AMARTYA SEN'S CRITIQUE OF THE RAWLSIAN THEORY OF JUSTICE: AN ANALYSIS

Dr. Partha Protim Borthakur
Assistant Professor, Dept. of Political Science, The Assam Royal Global University, Guwahati, Assam, India
parthapran2@gmail.com

Abstract

Purpose: The present paper tries to cross-examine Sen's notion of justice and to find a midway between the ideal and non-ideal theorizing of justice. Besides, searching for reconciliation between Rawls and Sen, the present paper also attempts to go beyond Sen, while critically engaging with his idea of justice.

Methodology: This study has applied qualitative method; however, both the historical and analytical methods are employed for reaching out the conclusive findings of the study. As the sources of this paper are basically secondary, all necessary and relevant materials are collected from a range of related books, articles, journals, newspapers, and reports of various seminars and conferences that fall within the domain of the study area.

Main Findings: While analyzing Sen's critique of Rawlsian theory, the study finds that the Rawlsian theory cannot be discarded only as a theory that formulates ideal justice and is not redundant. The study while revisiting Sen's notion finds that there is also a possibility of reconciliation between ideal and non-ideal theorizing of justice.

Application: This study will be useful in understanding the debate between ideal versus non-ideal theories of justice that has lately been haunting the political philosophy. Besides, it will also be useful in searching for reconciliation between Rawls' and Sen's paradigms of justice and thereby offering a conception of justice that is reasonable and true in assessing issues of justice in the present scenario.

Novelty/ Originality: Revisiting Sen's notion of justice and analyzing such dimensions of politics, the study will benefit the reader to evaluate the debate between ideal versus non-ideal theorizing of justice. Moreover, by searching for a possibility between Rawls and Sen, the study will contribute towards developing an alternative approach and understanding of justice.

Keywords: *Social Justice, John Rawls, Amartya Sen, Social Realization, Reconciliation.*

INTRODUCTION

Questions of social justice on who gets what and how the scarce resources should be distributed in any political community have been an issue of concern right from the origin of the state to the present. It has signaled inscrutable philosophers' and logicians' argumentations about nyaya (logic, principle, justice, equity, fairness, and so on) or as in the West, from Plato to Rawls and beyond, a discourse of order and management of inequalities, and stations in life. Complementing this, the doctrine of justice has become much more complicated as the center of political gravity seems to shift from redistribution to recognition. Concepts, such as rights, liberties, and equality, have been sucked into the justice's sphere of influence.

Each of the developed theories and approaches adopt a unique 'informational base of judgment', which involves the inclusion and exclusion of relevant information in making judgments about the justice and appropriateness of different social situations. This practice arguably reached its high point in 1971 with the publication of 'A Theory of Justice' by John Rawls. Reviving the themes of classical 'social contract' thinking, especially that of Immanuel Kant, Rawls understood and defined justice not in terms of law of nature or something based on reason, but as a fair distribution of primary goods among the people which consist of basic rights, liberties, opportunities, and benefiting the marginalized people, thus making the procedure fair and just (Rawls, 2001). However, democracies cannot be judged only by institutions that exist (like the Supreme court of India), and hence a theory of justice has to think beyond institutions to make justice more feasible, by assessing the manifest cases of injustice and removing them first, rather than building institutions and rules (Sen, 2000). Despite John Rawls contribution being widely acknowledged as seminal in this regard, Amartya Sen's understanding of justice engages with the Rawlsian project and attempts to tease out an alternative conception of justice (Sen, 2009).

While analyzing Rawlsian approach, Amartya Sen formulated the demands of justice not only in terms of principles of justice that were entirely concerned with just institutional arrangements for a society, but also emphasized on the broader outlook of social realizations, the freedom that people can achieve in reality, thus giving importance to reasonable behavior and original lives of citizens (Sen, 2007). Unlike former theories of justice that endeavor to limit the questions of justice to the nature of perfect justice; the central theme of Sen's theoretical proposal is to eradicate manifest cases of injustices. It can be seen in his book, Poverty and Famines, where Sen analyzes the causes of starvation in general and famine in particular through various case studies in various parts of the world (the Great Bengal Famine of 1943, Ethiopian famines of 1973-75, etc.) and concludes that poverty is a significant problem and not that simple and thus, the actual causes of deprivations need to be understood and removed (Sen, 1982). However Sen's notion of justice based on public reasoning and actual capabilities of the people, calling Rawls theory as redundant, lacks in-depth discussion of any significant cases, except generic references or certain issues where agreement on delivering justice, or 'removal of manifest injustice' could be plausibly expected, such as on the removal of illiteracy, women's exploitation, malnutrition, racism, etc. (Walzer, 1983). We commonly pursue justice in terms of our understanding of the present world, how it is being ordered or controlled, and to visualize and analyze the change by becoming a part of it. Hence, the paper tries to analyze and revisit Sen's critique of the Rawlsian paradigm and critically analyze Sen's understanding of justice. The present paper will try to cross-examine Sen's notion of justice and find a midway between the ideal and non-ideal theorizing of justice. Besides, searching for reconciliation between Rawls and Sen, the present paper also attempts to go beyond Sen, while critically engaging with his idea of justice.

LITERATURE REVIEW

Amartya Sen in his book, The Idea of Justice, mainly deals with a theory of justice that can serve as the basis of practical reasoning including ways of judging how to reduce injustice and advance justice rather than aiming only at the characterization of perfectly just societies. By acknowledging the works of Rawls, Sen in contrast to it took the comparative approach, where he gives importance to different reasonable principles of justice that exist, focusing on the actual lives and liberties of the people (Sen, 2009).

John Rawls in his masterpiece, A Theory of Justice, provides an illuminate understanding of the notion of justice. Rawls reconciles a liberal idea of political obligation with a redistributionist conception of social justice. Considering justice as fairness, his two principles of justice are the outcome of a fair agreement and hence need to be applied to the basic structure of social institutions. He also asserts in his book that the functions of the state are not only to maintain law and order, but also to achieve distributive justice by putting the highest social value on the requirements of the disadvantaged (Rawls, 1999).

Amartya Sen in his book, Poverty and Famines; An essay on Entitlement and Deprivation, demonstrates how famine occurs not only from lack of food but from inequalities built into mechanisms for distributing food. Sen demonstrates how the Bengal Famine of 1943 was caused by an urban economic boom that raised food prices, thereby causing millions of rural workers to starve to death when their wages did not keep up. Besides this, Sen points out a number of social and economic factors that led to starvation (Sen, 1982).

Michael Walzer in his book, Spheres of Justice, argues that the essence of the idea of social justice is to distinguish between the spheres of distribution of social goods. This implies the existence of certain specific criteria of distribution for each sphere such that the distribution of the goods specific to a certain sphere does not directly influence the distribution in another sphere. The author also argues that a distribution is just when it occurs according to the criteria resulting from the social meaning of goods, as it is shared by the members of that society. Thus, he argues that there is no single standard of justice (complex equality) (Walzer, 1983).

Amartya Sen in his book, Development as Freedom, explains how millions of people living in the third world are still not free in a world of unprecedented increase in the overall opulence. Even if they are not slaves technically, they are denied elementary freedom and remain imprisoned in one way or another by economic poverty and other deprivations. Sen tests his theory with examples ranging from the former Soviet Bloc to Africa, but he puts special emphasis on China and India and argues how India with its massive neglect of public education, basic health care, and literacy is poorly prepared for a widely shared economic expansion (Sen, 2000).

Joseph Stiglitz, in his book The Price of Inequality, critically examines why there has been so many hostile protests against globalization, e.g., protests in Seattle and Genoa, and how institutions like International Monetary Fund (IMF), World Trade Organization (WTO), and World Bank are promoting the interests of wall street and the financial

community under its veil ahead of the poorer nations in the name of sustaining the world's financial stability (Stiglitz, 2012).

Laura Valentini in the paper, A Paradigm Shift in Theorizing about Justice, A Critique of Sen, presented at the Centre for the Study of Social Justice, has raised some doubts about Amartya Sen's recent critique of the Rawlsian Paradigm in theorizing about justice in Sen's book, 'The Idea of Justice'. He says that the Rawlsian Paradigm delivers much of Sen's wants from a theory of justice. Sen argues that political philosophy should move beyond the Rawlsian Methodological outlook, which Sen calls Transcendental Institutionalism, towards a different, more practically-oriented approach to a justice-realization focused comparison (Valentini, 2011).

METHODOLOGY

In the qualitative research, there is an in depth knowledge of cases and context focusing on relatively few numbers of cases, employs little or no use of statistical tools in reaching conclusions, and mostly relies on thick analysis. On the other hand, the quantitative research is based primarily on ratio-level measures, uses a large number of cases, explicitly or directly employs statistical tools, and uses thin analyses. This study has used a qualitative and comparative method with in-depth analysis.

The research design is a plan for a systematic understanding of phenomena to execute the research successfully. In fact, both historical and analytical methods are employed for reaching out the conclusive findings of the study. All the gathered information is studied analytically to deal with the statement of the problem. In order to understand the possibility of Sen's notion of justice, both primary and secondary sources are consulted. Regarding the primary source, Amartya Sen's book, 'The Idea of Justice', is extensively consulted. Besides this, all necessary and relevant materials, which form a part of this study, are collected from a range of related books, articles, journals, newspapers, and reports of various seminars, symposia, and conferences that fall within the domain of the study area. Besides various websites are also searched and consulted for gathering the relevant information in this regard. Moreover, some related available statistics pertaining to the study area are also taken into account to make the research work a more genuine and relevant one. The present study is basically a theoretical one and as such, no field study is conducted. Literature review has helped in supporting the focus of the study and in explaining and evaluating the study. It has also provided theoretical constructs to organize the study and connect between theory and real world phenomena.

DISCUSSION

Amartya Sen's Notion of Justice

Amartya Sen in an article written in 2006, What Do We Want from a Theory of Justice?, concluded that political philosophers should categorically end chasing the grand question (in the style of Rawls) what a just society should be (Sen, 2006). Sen provides a detailed critique of universal accounts of justice and advances the idea of value pluralism within the design of social justice (Sen, 2009). He promotes the notion that people should have their own perspectives and accounts of justice; thus socially, just outcomes will not be universal across all cultures and societies. However, there is less doubt that the tradition of theories of justice that Sen has in mind has been positioned and dominated by the spirit of John Rawls from which he has learnt so much. Hence, Sen endeavors to put forward an alternative to the dominant theory of justice by critically engaging with it in his book, The Idea of Justice. Sen differentiates between the two models of classical Indian philosophy, 'Niti' (strict organizational and behavioral rules of justice) and 'Nyaya' (concerns with what emerges and how such rules affect the lives that people are actually capable to lead), wherefrom he draws the idea of realization perspective on social justice (Sen, 2009). Sen criticizes earlier philosophers like Rawls for neglecting and focusing on 'niti centered' approach and thus underrates the essential combination of just institutions and correspondent actual behaviors that makes a society practically just, from which he formulates his central argument. Sen thus subsequently emphasizes the opposite 'nyaya centered' approach according to which, 'what happens to people' must be the core concern for a theory of justice and thus provide 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 (though he himself does not refer to it as a strict consequentialist idea of the classical utilitarian era) in order to remove manifest injustices.

Moreover, 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 a 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 (Rawls, 1999). 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 determines how actual societies would function (Sen, 2004). Thus, what differentiates Amartya Sen from the earlier theorists is that his evaluation of justice aimed not at recognizing the nature of just institutions or societies, but rather to construct a theory that helps people to realize and make ways on how to reduce injustice and advance justic, and understand the factors affecting the degree of justice in any existing society.

Sen vehemently focuses by providing examples of various cases of injustices in society, such as slavery, discrimination of women, lack of universal healthcare in most countries of the world, lack of medical facilities in parts of Africa or Asia, tolerance of chronic hunger (for example in India), and the extreme exploitation of labor can all be recognized, besieged, and removed without any need to hypothesize at all as to what would be perfectly just social arrangements or just institutions. Sen makes his argument more clear when he uses another analogy. Sen argues that when we were asked whether a Van Gorh or a Picasso is the better painting, it barely helps to be told that Da Vinci's Mona Lisa is the best painting in the world (Sen, 2009). Though this analogy does not make the picture clear as what comprises the best painting, Sen 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 better place as opposed to that method unlike the ideal world (as emphasized by Rawls) where this process for comparison has a limited scope and platform.

Being an advocator of the Social Choice theory, Sen in his book, The Idea of Justice, has emphasized that we cannot attain justice by making an equal distribution of primary goods or benefit the least advantage sections by giving them special privileges, but we have to go beyond it as justice cannot be indifferent to the lives that people can actually live (Sen, 2009). In an article entitled Justice: Means versus Freedoms written in 1990, Sen articulated a freedom-based idea of justice (Sen, 1990). Making 'capabilities' as the most appropriate method for assessing wellbeing rather than the utility space or Rawls' 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 (Sen, 1985). 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 analyzing the individual differentiation. 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 (Sen, 2009). In fact, the applicability of Sen's capability approach can be seen in the form of evolution of the 'much-awaited' Human Development Report, which is published annually by the United Nations Development Programme (UNDP), since 1990, to consider development problems in both poor and affluent countries (Parr, 2003).

However, Sen was also conscious of the fact that citizens in a diversified and multicultural society will definitely have different voices, interests, and choices; hence citizens will apparently differ as to their most reasonable conception of political justice. Therefore, Sen pursues an approach based on open impartiality, favoring Adam Smith's 'impartial spectator' rather than Rawls' 'veil of ignorance', which he calls 'closed impartiality', as Rawls account considers only members of a given focal group (Sen, 2009). What differentiates the Rawlsian method from the Smithian approach is the 'closed' nature of participatory exercise that Rawls invokes by restricting the 'veil of ignorance' to the members of a polity that are being constructed. Sen, on the contrary to Rawls traditional concept of 'primary goods', rebuilds his own capabilities approach as elements of his theory of justice by borrowing from the social choice theory. Sen's theory, while assessing the notion of justice, builds its own concept at this time, when he adopted the comparative method (comparing the values and priorities of the people and ranking them after proper scrutiny and public reasoning) to make the demands of justice much more possible to achieve. It means that a theory of justice has to be based on partial orderings (through ranking the alternatives based on the connection or commonality of distinct rankings portraying different reasonable positions of justice), in which the scrutiny of public reason seen in any democratic structure can be endured by all. Though 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, the comparative assessments on the values and priorities of the involved people through discussions and scrutiny remains incomplete (Sen, 2009).

Perhaps, Sen's notion of justice, which is pluralistic, multi-dimensional and existential because it is an arrangement 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 definitely correct to believe that comparisons of relative justice and injustice should also be a major concern to move from an ideal theory of justice to a workable idea of justice. Yet it is not wholly acceptable that the existing genuine problems seen in various parts of the globe and their going unaddressed will be solved by some general shift – perhaps moving away from the social contract model while perpetuating justice. Moreover, the definition

of social justice is still not and settled one and the principles conflicting but the practical aspect of social justice cannot be ignored, as such David Miller has emphasized that the practical relevance is necessary for a theory of social justice which is right and in order to have universal validity (Miller, 1976).

The Debate between Ideal Versus Non-Ideal

Sen's major contribution can be seen over the years, in developing a form of consequentialism that incorporates within its arena not simply well-being, but capabilities, freedoms, responsibilities, and the fulfillment of individuals' rights too through fair procedures. He especially amalgamates the Western and the Asian paradigms; however he distinguishes himself from both approaches, as the Western tradition is treated as practically sacred and the diverse traditions from across the globe as irreducible to each other (Burke, 2010). The Noble laureate Amartya Sen's notion of justice has received significant critical appreciation and discussion, not only because it provides a valuable alternative, with unmatched intellect and a comprehensive discourse on how it can be transformed into reality, but also because it involves in a debate that has lately been haunting political philosophy of the Anglo-American variety. This debate turns around the relationship between ideal versus non-ideal theory (Simmons, 2010). While some authors have taken concrete attempts to evaluate and clarify what the distinction is all about, the debate around the respective advantages of ideal versus non-ideal theory, as well as the contradiction and points of convergence between them, further make the debate more interesting and cultivate larger methodological controversies within the political philosophy (Valentini, On the Apparent Paradox of Ideal Theory, 2009). Unsurprisingly, various thinkers (associated with the discourse) use different vocabularies to draw the distinction between ideal and non-ideal theory. To name but a few, Sen himself consistently speaks of transcendental versus comparative theory, Raymond Geuss defines what he calls the 'ethics first' approach, contrary to a realist account of political philosophy, and Joseph Carens terming abstract against contextual styles of doing theory (Thaler, 2011).

Sen's realistic comparative analysis in evaluating 'comprehensive outcomes' seems to be logical, as feasible alternatives and guidance are provided in public discussions and deliberations of democratic states. However, the constitutional structure of a democratic nation like India is deeply influenced by ideal theory. For instance, fundamental democratic ideals like: all persons are created free and equal; government gets its legitimacy from the people; the people acquire certain inalienable rights enshrined in the constitution, but only as a citizen, government loses its power when it acts against the interest of the citizens and government's refusal to surrender power signals the people's right of revolution, etc., deeply indicates some ideal theory. Sen refutes that such transcendental idealizations are suitable only for the grand revolutionary's 'one-shot handbook' and 'would not be much invoked in the actual debates on justice on which we are ever engaged' (Sen, 2009). However, Sen does not provide any distinct picture as to how such liberal and democratic societies, especially the Constitution be patterned after it, would be without these grand idealizations. The Constitution of India depicts such an ideal theory. "We, the people of India, having solemnly resolved to constitute India into..... Justice, social, economic and political......Equality of status and opportunity......" (Bakshi, 2010). The preamble's primary objective of establishing a perfect union, based on the principles of justice, suggests that the Constitution itself envisions (even if it does not incorporate) an ideal of a "perfectly just" society and of political relations. While evaluating and assessing the various provisions of the Constitution and the amendments undertaken in the subsequent times, all of them vehemently highlight and perceive an ideal of equality of status and equal rights for all persons that originate in transcendental principles of justice (Sen, 2006). A consequence of this argument is evident that though we try to develop and formulate the right kind of morality, it is always inadequate and therefore rational arguments and procedures will normally generate the most promising response to disagreement, and thus we need more of them.

As Hinsch argues that:

> 'There is, it seems, no way to resolve the remaining conflict by means of moral philosophy or any other kind of argument or institutional device. This, however, has nothing to do with the distinction between ideal and non-ideal justice or between `transcendental' and` comparative' theories, and we must by no means take it as an argument in support of the latter. It is simply the consequence of the always-limited capacity of rational arguments and procedures to give unambiguously correct or just answers to all questions about what is good and right' (Hinsch, 2011).

While evaluating Hinsch's idea, it can be argued that he is actually very close to Sen's own standpoint regarding the role of reasoning in the pursuit of justice. Sen too proposes the rationalist doctrine that more reasoning will lead to a better world (Sen, 2009). Besides, this is not the final course of action to foresee disagreement and the response to it. It could be assumed that some kinds of conflicts or cases of public controversies like the one around abortion are not secondary

but rather central to the study of politics. Hinsch is not ready to draw this conclusion (Hinsch, 2011). However, we would like to sustain that such a radical interpretation of disagreement is specifically what we need if the objective is to divide the labor between ideal and non-ideal theories. Such a line of thought is necessary, because ideal theory can guide us in digging out the dilemmas that are shaped by the clash of incompatible values, whereas non-ideal theory can assist us to practically direct our actions in order to generate societal compromises.

Revisiting Sen's Notion of Justice

Sen's pursuit for a theory of justice that can guide comparative evaluations in an imperfect world seems completely reasonable. Instead of looking for a perfectly just society, the vision should be for each and every man and woman to fight injustice and change the world to a less unjust place (Osmani, 2010). However, in order to morally evaluate the policies and actions, reasoning can act as an effective tool in converting the 'more unjust' to a 'less unjust' state of affairs. The particular framework of reasoning that Sen proposes has been drawn from a series of case studies and evaluations conducted by him, enriching and contributing to the discourse of political and economic philosophy (Osmani, 2010). The critique of the most dominant approaches to justice, deviating and establishing his own notion of justice, is really appreciable. There is, however, one aspect of the critique that demands further reflection, particularly the 'redundancy' argument and the 'sufficiency' argument, for rejecting that approach. Sen argues that Rawls' transcendental principles are 'redundant' and have no practical application in this world and they are not adequate to address the present injustices perceived in the non-ideal world (Sen, 2009). Does this mean that Rawls' theory of justice is nothing more than a fascinating philosophical irrelevance, having no significant contribution as such (in line with Plato's model of an ideal state ruled by philosopher-kings)? Before addressing this question, it should be noted that whether Sen really sees Rawls' theory as completely redundant or irrelevant. As Sen argues that he himself is benefitted by the 'overriding concern' and 'general pre-eminence' given to liberty by Rawls' first principle of justice, the principle of equal basic liberty (Sen, 2006). Rawlsian precedence of liberty requires "giving personal liberty some kind of real priority" (though not the 'extremist lexicographic form chosen by Rawls) over general benefit considered in terms of other social values (Sen, 2009). Sen also believes that "there is no claim here that the capability perspective can take over the work that other parts of the Rawlsian theory demand, particularly the special status of liberty and the demands of procedural fairness" (Sen, 2009).

While analyzing whether the transcendental approach is sufficient to carry out the comparative exercise, Sen finds that the Rawlsian approach fails to minimize the distance of the social states from the ideal one and is thus not feasible and the sufficiency argument is therefore rejected. However, it seems ambiguous why the distance from the ideal state should be taken as the relevant strategy, as there seems to be a variety of means in which the transcendental approach can be considered suitable for the comparative exercise (Lucca-Silveria, 2016). Evaluating Sen's own analogy of comparing between the picture of a Picasso and a van Gogh, he is right that we do not need an ideal theory to adjudicate and present, Mona Lisa as the best painting in the world for the purpose of the comparison at hand, but that does not in itself wipe out the importance and position of Mona Lisa in this context (Sen, 2009). If for a time being we assume to agree on deciding to set a criteria through which we can evaluate whether Mona Lisa is indeed the best painting in the world. Can the same criteria also be applied to compare between the paintings of Picasso and a van Gogh? If this is possible, then we can come to a conclusion that the transcendental 'theory' of painting is also sufficient for the comparative purpose. Why are we focusing much on Sen's critique is because if transcendental approach to justice is relevant to comparative exercise, than it will help us to identify and formulate a set of principles of justice with which one can try to define a perfectly just society and that same set of principles can be applied or implemented for comparative evaluation to less than perfectly just situations.

Moreover, it should be also noted that Sen has illuminatingly discussed the enormous difficulties of achieving a perfectly just society, but that does not take away the importance of searching and establishing the ideal principles of justice. Certain systematic procedures need to be followed while going from such ideal principles to a perfectly just society and this being one of the main drawbacks with the transcendental approach. Besides Sen argues that in contemporary societies due to plurality of values and reasoning, therefore there can be different descriptions of a perfectly just society or even with no agreed description at all. Thus, Sen doubts the 'uniqueness' or even the 'existence' of a perfectly just society (Osmani, 2010). Osmani argues that there is no fundamental difference between transcendental theory and Sen's own comparative exercise, because there is no certainty that comparative exercise will succeed in ranking alternative state of affairs and thus in a way would undermine the uniqueness or existence of a perfectly just society. Besides, the non-uniqueness or the non-existence of a perfectly just society is but a special case of the persistent incompleteness of

appraisal that Sen speaks of. Accepting this incompleteness, if it does not disregard Sen's comparative exercise, we cannot disregard the Rawlsian transcendental approach.

Moreover, it also seems that there is no such radical difference between the transcendental and comparative exercise (both being the most influential approaches to justice) and thus, if we move a level further than that at distinction, then the level of principles seems to disappear. In fact, the framework of reasoning that Sen has applied while formulating his comparative aspect of justice can also be used by any given society to understand and evaluate the qualities of the perfectly just society. If this argument is accepted, one would have to conclude that by exercising his approach particularly to the comparative exercise, Sen might have undersold his theory of justice. Further, the theory of justice presented by Sen embraces many pluralities ignored by the mainstream theory and it dimension can be broadened and elaborated by including not only the comparative exercise, but also the transcendental evaluations while redefining his idea of justice.

One of the central critiques of Sen's notion of justice is the rejection of the ideal theory, or more exactly, of the ideal of a 'perfectly just society', which is associated not only with Rawls but also Kantian and other contractual, moral, and political conceptions. As Freeman argues that a key feature of the social contract tradition advocated by Locke, Rousseau, and Kant is an ideal of a "well-ordered society," as Rawls calls it, in which free and equal persons accept and agree to form a liberal and/or democratic political institution that comply generally with the moral principles of justice (Freeman, 2012). Describing the well-ordered society as constituted by free and equal moral persons, this ideal society illustrates the optimal social conditions for the realization of our sense of justice. Rawls defines this well-ordered society based on the public conception of justice formulated to specifically promote the goodness of its members (Rawls, 2001). Thus, it leads to the creation of a society in which every person admits and knows that others accept similar principles of justice, and the basic social institutions are known to satisfy these principles. As Rawls says, "justice as fairness is framed to accord with this idea of society" (Rawls, 1999).

One important dimension in Sen's notion of justice is his rejection of the nature of a closed society in formulating public reasoning, which was undertaken in Rawls' domestic original position. Sen, on the contrary, wanted to give voice and recognition, outside the purview of contract. But, can we really draw a separate line between the scope of public reason and the principles of justice as Sen suggests? In other words, while designing the principles of justice for instance, we should also take into account members of societies A, B, C, rather than the voices of only one that is society X. However, it should also be noted that the design of principles of justice should consider the voice of everyone to whom it is applied and this was the rationale behind Rawls' closed impartiality, where every citizen would get a chance to raise their voice. Valentini argues that there seems to be a fundamental problem with the open public reasoning approach that Sen advocates in setting the boundaries of public reason (Valentini, 2011). In the Rawlsian architecture, these boundaries are set by the idea of reasonableness. There seems to be a definite problem while terming every reason as rational as well as admissible within the deliberative process. Only those reasons should be included under the processes which are at a par with the idea of citizens as free and equal and of society being a fair system of cooperation. Sen has not formulated such a criteria to evaluate the appropriateness in the deliberative process, as to which reason should be included and which to be left out. On the contrary, a commitment to the fundamental moral equality of persons is a necessary prerequisite for participating in the deliberative process for Rawls. Sen, on the other hand, seems to reject this idea as he believes that would go against the principle of democracy.

We should also acknowledge Sen's view that the academic political philosophy seems too busy in formulating and emphasizing on theoretical dimension, rather than looking at its practicality in the service of a degree of implausible theoretical completeness. However, it cannot be ignored that the distinction he draws between transcendental justice and assessing injustice here and now is overdrawn (Satz, 2012), as it is argued that some of our comparative judgments consider the notion of 'perfect justice.' Perhaps one main allegation that Sen launches against Rawls (terming him as an institutionalist) is that Rawls is concerned only with establishing perfectly just institutions and not with the overall social realizations. In Sen's words, transcendental institutionalism focuses primarily on getting the institutions right, and it is not directly associated with the actual behaviors of the individuals in the society that would ultimately emerge (Sen, 2009). This description of the Rawlsian paradigm is slightly misleading as his principles do not single out one set of perfect institutions. Rawls is an institutionalist to the extent that his principles of justice are meant to apply to the basic structure of society (i.e., to its most fundamental institutions), rather than to individual behavior (Valentini, 2011). However, as Rawls argues, such an institutional design also depends on the variety of societal factors like the nature of the society, character of its citizens, their positions in the society, so on and so forth, while formulating just principles.

The problem we face or the injustices that exist in the present world is much more complicated and thus a perfect theory of justice dealing with issues like poverty, malnutrition, avoidable mortality, certain evil practices exercised in the name of religion etc., is not enough. Debra Satz while analyzing Sen's capability approach, considers the question of gender inequality and finds that there is a great deal of disagreement not only on how to characterize this inequality, but also whether there is anything unjust about it (Satz, 2012). Satz argues that we will receive different suggestions and results for improving the unequal social position of the women depending on the variety of our evaluation pattern and understanding of the phenomena and also on the social situations on which we are actually standing. For instance, suggestions for improvement like, if women are being paid for the work they do in the home to uplift their respective position. Should a society provide additional incentives for men to involve in the domestic process or should a woman be given more preference to become a part of the democratic process like providing reservation. Thus, we get different answers to these questions. As there are differences in the relationships between men and women in different societies, the considerations of equal opportunities for men and women should also be emphasized. Moreover, some people think that gender justice requires giving women equal opportunities to men; and a few argue that in order to abolish gender hierarchy and provide equal opportunity, the social institutions need to be restructured. Further, some think that the obstacles in establishing equality should be removed first and can be done through legal procedures. Thus, it is seen that while taking a specific concept like improving the conditions of women, certain ideal positions are already drawn in the minds of the people to achieve the equality of opportunity between men and women.

Thus, in order to solve this complex problem exemplified through the improvement of women's status compels us to move to a higher level of abstraction. However, if we want to move to a higher level, the problem will be such that people would obviously disagree with one another and eventually might reach an agreement based on options and thus has a chance of rejection. Moreover, an individual might clarify what he/she thinks through a process of reflective equilibrium. In fact, Debra Satz too points out that when such a situation arises, a person can never figure out which ranking to select or which superior position to move, among the various available alternatives, without working out the individual conception of what 'perfect justice' entails (Satz, 2012). There are times when we need a Mona Lisa to guide our judgments about Picasso and Dali. Finally, as Silveria argues that an approach focused on ranking the available alternatives through a comparative method is at risk of ignoring the non-presented possible choices (Lucca-Silveria, 2016).

Moreover, it should also be noticed that Amartya Sen's criticisms of perfect justice as finding difficulty in figuring out what to do in complex non-ideal cases has been the central point of the beginning of Sen's idea and the departure of Rawls' theory. However, in A Theory of Justice, Rawls does not begin by trying to provide a particular solution for the intense injustices that motivate Sen (Rawls, 1971). Rather, he simply denotes such injustices as wrong. For instance, slavery is wrong; likewise extreme poverty and avoidable deprivation is wrong and thus, should be removed to perpetuate justice. It seems like Rawls never believed that a separate theory of justice should be designed to measure these practices and categorizing it as right and wrong or in Sen's view just and unjust. Rawls formulates his theory by taking such wrongness, injustices practiced in the society as the starting point and later goes on to develop his principles of justice. In this sense, the Rawlsian theory cannot be discarded as a theory that formulates ideal justice. Thus, Rawls' ideal theory was never originated to play an extensive independent role in dealing exclusively with these practices, and thus, Sen's charge that ideal theories of justice are 'redundant' at least in this context, misses the mark (Satz, 2012). However, it cannot be completely rejected that the creativity and uniqueness in Sen's account of justice can be seen by the level of contribution he has made towards the development of theoretical understanding in the area where anything new and alternative as well as having significance is really difficult to come up with.

CONCLUSION

Sen himself said in his recent work, The Country of First Boys, 'Justice, it has been argued, should not only be done, it must also be seen to be done' (Sen, 2015). Thus, the most basic thought that lies behind all these discussions is that the productive work in ethics or politics must be practical in its objective and should therefore bring to attention the interest of the agents involved in the working process, rather than the interest of those who are appreciating and making false promises and comments (being mere audience) that are already been done. If agents are under the veil of their own preferences or traditional norms and values (to which they are more or less committed), then justice will be a distant dream. Thus, a realistic view of the agents in relation to their capacities and capabilities is the need of the hour to have an empirical assessment of the paths in which they are vulnerable to others, further evaluating the existing institutions, which may be either resilient or fragile (O'Neill, 2004). This is the main context within which the building of more vigorous and reliable institutions, which can secure justice even for the relatively weak, must be undertaken.

While Amartya Sen highlights that a good theory of justice must be 'action-guiding', political theorists like G. A. Cohen, on the other hand, propose that a theoretical investigation to political and moral questions has a significant orientation and thus should be independent from its practical (and especially immediate) importance to the possible extent (Cohen, 2003). Thus, there is pressure, both theoretical and practical, to resolve such conflicts. The idea of a perfectly just society acts as a driving force (ideal) in bringing our ideas into equilibrium. We should seek to establish equilibrium between the notion of our current beliefs and commitments to construct a stable and coherent system. However, in order to achieve this vision, we have to sacrifice some of our beliefs, redefine our goals, and modify our commitments and we need some points of pressure for that. Thus, in order to practically implement our views on justice towards the desired conclusion, it is correct to think in the line of Sen that there is unlikely to be an unanimous agreement on a single theory of perfect justice.

Thus, it can be concluded that the drive for a 'perfect theory' actually manifests from within our everyday comparative and evaluative thinking about what we should do while adjudicating the complex cases, making further the line of distinction between comparative assessment and ideal theorizing thin, thus going against Sen's prescribed direction. We cannot totally ignore Sen's argument that the work done in the domain of political philosophy is practically disconnected from the current struggles and aspirations. However, we cannot conclude and term all such work as unnecessary or redundant. In fact, Sen's own approach lacks in-depth discussion of any significant cases, except generic references or certain issues where agreement on delivering justice, or 'removal of manifest injustice' could be plausibly expected, such as on the removal of illiteracy, women's exploitation, malnutrition, racism, etc. However, in order to remove such cases of injustices, we do not need a theory, as earlier theories have emphasized on the eradication of such evil practices. Thus, we have to set the limits between theory and practice and make the discourse of social justice really feasible and achievable for all. Thus, while revisiting Sen's notion of justice and analyzing such dimensions of politics, it can be concluded that the debate between ideal versus non-ideal theory of justice provides a sound basis for a productive dialogue, is necessary for the betterment of politics and development of a meaningful theory and understanding of justice.

LIMITATIONS AND STUDY FORWARD

Keeping in view the above discussion, post Rawlsians like Sebastiano Maffettone believe that there can be reconciliation between the two paradigms of justice, by taking the notion of urgency or importance as a criteria. Maffettone argues that the notion of urgency advocated by Thomas Scanlon can act as an attractive bridge between the views of Rawls and Sen (Maffettone, 2011). Urgency implies a criterion through which we can objectively discriminate among strong preferences. This can be seen when we compare two sets of value like health and amusement. We definitely give importance to the first one (that is health); likewise, we can hypothesize and determine the various levels representing separate levels of well-being. Moreover, Scanlon asserts that urgency helps to comparatively assess benefits and burdens from the point of view of political morality (Maffettone, 2011). Besides this, notion of urgency can also be related to Sen's idea of nyaya, which focuses on comparisons among different lives in various situations (Sen, The Idea of Justice, 2009).

Samuel Freeman argues that Rawls' ideal theory of justice applies directly to the non-ideal conditions, and therefore searching for an alternative approach and set of principles is a mistake (Freeman, 2012). Freeman, however, proposes two roadmaps where Rawlsian ideal principles of justice with the aim of establishing perfect society apply to the non-ideal conditions also. For that, we have to identify the manifest cases of injustices and its impact and evaluate the degree to which a society departs from the idea of justice. Moreover, in order to reform the unjust conditions and law, a framework should be made and work must be undertaken accordingly. Except under unfavorable conditions, where the general conception applies, there is no suggestion in Rawls' works that principles other than the two principles of justice are to directly apply to non-ideal conditions to fulfill either of these roles. Instead, as he asserts, "While the principles of justice belong to the theory of an ideal state of affairs, they are generally relevant" to non-ideal conditions (Freeman, 2012). This also implies that whenever we change the context of Rawlsian paradigm to implement it in other parts of the globe or to a particular region, we should be cautious in redefining the relation between persons and institutions. Can we also argue that this is what Sen also recommends? However, it also does not signify that we have to transform political theory according to the changing situation or context, but rather to take history and tradition more seriously. Hence, these limitations have to be studied and analyzed while looking at the reconciliation of both the paradigms.

While going beyond Sen's notion of justice, Dhiren Bhagawati in his article, Beyond A Deontological Theory of Freedom, while analyzing the Rawlsian distributional principles, suggested certain adjustments within the existing

arrangements of a liberal democracy without seeking a drastic alteration to it (Bhagawati, 2015). While discussing the Rawlsian two principles of distribution leading to a just basic structure, Bhagawati argues that the degree of hierarchy applied in the principles of justice was entrenched by Rawls for safeguarding the supreme concern of the liberal theory, the righteousness of a person, and his/her rights. Hence, in order to make the benefit of these arrangements more meaningful to the largest section of the society, he proposed a rearrangement of the Rawlsian principles. Though Bhagawati acknowledges the fact that such a rearrangement would violate the very spirit of Rawls' liberal philosophy, but only then will it practically benefit the least advantaged sections of people in the society and add some value to their imagination and desire of a better society (Rawls, 1971).

Bhagawati further believes that such a rearrangement in Rawlsian principles, making it upside down, will definitely help to preserve the liberal democratic values in a country like India, where disparity in relation to economy, society, institution, and structure is growing enormously in the last few decades (Stiglitz, 2012). However, the extent to which it can really be implemented and made functional, while making necessary adjustments within the liberal principles have to be further studied and scrutinized.

ACKNOWLEDGEMENT

REFERENCES

Bakshi, P.M. (2010). The Constitution of India. New Delhi: Universal Law Publishing Co.

Bhagawati, D. (2015). Beyond a Deontological Theory of Freedom. Journal of Politics, 50-54.

Burke, J. F. (2010). Multiple Rationalities of Justice. The Review of Politics , 72 (3), 540-542.

Cohen, G.A. (2003). Facts and Principles. Philosophy and Public Affairs , 31 (3), 211-245.

Freeman, S. (2012). Ideal Theory and The Justice of Institutions vs. Comprehensive Outcomes. Rutgers Law Journal , 43 (2), 169-209.

Hinsch, W. (2011). Ideal Justice and Rational Dissent: A Critique of Amartya Sen's The Idea of Justice. Analyse and Critique , 33 (2), 371-386.

Lucca-Silveria, M. P. (2016). The Subject of Social Justice: A Defence of the Basic Structure of Society. Brazilian Political Science Review , 10 (2), 1-26.

Maffettone, S. (2011). Sen's Idea of Justiceversus Rawls' Theory of Justice. Indian Journal of Human Development , 5 (1), 119-132.

Miller, D. (1976). Social Justice. Oxford: Clarendon Press.

O'Neill, O. (2004). Towards Justice and Virtue: Bounds of Justice. New York: Cambridge University Press.

Osmani, S.R. (2010). Theory of Justice for an Imperfect World: Exploring Amartya Sen's Idea of Justice. Journal of Human Development and Capabilities , 11 (4), 599-607.

Parr, S. F. (2003). The Human Development Paradigm: Operationalizing Sen's Ideas on Capabilities. Feminist Economics , 9 (3), 304-305.

Rawls, J. (1971). A Theory of Justice. Cambridge: Harvard University Press.

Rawls, J. (1999). A Theory of Justice. Massachusetts: Harvard University Press.

Rawls, J. (2001). Justice as Fairness, A Restatement. Cambridge: Harvard University Press.

Satz, D. (2012). Amartya Sen's The Idea of Justice: What Approach, Which Capabilities. Rutgers Law Journal , 43 (2), 277-293.

Sen, A. (1982). Poverty and Famines: An Essay on Entitlement and Deprivation. New York: Oxford University Press.

Sen, A. (1985). Well- Being Agency and Freedom: The Dewey Lectures 1984. Journal of Philosophy , 82 (4), 169-221.

Sen, A. (1990). Justice: Means vs. Freedom. Philosophy and Public Affairs , 24 (3), 111-121.

Sen, A. (2000). Development as Freedom. NewYork: Alfred A. Knopf.

Sen, A. (2004). Elements of a Theory of Human Rights. Philosophy and Public Affairs , 32 (4), 315-356.

Sen, A. (2006). What Do We Want from a Theory of Justice? The Journal of Philosophy , 103 (5), 215-238.

Sen, A. (2007). Identity and Violence: The Illusion of Destiny. New Delhi: Penguin Books.

Sen, A. (2009). The Idea of Justice. New Delhi: Penguin Books Ltd.

Sen, A. (2015). The Country of First Boys. New Delhi: Oxford University Press.

Simmons, A. (2010). Ideal and Nonideal Theory. Philosophy and Public Affairs , 38 (1), 5-36.

Stiglitz, J. E. (2012). The Price of Inequality. New Delhi: Penguin Books Ltd.

Thaler, M. (2011). Comment on WIlfried Hinsch, Ideal Justice and Rational Dissent: A Critique of Amartya Sen's The Idea of Justice. Analyse and Kritik , 33 (2), 387-393.

Valentini, L. (2009). On the Apparent Paradox of Ideal Theory. Journal of Political Philosophy , 17 (3), 332-355.

Valentini, L. (2011). A Paradigm Shift in Theorizing about Justice? A Critique of Sen. Economics and Philosophy , 27, 305-306.

Walzer, M. (1983). Spheres of Justice: A Defense of Pluralism and Equality. New York: Basic Books.