

CHAPTER III

AMARTYA SEN'S DIFFERENTIATION FROM THE RAWLSIAN APPROACH

Introduction:

Though Amartya Sen's analysis of the notion of justice is aimed at providing a new insight and an alternative approach to the existing theories of justice, however it cannot be totally denied that the tradition of theories of justice that Sen has in his mind has been influenced and dominated by the political philosophy of John Rawls.¹ To some extent it can also be argued that Sen has tried to analyse critically the Rawlsian approach, the way Rawls himself undertook quite successfully against the then dominant approach, 'utilitarianism', in his book, *A Theory of Justice*. Besides, Sen himself recognizes the fact that Rawls has been the most influential scholar on justice in modern political philosophy.² In other words it can be said that Sen attempts to put forward an alternative approach to the dominant theory of justice by critically engaging with it. However, before proposing an alternative approach to social justice, Amartya Sen places great emphasis and importance on first examining and evaluating the merits and limitations of the informational bases of existing theories before putting forth his own approach. While evaluating the existing theories of justice like the utilitarianism, libertarianism and Rawlsian justice Sen foresees that while each of the approaches provides significant information on the notion of justice, however have

serious drawbacks if substantive individual freedom is taken into consideration.³ This motivates Sen to further search for an alternative approach to justice that focuses directly on freedom, seen in the form of individual capabilities to do things that a person has reason to value.⁴ Prabhat Patnaik argues that, while measuring the performance of an economy or a society (Patnaik here covers both the efficiency and justice), there are two standard techniques used, which he terms as: the metric of goods or commodities, and the metrics of welfare or utility.⁵ The metrics of goods or commodities are used by Rawls as a device to evaluate performance in terms of aggregate real in-come and its distribution. On the other hand, the welfare metrics is used by the classical utilitarian framework while dealing with the notion of justice.⁶ Amartya Sen on the contrary accepts neither of the metrics as fundamental for evaluation. As Patnaik argues that for Sen, the goods metrics is fundamentally inadequate because it fails to take into account people's difference in the ability to convert goods into what he calls functionings, for instance, a person with disability cannot accomplish the same as an able-bodied person with an the same quantity of goods.⁷ The welfare metrics though solves to some extent this particular problem far better, but it is nonetheless fundamentally inadequate for different reasons. As such it penalizes the marginalised in the name of fulfilling the interest of the majoritarian, giving the name of happiness.

To quote from Amartya Sen's book:

“The hopeless beggar, the precarious landless labourer, the dominated housewife, the hardened unemployed, or the over-exhausted coolies may all take pleasures in small mercies, and manage to suppress intense suffering for the necessity of continuing survival, but it would be

ethically deeply mistaken to attach a correspondingly small value to the loss of their well-being because of this survival strategy."⁸

Thus the main aim of this chapter is to see to what extent Sen differentiates himself from the dominant theories of justice and deviates himself from the Rawlsian approach while critically engaging with it. Therefore in order to contextualise and understand Sen's approach to social justice, it is important to first highlight the merits and limitations of the informational bases of some of the dominant theories of social justice provided by Sen, namely the influential Utilitarian perspective and the dominant theory of John Rawls, which is still regarded by the philosophers as the dominant paradigm of justice.

The Utilitarian perspective:

The utilitarian perspective, which was the most dominant theory of justice for over a century, placed central emphasis on the sum 'utility' of a person. The term 'utility' refers to the measure or function of happiness or pleasure of an individual. The main theme of this utilitarian perspective is that happiness is the only desirable objective and as such any means towards achieving this purpose will be considered as just. The traditional economics of welfare and of public policy considered utility itself as an end; whilst all other things as a means to that end. This dominant utilitarian approach initiated in its modern form by Jeremy Bentham and pursued by such economists as John Stuart Mill, Henry Sidgwick, Alfred Marshall and A.C. Pigou believed that the main purpose of law was to achieve greatest happiness for the greatest number.⁹ Thus critically evaluating the consequences of all choices, this

approach directs every institution, law or action to focus on the respective utilities – or the amount of pleasure and happiness - it generates. As Sandel argues that for Utilitarianism, ‘the principles of justice, like all other moral principles, take their character and color from the end of happiness’.¹⁰ Subsequently, emphasising solely on the principle of utility, little or no direct attention is given to other matters of importance, such as the fulfilment or violation of human rights and duties.

Moreover, another distinctive feature of the informational base of this perspective is the importance of maximising the aggregate utility in a society.¹¹ That is, every decision or choice is judged by the sum total of utilities that is created. Hence injustice in a society could be defined as an aggregate loss of utilities rather than giving benefits to the poorest sections of the society or distributing the social benefits under some just procedures in order to establish law and order. Thus it can be vehemently argued that there is nothing wrong in treating few people or the marginalized as long as it serves and gives adequate happiness to the aggregate members of the society.

Sen’s critique of the Utilitarian perspective:

Sen endorses some of the fundamental ideas and arguments of the utilitarian approach. As such for Sen the consequences or ‘results’ of social arrangements should be taken into consideration while formulating any public policy or law. He further takes into account and gives importance on the well-being of each individual when judging social arrangements.¹² For Sen, these two aspects of the utilitarian perspective offer insights which he considers in his own approach. Subsequently, there are certain

aspects of the utilitarian perspective which Sen critiques and fundamentally disagrees with. Moreover, due to the limits in the informational base, there are certain drawbacks or as Sen terms 'handicaps', in the approach. The first of this demerit is the use of utility as a metric way of judging well-being. Sen analyses that in order to measure the disadvantage and deprivation and other important non-utility attributes, such as claims to rights and freedoms, and the actual lives of the people, utility fails to capture and provide adequate direction in those matters of immense importance. Furthermore, Sen argues that the utilitarian approach also fails to point out the inequalities in the distribution of well-being and happiness in a society.¹³ A theory of social justice should be able to determine the distributional inequalities within a society; however, the utilitarian philosophy, as emphasises on the aggregate utility in a society thus failed to take into consideration this important distributional aspect. Eventually, Sen asserts that focusing primarily on the mental characteristics of individuals that is the principle happiness, is a very poor and disturbing informational base, especially when making inter-personal comparisons of well-being.¹⁴ He explains that it is provisional because of the course of 'adaptation' and 'mental conditioning' whereby individuals supplement their desires and wants in order to make life manageable under such complicated situations. In his book, *Commodities and Capabilities*, Sen argues that the restrictive focus of the utilitarian perspective of well being and advantage has some serious shortcomings, while taken into consideration the interpersonal ranking rather than with comparisons of alternative possibilities for the same person.¹⁵ In short the utilitarian paradigm undermines not merely the equality of persons but also the moral criteria of treating persons as ends.

John Rawls's theory of justice:

John Rawls's book *A Theory of Justice* has been described as being the most important and influential work in the field of political philosophy in the twentieth century. Moreover, many philosophers eagerly waited for it because John Rawls had already published key elements of his theory in a series of articles. It was seen that the publication revived the political philosophy especially the social contract tradition as in the words of Isaiah Berlin in 1964, "no commanding work of political philosophy has appeared in the twentieth century."¹⁶ Rawls shifted the domain of intellectual debate from the doctrine of our political obligations to the State to the issue of social justice. His strategy was to search for an alternative through the social contract idea which lost its position in the hands of utilitarianism and Hegelian historicism, and therefore wanted to regain its position in the political discourse. However, Rawlsian contract idea drawing on Locke, Rousseau and Kant, did not of course assume that there was ever a literal contract.¹⁷ Using the social contract idea as a device to formulate the principles of justice, choosing them with the hope of maximising the position of the worst-off, Rawls argues that people will also be ignorant about their characteristics and details of the society choosing for. However, this structure, among other things, forms the rational basis (reasoning) for developing a theory a justice. It is focused on establishing certain arrangements to formulate perfect just rules, institutions and structures that would further lead to the enhancement of justice.¹⁸ Rawls gives attention to the basic structure of society, which he takes to be the primary subject of justice. As the function of the basic structure of society is to distribute the burdens and benefits of social cooperation like, wealth and income, food

and shelter, authority and power, rights and liberties among the members of the society, thus plays a major role in the lives of the individual from birth to death.¹⁹ Moreover, the burdens include various liabilities, duties and obligations towards the society and state, such as the need to pay taxes. Therefore the fundamental aspect of justice is thus to formulate certain principles, which can be satisfied by a just basic structure. Further Rawls argues that the primary goods have to be distributed under the basic structure, keeping in consideration the principles of social justice chosen in the original position.²⁰ Rawls illustrates, primarily three reasons for making basic structure the primary subject of justice. Firstly, it has a permanent and long lasting effect that is there from the onset; secondly, it influences and gives shape to wishes, desires, aspirations and even the character that individuals come to possess and finally, it assures the maintenance of background justice, the necessary conditions of the just background.²¹ However, Rawls in his later masterpiece, *Political Liberalism*, refines and widens his understanding of the basic structure as:

The basic structure is understood as the way in which the major social institutions fit together into one system, and how they assign fundamental rights and duties and shape the division of advantages that arises through social cooperation. Thus the political constitution, the legally recognized forms of property, and the organization of economy, and the nature of the family, all belong to the basic structure of society.²²

Developed as a reaction to his dissatisfaction with the utilitarian perspective which according to Rawls failed ‘to accommodate the claims of justice’, the central idea of justice as fairness, which is illuminatingly defended by Rawls, is a major perspective that gives us significant direction and understanding, taking us beyond the

previous philosophical arguments on the subject of justice.²³ The Rawlsian approach subsequently rejected the notion of desert or merit as a basis of a theory of justice and instead advocated the ancient tradition, in political philosophy, that is the social contract. The social contract is defined as a tradition that,

...represents justice in social arrangements as a matter of agreement between the individuals who participate in them. ...The point of the contract is to represent a moral idea about the relationship between the members of a society...all [of whom] are sovereign individuals bound to share their sovereignty by their obligations to one another.²⁴

This social contract, Rawls argues, sets out by asking us to imagine persons in a hypothetical initial situation which he calls “the original position”, (has a similarity with the Hobbesian state of nature, however, does not have any historical or pre-historical impression) and is central to his theory of ‘justice of fairness’. The veil of ignorance in the original position is an imagined situation, where the individuals are abstracted from their economic and social contexts and thus are unaware of who they are and what their interest, skills, needs and so on are. Having no vision of what constitutes the good life, in that state of devised ignorance the principles of justice will be chosen unanimously that would uphold ideas consistent with the basic idea of distributive justice.²⁵ Moreover, these contractors would agree on the principles and rules that would be impartial, thereby ensuring fairness for all, for the distribution of benefits and burdens in that given society.²⁶ Hence under such a purely hypothetical situation, Rawls believes that people would rationally choose two basic principles of justice for the society. The 'first principle' of justice, which is to be given priority over all other principles, is the claim to a fully adequate scheme of equal basic liberties and

the 'second principle' of justice has two parts: the first is the equal distribution of social primary goods, and the second focuses on the 'Difference Principle', which instructs that any departure from equality should be to the benefit of the least advantaged.²⁷ Thus Rawls argues that the principle of distribution should be based on equality and need, rather than on the principle of merit. Whereas the utilitarians placed priority only on utilities, Rawls emphasised the importance of social primary goods, and defined it as those means that is necessary for every individual in order to fulfil the desired objective, which inter alia include freedom of movement, basic liberties, income and wealth etc. Moreover, instead of focusing solely on one principle that is utility, the social goods should be ranked in lexical order. However it is also important to say that Rawls thinks that instinctive and embedded conceptions of justice are not able to provide a reliable and adjoining alternative to utilitarianism. Rawls admits that his engagement with utilitarianism also makes him focus solely on social institutions, rather than actual lives of the people, thus limiting the scope of social justice only to the institutional aspect.²⁸ Thus having recognizing justice as the first virtue of social institutions, Rawls argues that rather than focusing only on aggregate gains or losses, the concept of justice as fairness believes in giving value to the positionality of each and every individual in the society. As such individuals will pursue different and potentially conflicting goals in a well ordered society, so principles of social justice need to be designed, in order to choose between the various social arrangements and to formulate a fundamental distributive scheme for the proper allocation of shares.²⁹ Though earlier philosophers were busy in defining justice and pursuing it, Rawls went a step further saying that through this social arrangement is just or is not just. However

the aim of the Rawlsian theory was to create an ideal society which he believed would be universal one and a standard against which actual policy choices, when they arise, can be judged.³⁰ Rawls in his book, *A Theory of Justice*, defining justice as ‘fairness’, gives us a procedure for achieving this notion. Though earlier Rawls believed that liberal societies based on these principles can be described as just, however later in his work, *Law of Peoples*, he does acknowledge that some non-liberal societies could be, if not actually be just, at least ‘well ordered’ and ‘decent.’³¹

The political context that laid the foundation of Rawls’ theory of justice was the dramatic denial of civil rights to African- Americans and the moral cataclysm represented by the Civil Rights Movement. He was at first reacting to the immediate issue of racial discrimination, which can be seen in the articles published by Rawls in the 1950s. it is abundantly clear that he was reacting to the all too urgent events of racial discrimination. Thus it is abundantly clear that both the principle of justice: first principle of basic liberties and the second of distributive justice, evolved in relation to the welfare programmes introduced in the mid 1960s. It should also be mentioned that inequality was one of the central concern of Rawlsian project and justified it through the difference principle to contain capitalism, besides, inequalities that are left standing and to tame socialism by eliminating its dictatorial nature.³²

However, it was seen that in Rawls’ later work, *Political Liberalism*, first published in 1993, establishing stability was his main concern. Hence instead of establishing the analogy between the right and the good in a well ordered society of justice as fairness, the goal was to consider how stability is even possible in a society

characterized by a reasonable pluralism of comprehensive doctrines.³³ As Rawls believes that stability requires that citizens have a normally effective sense of justice and so they generally comply with society's basic institutions, which they regard as just. But if the citizens had a prior information about the correct or best conception of the good, than problem will arise on judging fairly the distribution of resources which will further hamper and conflicts can arise in the society. As Rawls sees that the need for justice itself is due to the existence of diverse conceptions of the good and the resulting conflicts concerning how social resources should be used. Hence the justification of the principles of justice should be independent not only of any particular conception of the good, but also of any particular religion, system of moral beliefs or cultural form- what Rawls later calls as comprehensive doctrine. Each reasonable comprehensive doctrine provides its own account of the various non-political values and how basic social justice fits into its world view. However Rawls argues that though citizens differ in their deep religious, philosophical and moral convictions, they still share through overlapping consensus a political conception of justice for the basic structure. A political conception of justice is presented as a freestanding view and not dependent on any particular comprehensive doctrine.³⁴ Thus Rawls argues that what matters for stability is not only the shared allegiance to abstract principles, but also a common deliberative perspective that allows citizens to apply the principles collectively to design their basic institutions and social policies what he calls as 'public reason'. Public reason is the collective reason that a democratic society employs when addressing, 'what the political conception of justice requires of society's basic structure of institutions and of the purposes and ends they

are to serve'.³⁵ Thus Rawls asserts that the principles of justice would be the unanimous choice that would come out from the political conception of justice as fairness and would determine the basic social institutions that should govern the society they are, we imagine of creating it. However, it should also be mentioned that if individuals living in the society gives importance to common interest rather than their own interest, than only Rawls believes that actual justice in society can prevail and just principles be uphold.

Despite Rawls being the most important political theorist within the Anglo-American world after John Stuart Mill, and his elaboration on justice is at the centre of modern thinking on this subject, has also been criticised vehemently by the later political philosophers.³⁶ Brian Barry argues that the Rawlsian paradigm of justice, though need to be appreciated, for the originality with which he has developed the idea of an original position and the determination with which he has tried to make it work, but ultimately has failed.³⁷ In fact Rawls himself has acknowledged that his original formulations were in some respects, inadequate, which has also led philosophers like Amartya Sen (while critically engaging with the Rawlsian Approach) to search for an alternative approach on this subject.

Amartya Sen's engagement with the Rawlsian approach:

In, *The Idea of Justice*, Sen elaborates an approach to justice that seeks to make comparative analysis based on social realizations, giving emphasis on removing manifest cases of injustices rather than searching for an ideal version of justice. Sen focuses his notion not only on political-social institutions but also on people's

behaviour, making considerations of justice and comparisons between states of the world or societies, as well as other influencing factors that have the potentiality of effecting justice in a given society.³⁸ Unlike earlier theories of justice that attempt to give directives concerning what sort of character should the concept of justice have, the main subject of Sen's theoretical position is to eliminate evident injustices. Amartya Sen however, while building his own paradigm of justice is deeply indebted to Rawls and one can easily understand it while going through Sen's analysis of justice which always has a reference to Rawls. In fact Sen's book *The Idea of Justice*, where he has discussed in details his 'realisation focused approach' to justice based on the objective of giving importance to the actual capability of an individual, is dedicated in the memory of Rawls. Besides, critically engaging with the Rawlsian approach, Sen while analysing the notion of justice has also praised the immense contributions of his introducing the fairness aspect of justice and its implications that goes well beyond the traditional theories of justice.³⁹ By focusing on rules and procedures for fairness under the first part of the second principle, Rawls provided a considerable enhancement of the literature on inequality in the social sciences. Rawls fierce commitment to the principle of inequality has concentrated beyond disparities in social status or economic outcomes, while focusing on disparities in the processes of operation, to promote integration and better utilization of talents and a more equitable distribution, highlighting the disparities on grounds of their race or colour or gender.

Besides Rawls prioritizing of liberty and contextualizing it as a separate entity and in many ways recognizing its significance in the assessment of the justice of social arrangements has made Sen foster a definite space to the concept of freedom within

the main corpus of his theory of justice. Sen discusses both the "opportunity" and the "process" aspects of freedom.⁴⁰ However he focuses on the positive aspect of freedom, which is concerned with the actual capability of an individual to convert the resources into a real good, rather than limiting freedom and enjoying it in his own personal sphere, which Sen terms as the negative aspect naming it as 'liberty'. However for both the philosophers, liberty is a prized social virtue, though Sen, unlike Rawls, does not accord lexical priority to liberty above all else. Further Sen argues that Rawls inclusion of liberty in the list of primary goods has helped to determine a person overall advantage and disadvantage in the social structure. Thus touching the most private aspects of personal life, it has act an useful instrument for social evaluation through the exercise of public reasoning.⁴¹ Moreover Sen also appreciates the fact that by placing liberty at the citadel Rawls has made an important distinction between liberty and other concepts which should also be given importance.⁴² Further Sen also compliments the second principle (the difference principle) in the Rawlsian theory of justice, as it open up a significant discourse on inequality while making the social arrangements so that the poor and the marginalised people can be uplifted from their existing position. It has also been productive and influential in the matters of public policy for poverty removal, which will also prevent the deprivation of primary goods for the deprived sections. Finally Sen recognises that, despite certain shortcomings, Rawls analysis of fairness, justice, institutions and behaviours has enhanced our understanding of justice very profoundly and has played and is still playing a hugely constructive part in the development of the theory of justice.

However though Sen recognizes Rawls' accomplishment and the many virtues of his work but found certain aspect of Rawlsian approach problematic and thus was critical to it, which ultimately leads him to develop an alternative approach to justice. The Rawlsian theory of justice that revived the social contract tradition (influenced by the Kantian idea of reasoning) deals into consideration a basic question as to what sort of social contract would be accepted by everyone unanimously in the original position? However as Sen argues that Rawlsian approach to justice through the use of this social contract tradition involves the members of a given polity and thus is limited in participation.⁴³ However in the contemporary world what happens in any country and how its institutions operate always have some impact in fact sometimes huge consequences on other states. For instance we can take the case of recent terrorist uprisings in Iraq and Syria (in the form of ISIS) which has influenced not only its neighbouring states but also other continents. Besides, globally sensitive questions like the unequal position of women, or the issue of climate change, or the violation of human rights, calls for more global examination and scrutiny as those problems are faced not only by one nation but have its impacts beyond national borders.⁴⁴ Hence Sen argues that the fairness exercise in the Rawlsian analysis needs to be elaborated and reformulated in order to solve this problem of parochialism.

Sen further criticizes Rawls for assuming that if the individuals in the original position do not have any idea of their situation (due to the veil of ignorance) and their interest and needs then how come they agreed on the two principles of justice. As such there are other possible sources of disagreement and convergence on any principles of justice, then why only those two principles will be given importance, can't be

guaranteed.⁴⁵ Onora O'Neill argues that Rawls later came to accept this point, and thus in his later writings in which political justification of the principles of justice based on the conception of public reasoning among fellow citizens of liberal democracies, accepted that the use of the original position under the ignorant veil where people are unknown about their interest, convergence is always difficult to achieve.⁴⁶ However, the 'political' turn in Rawls's work gives emphasis to the process of idealization in relation to institutions, societies, citizenship, boundaries and thus fails to take into consideration how these agreements will emerge. As Sen sees it, the later strategy too is inadequate for an account of justice for a globalizing world, because it relies on exclusionary views of who counts and which views count. This Rawlsian account of impartiality was further extended in his later work on justice beyond borders, *The Law of Peoples*, which ignores the fact that, 'International justice is simply not adequate for global justice'.⁴⁷

Sen's critic of the Rawlsian approach:

Amartya Sen in his book, '*The Idea of Justice*', has discussed certain difficulties in the Rawlsian approach to justice, which need fresh investigation. Sen in this book has asked to stop thinking in the line of Rawlsian notion of justice, which has been the dominant paradigm in the arena of social justice. Sen though dedicates this book in the memory of Rawls, accepting the central theme that justice should be associated with fairness, however finds many features of Rawlsian model disturbing. The foundational principle of Rawls' theory was to create an 'ideal theory' or what Sen calls a 'transcendental' approach to justice, that is to establish a notion of justice

which is universal in nature and applies everywhere and under all circumstances. However, Sen believes and severely rejects such a universal account, which is neither possible nor necessary. In the introductory part of his book, *The Idea of Justice*, Sen tells the engaging story of three children, Ann, Bob and Carla, who are quarrelling over the fate of a flute.⁴⁸ Ann claims the flute on the basis that she is the only one who knows how to play it, Bob's claim is based on the fact that he has no other toys to play with while the others do, and Carla claims it because she has made the flute in the first place. What Sen here wants to point out is that there can be different yet important plurality of reasons and values, (hence a simple plurality of right answers) unlike the Utilitarians, Aristotelians and libertarians to decide which of these answers is the right.⁴⁹ Therefore it would be not be correct to assume that there is only one kind of just society, for example a liberal society based on the Rawlsian principles and the rest existing societies are not ideal---is thus against the ides of pluralism that vehemently exists in the present world. Sen argues that obviously there would emerge plurality of competing principles which have to be taken under consideration while dealing with justice. Thus it seems impossible to verify the existence of a social arrangement identifiable as perfectly just, according to Rawls. Moreover, as there is plurality of competing principles and values hence the choice of a unanimous impartial agreement in a structure of multiple and conflicting patterns of justice is far from reality.⁵⁰

Sen makes his critic of Rawls's ideal theory more distinct when he uses another analogy. Sen argues that, when we were asked whether a Van Gogh or a Picasso is the better painting, it barely helps to be told that Da Vinci's Monalisa is the best painting in the world.⁵¹ Though this analogy does not makes the picture clear as

what comprise the best painting, but what Sen here wants to point out is that in order to practice justice we have to make comparisons, meaning whether pursuing that method will help make the world a somewhat better place as opposed to that method, unlike the ideal world (as emphasised by Rawls) where this process for comparison has a very limited scope and platform. Sen understands that the fundamental principles of justice must be based on fairness and should be impartial in character and exercise, but disagrees with Rawls by arguing that the claim for impartiality will categorically lead us to a pre arranged conception of a just society because there are many different possible ways in which reasonable people can be impartial.⁵² This avoidance of plurality based on impartiality is the primary conceptual problem that in Sen's view makes the transcendental project infeasible, and it can arise in a number of ways.

In the Rawlsian theory of justice as fairness, the central theme focuses exclusively on 'just institutions', rather than 'just societies' that will definitely depend on both effective institutions and on actual behavioural patterns.⁵³ Sen further argues through a unanimous agreement, even if we do admit that the choice of basic social institutions, there will still be problem on how the chosen institutions would function in a world in which everyone's actual behaviour may not be as compatible with the identified reasonable behaviour.⁵⁴ Sen vehemently focuses by providing examples of various cases of injustices in society such as slavery, the discrimination of women, the lack of universal healthcare in most countries of the world, the lack of medical facilities in parts of Africa or Asia, the tolerance of chronic hunger, for example in India, and the extreme exploitation of labour can all be recognized, besieged and removed without any need to hypothesize at all as to what would be perfectly just

social arrangements or what would be just institutions. It suffices to say that we can simply identify clear injustices and take steps to remove them. Hence in order to deal with the indisputable and intolerable injustices throughout the world, Sen argues that Rawlsian ‘transcendental institutionalist approach’ to justice is functionally redundant in the global context and thus advocates a comparativist perspective, which he terms ‘realization focused approach’ to justice, focusing on the real life circumstances and relevant issues.⁵⁵ Chris Brown too argues that establishing just institutions is gravely challenging at the international level, where the institutional structure is fragile by comparison with the sovereign state.⁵⁶ Sen further argues that the social contract tradition that emphasises on perfect justice while making theoretical formulations (like the theory elaborated by Rawls), provide insufficient aid when it comes to taking decisions about questions of justice in contemporary societies. In other words, transcendental theoretical formulations and the arguments that they develop, cannot give us adequate support to situations involving the kind of comparative choices of justice that have to be made on a routine basis in the democratic societies.

In *A Theory of Justice*, Rawls has recognised primary goods as, ‘things that every rational man is presumed to want’. However, Sen argues that though Rawls gives emphasis only on the opportunities that people have through the primary goods that were available for them but gives less attention on the capabilities of an individual on how to convert that primary goods into good living. Sen appreciates Rawls for making deprivation central for the purpose of advancing a set of primary goods, however, it is at the same time important that they do take into account the different abilities or capabilities of persons to use resources to advance their highest order

interests (chiefly to pursue their own conception of the good).⁵⁷ For example, a disabled person can do far less with the same level of income and other primary goods that can an able-bodied person. While Sen stresses on Rawlsian approach to equality that gives insufficient attention to human differences and the difference in ability of an individual to make use of the resources, hence sustaining a social order to foster capabilities is necessary to achieve the actual objective of equality. Therefore while focusing on the discourse of inequality, different needs varying with health, longevity, environmental conditions, location, working conditions, spirit and even body size etc., should be taken under consideration, therefore reviewing benefits purely in terms of primary goods will lead to partially blind morality.⁵⁸ Sen thus while engaging with the Rawlsian approach found certain limitations in it, which lead him to search for an alternative way deviating from the Rawlsian paradigm and building a new perspective in understanding the theoretical conception on social justice.

Amartya Sen's differentiation from the Rawlsian approach:

John Rawls argues in the opening pages of his book, *A Theory of Justice*, that his aim is basically to derive principles of justice for a well ordered society, that is society of 'strict compliance', where the objective of each and every individual is to act in a fair and just manner to create a perfectly just society. Sen considers this as a *transcendental institutionalist* perspective to justice, categorized by the focus on perfect justice, thus overlooking the non-institutional aspects of human relations, which in practice, and would determine how actual societies would function.⁵⁹ While focusing on the Sanskrit literature on ethics and jurisprudence, Sen differentiates

between the two models of classical Indian philosophy, 'Niti' (strict organizational and behavioural rules of justice) and 'Nyaya' (concerns with what emerges and how such rules affects the lives that people are actually capable to lead), wherefrom he draws the idea of realization perspective on social justice.⁶⁰ Sen criticizes the earlier philosophers like Rawls for neglecting and focusing on 'niti centred' approach and thus underrates the essential combination of just institutions and correspondent actual behaviours that makes a society practically just, from which he formulates his central argument. Sen thus subsequently emphasizes the opposite 'nyaya centred' approach according to which, 'what happens to people', must be the core concern for a theory of justice and thus provides a better understanding for justice. It should also be mentioned that Sen calls into question the fundamentally deontological approach to justice that we find in Rawls and hence puts forward more of an apparent consequentialist approach in order to identify injustices and seek remedial actions and thus terms it as 'realization-focused comparativist' approach.⁶¹ This instrument of comparativism, as Sen vehemently proposes focuses our moral and theoretical attention on societies that already exist or could feasibly emerge and thus gives us directives through the process of reasoning to deal with the apparent cases of injustices from the world, rather than an unearthly transcendental idea.⁶² Besides as mentioned before, the transcendental institutionalist approach to justice sustains primarily on getting the institutions right and it is not directly centred on the actual societies that would ultimately emerge. As Sen states:

The importance of human lives, experiences and realizations cannot be supplanted by information about institutions that exist and the rules that operate. Institutions and rules are, of

course, very important in influencing what happens, and they are part and parcel of actual world as well, but the realized actuality goes well beyond the organizational picture, and includes the lives that people manage – or do not manage – to live.⁶³

While formulating the fundamental idea of justice, Sen aligns his approach with what he demarcates as “a variety of comparative approaches that were concerned with social realizations.”⁶⁴ However it should also be mentioned that, the writings of Adam Smith, Condorcet, Bentham, Karl Marx and J.S.Mill have significant influence on Sen’s comparative route, as Sen himself has argued that all these theoretical approaches share the core objective of making wide-ranging comparisons of justice between the different lives that people can lead as seemed not to be influenced by institutions, but also by the real behaviour of these people and by social interactions and behaviours.⁶⁵ Sen also argues that by taking the comparative route while dealing with the cases of justice people will agree on a particular pair wise rankings on how to enhance justice, despite the comparative assessments on the values and priorities of the people involved through discussions and scrutiny remains incomplete. Hence Sen seriously believes that the realization-focused comparativist approach, which focuses on the actual lives of the people would not only identify the nature of just but also will seek an alternative which is less unjust than the other. Thus what differentiates Amartya Sen from earlier theorists was that his evaluation of justice aimed not at recognizing the nature of just (whether it is just institutions or society) but rather to construct a theory that helps people to realize and make ways how to reduce injustice and advance justice, as well as understanding the factors affecting the degree of justice in any existing society. Sen wants it to be based on practical reasoning in order to

make his demands for justice much more feasible. He proposes that people should create their own dimension of justice, thus socially; just outcomes will not be universal across all cultures and societies.⁶⁶ It further implies that we can simply identify clear injustices and take steps to remove them. Thus according to the Sen, agreements need to be generated through public discussion, despite differences in our opinions on other subjects while dealing with the relevant issues of injustices, to enhance global justice and thus should depart from the traditional theories of justice that reduces many of the most relevant cases of justice into empty.⁶⁷

In an article written way back in 1990, entitled, *Justice: Means versus Freedoms*, Sen articulated a freedom centred idea of justice.⁶⁸ Making ‘capabilities’ as the most appropriate method for assessing wellbeing rather than the utility space or Rawls’s primary goods, Sen in his 1979 Tanner Lectures, and more expansively in his Dewey Lectures, argued that capability can provide more appropriate informational basis for justice.⁶⁹ Sen agrees that an index of primary goods signifies a vector, which is why it comprises more than income or wealth, but cannot act as a useful tool as it is still directed to serve the general purpose, rather than analysing the individual differentiation.⁷⁰ Sen alleges that this is incorrect because what really reckons is the way in which different people convert income or primary goods into good living, as poverty is dependent upon the different characteristics of people and of the environment in which they actually live. Thus capability is being related with substantive freedom as it centres on the actual ability to do different things that a person value, further Sen calling Rawlsian theory as redundant.

The capabilities that Sen refers to are the capabilities to function, a functioning being a state of being or doing. These functioning natures of the capability are collection and depiction of individuals real abilities and status and thus are: the nutritional status, the mobility status, the literacy status, the housing status, and finally status in respect of what Adam Smith called the ability to appear in public without shame (this has been liked and supported by Sen the most).⁷¹ As such, while understanding and measuring a person's capability the substantive freedom to achieve those functionings should be taken under consideration and thus should be valued. According to Sen, rather than agreeing on one specific way of life, the concept of capability gives people the freedom to choose between the alternative lives.⁷² Thus rather than focusing on one particular comprehensive doctrine and means of living, capability reflects on the actual opportunities of living in a society.

In spite of the breath-taking success of the social contract tradition in political philosophy, Sen does not refer to the idea of the original position that Rawls's employs to develop a certain conception of justice. However, the hypothetical position which Rawls terms as the original position is an imagined situation, where the individuals are abstracted from their economic and social contexts and thus are unaware of who they are and what their interest, skills, needs and so on are thus intending to establish equality between human beings.⁷³ Having no vision of what constitutes the good life, in that state of devised ignorance the principles of justice will be chosen unanimously that would uphold ideas consistent with the basic idea of distributive justice. Further the difference principle ensures that inequality be compensated and should not influence distribution process. In fact critics have argued

that Rawls' hypothetical position is designed in such a way that people are inclined to choose only those two principles of justice, which Rawls wants them to arrive at.⁷⁴ However Sen is also acutely aware that despite the hypothetical position, our considered judgements could be biased. According to Sen, much of our understanding is influenced by what he calls 'positionality'. Positionality determines our observations of a particular object from certain fixed positions and therefore a specific object would look the same for anyone with the same positional features. However Sen argues that positional observations need not necessarily be subjective though people can see an object in the same way the others are looking at, but position-dependent understanding of objects need not necessarily be the idea of objectivity.⁷⁵ Therefore Sen argues that in order to avoid such a positional prejudice and limited form of observation dependent on other factors, is thus important to have a position-independent understanding of the world. Therefore Sen believes that by adopting Adam Smith's 'impartial spectator', approach can help us in evaluating the ethical and political segments. As there could be plurality of competing principles of justice (in a diverse society) that survive critical scrutiny and can have claims to impartiality, hence a position- independent understanding of the world has become indispensable to formulate a global notion of justice. Sen further argues that Rawlsian justice is deemed vulnerable not only on the grounds that it seeks a perfectly just society, but because involves the members of a given polity and thus is limited in participation. However in the contemporary world what happens in any country and how its institutions operate always have some impact in fact sometimes huge consequences on other states and thus it has become imperative to give importance to public reason and scrutiny coming

from diverse quarters.⁷⁶ Sen criticizes this closed nature of the participatory exercise that Rawls invokes, by restricting the ‘veil of ignorance’ to the members of a given focal group. It is this limitation of reliance on parochial reasoning, linked with national traditions and regional understandings that Sen wants to resist by adopting Adam Smith’s device of ‘impartial spectator’. This impartial spectator approach takes into its ambit ‘social realizations’, avoids ‘local parochialism’, and permits ‘incompleteness’, by addressing the urgency of removing manifest cases of injustice, helps and gives guidance in the areas of social justice.⁷⁷ This approach goes beyond the parochialistic perspective of the social contract model and thus represents groups and voices beyond the membership of the contractarian group, reflecting the influence of other empirical experiences within its ambit. Sen thus thinks that we should not assume that our particular way of doing particular things is the ideal way, which has made the Rawlsian approach to justice within the purview of a nation state and hence has little in substantial measure to say on global justice.⁷⁸

Although advocates of the Rawlsian approach (such as Sebastiano Maffettone) and post-Rawlsians (such as Thomas Pogge) have made heroic attempts to stretch the Rawlsian fabric enough to cover the limitations in formulating a global discourse on justice, besides this impossibility of global justice in the Rawlsian theory comes from Thomas Nagel.⁷⁹ Since Sen agrees with Nagel’s interpretation of Rawls and as it follows from this interpretation of Rawls that global justice is a chimera, Sen finally is left to choose between either a Rawlsian approach or a global idea of justice. It has been a long time since the publication of Rawls’ 1958 essay *Justice as Fairness*, that laid the foundation of his theory of justice, as essay that has inspired and

motivated not only Sen but also the later political theorist interested in this discourse. Interestingly too there has been a tremendous change in the world order and for Sen to be able to blind his eyes towards the urgent need for global justice was impossible, as he breaks with Rawlsian direction, in Sen's great work *The Idea of Justice*, dedicated in the memory of John Rawls.

Conclusion:

In Rawls's words, "One task of political philosophy- its practical role, let's say- is to focus on deeply disputed questions and see whether, despite appearances, some underlying basis of philosophical and moral agreement can be discovered."⁸⁰ Sen in this sense has argued for a complete recasting of academic philosophical theorizing about social justice. In an article written in 2006, *What Do We Want from a Theory of Justice?*, Sen asserted that political philosophers should simply stop pursuing, in the style of Rawls, the grand question, 'What is a just society?'⁸¹ Interestingly too, Sen's notion of justice, which is pluralistic, multi-dimensional and existential because it is a combination of various aspects of what can be called variables of justice, in our own view, has given a new direction in the arena of theorizing social justice. Sen is certainly correct to think rather than creating atmosphere for perfect justice, the focus should be on removing the injustices from the world to make it a better place to live in. Sen discusses both the "opportunity" and the "process" aspects of freedom. However he focuses on the positive aspect of freedom, which is concerned with the actual capability of an individual to convert the resources into a real good, rather than limiting freedom and enjoying it in his own personal

sphere, which Sen terms as the negative aspect naming it as 'liberty'. However for both the philosophers, liberty is a prized social virtue, though Sen, unlike Rawls, does not accord lexical priority to liberty above all else.⁸²

Moreover, it should be emphasised that Sen gives importance to the Rawlsian principles and thus its influence can be seen while closely looking at the proximities between both the paradigms of justice. It also cannot be disregarded that the theoretical justification of Sen's work are too many extent influential as it emerged as a highly original conception of justice, in many ways can be seen as an critical alternative to the idea of *justice as fairness*. However, it should also be realised that by making a general shift – perhaps moving away from the social contract model while perpetuating justice to Amartya Sen's realization –focused perspective, will resolve the genuine practical problems posed by the existence of serious injustices, and their going unaddressed. Further, an approach limited to ranking available alternatives through a comparative method is also at risk of overlooking unrepresented possible choices. Moreover, with the deteriorating conditions of democratic structures and participatory models in the developing countries (can also be seen in India), pursuit of selfish whims and desires, complemented by lower level of community consciousness and dominance of religious and superstitious believes in and around the masses, Sen's realization focused notion of justice is to what extent be practically implemented is still a question yet to be answered and will be discussed and analysed in the next chapter.

Notes and References:

1. Though the concept of social justice has been discussed over the ages, but methodologically, the focus will be on Rawls first, largely because his position on social justice is well known an all major political philosophers of contemporary period (like Michael Walzer, Brian Barry) who have an argument to make on this issue foreground Rawls in their considerations. Hence Robert Nozick's assertion remains as true today as it was in 1974: 'Political philosophers now must either work within Rawls' theory or explain Why not?' (see Robert Nozick, *Anarchy, State and Utopia*, Basil Blackwell, Oxford, 1974).
2. In fact the second chapter of Sen's book is also devoted to 'Rawls and Beyond', while the first chapter being mainly a framework of the book (see Amartya Sen, *The Idea of Justice*, Penguin Books Ltd., New Delhi, pp.59-60).
3. *Ibid*, pp. 69-70.
4. Sen argues that the real 'bite' of a theory of justice can, to a great extent, be understood from its informational base: what information is or is not taken to be directly relevant (see Amartya Sen, *Development as Freedom*, Alfred A. Knopf, New York, 4th Edition, 2000, pp. 55-56).
5. Prabhat Patnaik, "Globalization and Social Progress", *Social Scientist*, (2011) Vol. 39, No. 1/2, pp. 47-59.
6. Philippe Van Parijs, "Academic Presentation of Professor Amartya Sen", *Louvain Economic Review*, (1990), Vol. 56, No. 3/4, pp. 253-257.

7. *Ibid*, pp. 256.
8. Amartya Sen, *On Ethics and Economics*, Oxford, Blackwell, 1987, pp. 45-46.
9. Amartya Sen, *Development as Freedom*, Alfred A. Knopf, New York, 2000, 4th Edition, pp. 58-59.
10. Michael J. Sandel, *Liberalism and the Limits of Justice*, Cambridge University Press, New York, 2nd Edition, 1998, p.4.
11. Amartya Sen, *Development as Freedom*, Alfred A. Knopf, New York, 2000, 4th Edition, pp. 60-61.
12. Sen here wants to emphasise that, while the merits of the utilitarian approach can be subjected to some debate, but it does have some beneficial information in matters of justice.
13. Sen emphasises that the utility calculus can be deeply unfair to those who are persistently deprived: for example, the usual underdogs in stratified societies, perennially oppressed minorities in intolerant communities, routinely overworked sweatshop employees in exploitative economic arrangements, hopelessly subdued housewives in severely sexist cultures (see Amartya Sen, *Development as Freedom*, Alfred A. Knopf, New York, 2000, 4th Edition, pp. 62-63).
14. *Ibid*, p.63.
15. Amartya Sen, *Commodities and Capabilities*, Oxford University Press, New Delhi, 1999, p.15.

16. Isaiah Berlin in his article, "Does Political Theory Still Exist?", asserts, after the publication of, 'A Theory of Justice', there was a revival in political theory and the utilitarian tradition was replaced by the famous contractarian tradition, which Rawls used as a device to formulate his principles of justice, see Laslett and Ruciman (ed.), *Philosophy, Politics and Society*, Basil Blackwell, Oxford, 1962.
17. John Rawls, *A Theory of Justice*, Harvard University Press, Cambridge, Massachusetts, Revised Edition, 1999, p.10.
18. Amartya Sen, *The Idea of Justice*, Penguin Books Ltd., New Delhi, pp. 5-6.
19. John Rawls, *A Theory of Justice*, Harvard University Press, Cambridge, Massachusetts, Revised Edition, 1999, p.54.
20. Allen E. Buchanan, "Exploitation, Alienation and Injustice", *Canadian Journal of Philosophy*, (1979) Vol.9, No.1, pp.121-139.
21. Marcos Paulo de Lucca-Silveria, "The Subject of Social Justice: A Defence of the Basic Structure of Society", *Brazilian Political Science Review*, (2016) Vol.10, No.2, pp. 13.
22. John Rawls, *Political Liberalism*, Columbia University Press, New York, Expanded Edition, 2005, p. 258.
23. John Rawls, *A Theory of Justice*, Harvard University Press, Cambridge, Massachusetts, Revised Edition, 1999, p.3.
24. John Rawls, *A Theory of Justice*, Harvard University Press, Cambridge, 1971.
25. *Ibid*, pp. 118-23.

26. Amartya Sen, *The Idea of Justice*, Penguin Books Ltd., New Delhi, 2009, p.54.
27. John Rawls, *A Theory of Justice*, Harvard University Press, Cambridge, Massachusetts, Revised Edition, 1999, pp.52-53.
28. This is one of the charges that Sen makes against Rawls. A term such as ‘actual lives’ is a problematic term for Rawls for instituting principles of justice, as he would regard them as a product of their ‘liberties’. Rawls however admits in *Political Liberalism* that actual lives are caught in reasonable and often conflicting conceptions of the good and for such societies to be viable, an overlapping consensus founded on justice is called for (see John Rawls, *Political Liberalism*, Columbia University Press, New York, Expanded Edition, 2005, pp. 133-72).
29. John Rawls, *A Theory of Justice*, Harvard University Press, Cambridge, 1971, pp. 4-5.
30. Chris Brown, “On Amartya Sen and the Idea of Justice”, *Ethics & International Affairs*, (2010), Vol.24, No.3, pp. 309-318.
31. Chris Brown, “John Rawls, The Law of Peoples and International Political Theory”, *Ethics & International Affairs*, (2000) Vol.14, pp.125-133.
32. Social and economic inequalities are Rawls’ primary concern and he addresses them by giving importance to the basic rights and liberties, the fair value of the political liberties as well as fair equality of opportunity (see John Rawls, *Justice as Fairness, A Restatement*, Harvard University Press, Cambridge, 2001, pp. 41-42).

33. Rawls argued in his book, *A Theory of Justice* that “in a just society the rights secured by justice are not subject to political bargaining or to the calculus of social interests.” In other words, governments and citizens must give due space for the development of rights even if ignoring them were beneficial in other ways. Or as the philosophers put it, the right has priority over the good (see John Rawls, *A Theory of Justice*, Harvard University Press, Cambridge, 1971, pp. 4-5).
34. The political conception of justice can be seen as a module an essential constituent part that fits into and can be supported by various reasonable comprehensive doctrines that endure the society regulated by it (see John Rawls, *Political Liberalism*, Columbia University Press, New York, Expanded Edition, 2005, pp. 14-15).
35. *Ibid*, pp. 213-214.
36. Chris Brown, “On Amartya Sen and the Idea of Justice”, *Ethics & International Affairs*, (2010), Vol.24, No.3, pp.311-312.
37. Brian Barry, *Justice as Impartiality*, Oxford University Press, New Delhi, Volume II, 2002, p. 9.
38. Amartya Sen, *The Idea of Justice*, Penguin Books Ltd., New Delhi, 2009, pp.18-19.
39. *Ibid*, pp. 61-62, Sen is indebted to the idea of fairness which is central to Rawlsian notion of justice has provided an important alternative and justification to the utilitarian perspective of justice.

40. *Ibid*, pp. 228-230.
41. S. Subramanian, "Thinking Through Justice", *Economic and Political Weekly*, (2010) Vol. 45, No. 19, pp. 33-42.
42. Amartya Sen, *The Idea of Justice*, Penguin Books Ltd., New Delhi, 2009, pp. 44-45.
43. *Ibid*, pp. 71.
44. *Ibid*, pp. 71-72.
45. *Ibid*, pp. 58, 109.
46. Onora O'Neill, "Review", *The Journal of Philosophy*, (2010) Vol. 107, No. 7, pp. 384-388.
47. Amartya Sen, *The Idea of Justice*, Penguin Books Ltd., New Delhi, 2009, p.143.
48. *Ibid*, p.12.
49. *Ibid*, pp.14-15.
50. Amartya Sen, "A Reply", *Rutgers Law Journal*, (2011) Vol.43, No. 2, pp. 322-323.
51. Amartya Sen, *The Idea of Justice*, Penguin Books Ltd., New Delhi, 2009, p.101.
52. S.R. Osmani, "Theory of Justice for an Imperfect World: Exploring Amartya Sen's Idea of Justice", *Journal of Human Development and Capabilities*, (2010) Vol.11, No. 4, pp. 599-607.

53. Amartya Sen, *The Idea of Justice*, Penguin Books Ltd., New Delhi, 2009, p. 67.
54. *Ibid*, pp. 68-70.
55. Sen terms the social contract tradition of justice including Rawlsian theory as transcendental institutionalist approach. Sen further thinks that this transcendental institutionalism of the Rawlsian variant is deeply caught within the ambit of a nation-state and has little in substantial measure to say on global justice.
56. Chris Brown, "On Amartya Sen and the Idea of Justice", *Ethics & International Affairs*, (2010), Vol.24, No.3, pp.315-316.
57. Amartya Sen, *The Idea of Justice*, Penguin Books Ltd., New Delhi, 2009, pp. 65-66.
58. See in particular Amartya Sen, 1980, *Equality of What?*, It is important to note that some of the key issues that Sen raised against Rawls in *The Idea of Justice* were already formulated by him in this lecture, see S. McMurrin(ed.), *Tanner Lectures on Human Values*, Cambridge University Press, Cambridge, 1980, pp. 208- 209.
59. Sen argues that there are two rival stands in the Western Enlightenment political tradition addressing the question of justice namely the social contract approach of Hobbes Locke, Rousseau, Kant and later by Rawls, and the social choice approach of Adam Smith, Bentham, Karl Marx. Sen consequently advocates the later approach, which he argues would help him better to

- evaluate the lives of the people they have reason to choose and value (see Amartya Sen, *The Idea of Justice*, Penguin Books Ltd., New Delhi, 2009).
60. *Ibid*, pp. 20-21.
61. *Ibid*, p. 7.
62. *Ibid*, pp. 6-8.
63. *Ibid*, p.18.
64. *Ibid*, p.7.
65. *Ibid*, pp.7-8.
66. As Sen sees it, injustices in society such as slavery, the subjection of women, the lack of medical facilities in parts of Africa or Asia, the lack of universal healthcare in most countries of the world, the tolerance of chronic hunger, for example in India, and the extreme exploitation of labour can all be identified, targeted and removed without any need to speculate at all as to what would be perfectly just social arrangements or what would be just institutions (see Amartya Sen, *Development as Freedom*, Alfred A. Knopf, New York, 4th edition, 2000, pp. 64-86).
67. Amartya Sen, *The Idea of Justice*, Penguin Books Ltd., New Delhi, 2009, p. 26.
68. Amartya Sen, “Justice : Means versus Freedom”, *Philosophy and Public Affairs*, (1990) Vol. 19, No.2, pp. 111-121.
69. Amartya Sen, “Well- Being Agency and Freedom: The Dewey Lectures 1984”, *Journal of Philosophy*, (1985) Vol.82, No. 4, pp. 169-221.

70. Sen argues that the broadening of Rawlsian focus from income to primary goods is not however adequate to deal with the well being and freedom aspect of the individual as there are differences in the conversion process (see Amartya Sen, *Development as Freedom*, Alfred A. Knopf, New York, 4th Edition, 2000, pp. 87-110).
71. S. Subramanian, "Thinking Through Justice", *Economic and Political Weekly*, (2010) Vol. 45, No. 19, pp. 33-42.
72. Amartya Sen, "Justice: Means versus Freedoms", *Philosophy and Public Affairs*, (spring, 1990) Vol.19, No.2, pp. 111-121.
73. Rawls believes that in the original position as people were under a veil of ignorance, hence none can propose a set of principles favourable to his particular condition; his talent and even ambition (see John Rawls, *A Theory of Justice*, Harvard University Press, Cambridge, 1971, pp. 12-13).
74. It can be concluded from the writings of Rawls that he himself accepts that the principles people are going to select should match our considered convictions of justice.
75. Amartya Sen, *The Idea of Justice*, Penguin Books Ltd., New Delhi, 2009, pp. 155-156.
76. *Ibid*, pp. 403-404, Sen argues that parochialism and its focus on undertaking reasons from a limited place are threats to the reasoned scrutiny that should inform public agreements on justice.

77. *Ibid*, pp. 70-71, Sen emphasises that the impartial spectator's choices can range over ideal and non-ideal social arrangements whereas choice in Rawls' original position can only determine ideal justice.
78. In the later works of Rawls particularly in his book, *Law of Peoples*, he advances a supplement to *Justice as Fairness*, but according to Sen, it is nothing sort of a kind of negotiation between the representatives of different countries on some common matters of civility and humanity.
79. Sebastiano Maffettone, *Rawls: An Introduction*, Polity Press, Cambridge, 2010.
80. John Rawls, *Justice as Fairness: A Restatement*, Harvard University Press, Cambridge, 2001, pp. 2-3.
81. Amartya Sen, "What Do We Want form a Theory of Justice?" *The Journal of Philosophy*, (May, 2006) Vol. 103, No.5, pp. 215-238.
82. S. Subramanian, "Thinking Through Justice", *Economic and Political Weekly*, (2010) Vol. 45, No. 19, pp. 33-42.