

*Justice: Perspectives from John Rawls and Amartya Sen*

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The idea of justice is an age-old problem, weaving its way across Plato's works in Greece, Locke's work in the Enlightenment period and even the Indian schools of philosophy, amongst others. While no guidelines, rules or definitions can be seemingly set for justice, the understanding of injustice fashions itself almost naturally for the human race. In the process of offering alternatives to tackling this problem of formulating the meaning and implementation of justice, academics like Amartya Sen and John Rawls have attempted to strike a commencing foundation. The struggle to understand justice, however, will never cease to be relevant for discussion in society. The two philosophers in their works on justice concur with the idea that 'Justice is Fairness' although the methodologies with which they tackle the problem are diametrically opposite. *Niti*, a Sanskrit word, translates to correct procedures, formal rules, and definitive institutions. *Nyaya*, on the other hand, has a broader definition, and considers the impact of events on the world around us and not merely the institutions themselves.

In *A Theory of Justice* (1971), American moral philosopher John Rawls propounds the theory of **institutionalism**, backed with the assumption that every society consists of free and equal citizens. These reasonable citizens are in turn equipped with the potential of reflective equilibrium, a forum for the general, abstract and specific beliefs of an individual to accumulate to form an ever-evolving ethical system. For example, that slavery is unjust will permeate into the formation of all other thoughts and principles. This reflective equilibrium then moves into a wider equilibrium of all the citizens, implying that no matter the objective and method, the outcome of every decision is unanimously righteous and just. This will lead to political stability, and an overlapping consensus which persists in society forevermore. In a situation of conflict, every citizen is as willing as the next to either undergo punishment or be rewarded. The 'freedom of the people' he speaks of comes with two powers: a sense of justice and the concept of the good. The sense of justice is explained as the ability to publicly endorse decisions made by the institution in favour of the other citizens in society. The concept of the good refers to basic rights and liberties, freedom of movements, income and wealth, powers of offices and self-worth. He furthers this with a set of rules known as lexical priorities, which are to be applied when multiple beliefs are at crossroads with one another. It is a method to realise which principle needs to be prioritised to most benefit the least advantaged. This can only occur if economic resources are made equally accessible to each and every participating member. He presupposes that equal and basic liberties are granted to everybody, along with accessibility to positions of responsibility. This is called the Distribution Theory, which accounts for one exception -- equal distribution need not be a necessity if the least advantaged are enjoying maximum benefits. Another novel idea that he suggests is the '**original position**' theory. This states that if an individual is stripped of all identities that define them in a societal environment, the decision they take will neither benefit a focus group or a particular section of society. Insofar as there is no bias, the decision that the individual will lean towards will be just in itself. There is also an **international position theory**, which is extrapolated to apply to the different nation-states that come together to create a world order. In his works, he emphasises on the fact that no international body should interfere in another's matters, unless in situations of grievous human rights violations. That being said, he allows for interference when burdened societies are in need of help. A developed nation with a pre-existing and stable political environment must then proceed to take the necessary measures required to uplift the state. Although Rawls' theories came at a time in

history that needed justice to be given utmost priority, Amartya Sen's philosophy is more appealing as it allows for humans to be seen as active, rational, role-playing members in a society.

In his 2009 work *The Idea of Justice*, Indian philosopher-economist Amartya Sen lays out his critique of overarching institutionalism, saying that it is not the appropriate manner in which justice should be pursued, for this underestimates the necessity of the combination of just institutions and the corresponding output being just: "If a theory of justice is to guide reasoned choice of policies, strategies or institutions, then the identification of fully just social arrangements is neither necessary nor sufficient." (p. 15) There is no guarantee that there will be no discrepancies between promises made pre-contract and decisions taken post employment within the institution. For example, the supranational organisation, the World Bank, built on the belief of unbiased assistance, funded the United States' invasion of Iraq including several human rights atrocities which cannot be considered to be just. Burdened nations have their own conceptions and notions of development and freedom, and imposing 'just' remedial actions from an economically stable and developed nation may not be beneficial to them. In fact, imposition of capitalist tendencies (the economic trend that upliftment strategies are now taking), on nations like African states will not only result in the deterioration of their indigenous industries, but also in accumulation of wealth. Without appropriate education and access to higher quality resources, this capital and technology will only lead to mass unemployment. While this economic trajectory may be just in the case of a nation like the United Kingdom, it will not benefit burdened nations. It may even be considered stark injustice to the burdened nation and its citizens.

Furthermore, Sen believes in importance being given to the means as well as the end. As argumentation by the rational animals that he believes man to be is the basis of all his theories, he believes that the people in positions of responsibility will ultimately reach a consensus that cannot fail to be just. This would imply that justice is not a teleological end, but a byproduct of an ethically driven process. This theory is based on a society governed by democracy where there is not only equal access to resources and goods, but one where there is enough contentment in the society for the citizens to look beyond immediate survival and self-preservation. Only at this economic self-sufficient stage is it possible for humans to contemplate and create a worldview for themselves to be just. Sen argues this point actively by saying that political opinions can only be considered once economic rights are met. The aforementioned self-sufficiency is again based on the notion of a homogeneous population, that is equal in terms of liberties, resources and values.

The question that we must ask is this: is this a realistic model of a democratic setup? A democracy is identified through its heterogeneity in terms of resources, liberties, economic status and ideals. Given that the democracy is based on accounting for the majority and minority, there will always be a significant proportion of the population opposing the political institution and its governance. This is why there will rarely be unanimity regarding political decisions, for there will always be a number of people negatively affected by the institution. This will lead to unrest within the society and ultimately division amongst people on the basis of their political affiliation as well. Thus, the society will move further and further away from being reasonable and cooperative. Rawls uses an example of the imaginary state of Kazanistan to tie his

theory together. This is a state where Muslims alone are allowed to hold high positions of authority, but other religions and practices are encouraged. He believes this is a reasonable society. However, it is only inevitable that the lack of opportunities for Christians or Hindus for example, to hold office, will trigger in them resentment and the need to protest. Thus, no matter the level-headedness of the citizens, there can hardly exist a state where there is mutual consensus on every decision and conflict that arises before it. There will always be contrasting and contradicting opinions that need to be taken into consideration before decisions are made.

In order to curb this discontent, Sen would say that the heterogeneity in the society will contribute to discussions being held actively within the system, and through the process of argumentation a just decision will be reached, as opinions from all the different groups and sections of society will be heard. He takes this argument further to introduce his **capabilities approach**, which appropriately analyses the needs of every section of society and proceeds to try and eliminate the opportunity cost of the minority at every stage as much as possible. Sen also takes issue with the interchangeable use of terms such as 'resource' and 'wealth' in Rawls' argument. He postulates that resources are akin to capabilities, that is, there should be more attention given to the individual in terms of the substantive freedom, opportunities and individual choice that primary goods allow them. What matters is not income, but the manner in which income translates into standard of living. Further, there are several situations in which liberty cannot take precedence as an end. Poverty, hunger and deprivation are instances which may allow for liberty being replaced with aid as the primary concern.

Expanding on this refreshing perspective and interpreting Sen, it allows for indicators such as Human Development Index, Happiness Index, and capabilities to compute the disadvantage that the particular section of society faces. Character development in an environment can only lead to progress of the society. Both epistemic and ethical problems take up considerable value in the capabilities approach. The issue of relative poverty can never be eradicated, as there will always exist an individual with lesser access to resources. If the skill of conversion from resource to capability is not inculcated in the society, a vicious cycle will establish itself, one that cannot be easily broken. Using a similar argument, Sen dismisses some concepts of Utilitarianism, and consequently Rawls as well. The interpersonal comparison of utility allows a forum for value judgements to be passed, which cannot be mathematically assessed with ease. In this manner, while being a part of the Utilitarian movement, Sen remains anti-welfarist, that is, he believes that the welfare addressed by the utilitarians does not emphasise enough on freedom and agency of the humans involved. This form of economic science on happiness is very relevant currently, in a world where human rights are being highly contested for. In a world with technological advancement constantly widening the gap between the rich and the poor, there emerges a need for the less-advantaged to be analysed from different standpoints apart from income. As Sen says, wealth with disability does not hold an advantage over poor.

## CRITIQUE

Although both Rawls and Sen provide their theories to understand the position of justice in the society, there are some drawbacks as well.

The very nature of human beings is laced with greed and envy. Thus, envisioning a state where every citizen does not act in self-interest, on a personal or global level, may not be practical. Furthermore, Sen's proposal of public address of decisions does not imply that the decision in itself is justice. It may be, if the assumption is made that the government is a perfect democracy, with exact representation and accountability. That does not seem to be the case in real life however. Donald Trump, President of the United States, launched missiles into Syria, under the guise of justice. This opinion may or may not be shared with the rest of the global community. To summarize, the diverse political frameworks and organisational structures in the world do not make it possible for the congruence of all ideas into the same political justice. His concept of justice as fairness is based on the probability that there is access to educational and economic opportunities, an issue that the global community has been vying with for decades now. This is not viable, and is the root cause of many economic problems.

Rawls, on the other hand, stresses that the freedom of the citizen is of paramount importance. Supposing that every individual will adhere to public principles of justice in a heterogeneous community is close to impossible. There will definitely be differing and opposing alternatives to policy decisions taken by institutions. This is perfectly explained by an example involving a flute by Sen. He shows how different schools of philosophy would approach the issue of scarcity of resources. He also believes that the final decision made by the institution will cater to every citizen and will be justice for everybody. However, opportunity cost is an inescapable reality, which needs to be addressed and not ignored, especially in a theory concerning justice. Rawls states in his doctrine that societies follow texts based on religious history, political and economic history, and norms in their conceptualisation of justice. Contemporary examples are often referenced to critique Rawls, as it is observed that cults and other strict Islamic states, such as the Middle-East, follow their own codes of justice, ones that the rest of the world may not necessarily agree with. The oppression of women goes against the fundamentals of Rawls' theory of liberty and freedom itself. Lastly, the original position theory is not testable as a hypothesis, and can never be proven to be true or false. Thus, it can never be more than a theory. A philosophy without practical application, specially and economic and political theory such as this one, has the potential to slowly recede into being null and void.

The standpoint that Sen takes with regard to the alleviation of poverty in terms of capabilities comes with its own problems as well. In a nation as poor as India, to imagine that the onus of conversion of resources to capabilities can be placed on people that have been consistently deprived of amenities and basic rights that the constitution offers us, is a privileged view. Further, he runs the risk of being paternalistic in his *nyaya* approach, which requires easy access to large quantities of information, to make a well-informed decision by people, in an institution or in daily life. First, and the lack of access to real and non-tampered data is a daily struggle, and even when successful, runs the risk of information being imposed onto the decision-

makers. The very logic of the capabilities approach is at loggerheads with political liberalism as it does not encourage the interpretation of the ends of the decision-making process. Sen acknowledges this as a negative in his book as well, but claims to overcome it by underestimating the level of influence of external data on rational beings.

In a society rampant with social issues and religious conflicts, a universal understanding of justice is becoming more and more crucial to our existence as humans. A merging of the two philosophies of Sen and Rawls, could overcome a number of problems. The means is as important as the ends, and both of them must be just in themselves, and just as a whole. A just decision process may not result in a just solution, and a just decision committed with harmful means can never be termed as true justice. Implementation of the justice served by the decisions is also extremely important, and the focus of societies needs to be turned to this as well. If fundamental human rights have been granted opportunities to attain justice, economic justice, political justice, and standard of living will definitely follow suit.

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