: one has made it, another can play it, and the third has nothing else to play with. In Sen’s view, there is no single answer as to the correct rank of claims ownership, ability, or need.

Sen sharply contrasts the search for a transcendental theory of justice with his own comparative approach, which has strong affinities with social choice theory. He, therefore seeks to find a more practical basis for founding justice. He shifts from the institutions-based concept of Rawls to a process-based approach which he seems to believe would more adequately address the omissions (or “exclusions” as Sen refers to them) in the Rawlsian theory. Sen argues that Rawls’s “principles” ignore “the discipline of answering comparative questions about justice, by concentrating only on the identification of the demands of a perfectly just society”.

CAPABILITY APPROACH

It is in line with Sen’s search for an approach to injustice that he provides a comprehensive theoretical account of justice but in the second part of the book draws on his and others work that focus on capabilities, resources, freedoms and rights as the material foundations

for creating more just institutional structures and enabling individuals to overcome inequities and deprivation.

In the capability approach, human well-being is evaluated in terms of *capabilities* and *functionings*. It moves beyond perspectives that analyse well-being in terms of primary goods, resources or utility (Rawls difference principle). Sen disagrees with the use of the space of primary goods, proposed by Rawls (1971), as the appropriate space for assessing inequality. The reasons for this is that primary goods are only means to well-being, not an end we are seeking, and that different human beings will obtain different levels of well-being when endowed with the same level of primary goods. Sen uses the example of that a disabled person is disadvantaged relatively to others, and hence equality of primary goods would deliver inequality of well-being in this case. Hence because of the diversity between human beings, equality of primary goods leads to inequality of well-being and can be extended to other approaches that focus on goods, resources, commodities or material conditions.

Conclusions Sen's The Idea of Justice makes a clear and fascinating criticism of the kind of social contract theories from Hobbes to Rawls—embodying historical traditions, departing from dominant 20th century thinking of justice and inviting new and comparative modes of thinking. We may disagree, contest and argue, but we will find much engagement to re-think our notions of justice, moved forward by Sen's formidable yet accessible reason-led arguments.