

Dynamism of Theories of Justice: Decoding John Rawls & Amartya Sen's Theories

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*History says, don't hope on this side of the grave,
But then, once in a lifetime
The longed-for tidal wave
Of justice can rise up,
And hope and history rhyme.*

[Excerpt from Seamus Heaney, *The Cure at Troy: A Version of Sophocles' Philoctetes*, p. 77]

Abstract

The concept of justice is somewhat complex and there are different facets that has been unraveled by different philosophers, scholars and other academicians. The aspect of social justice is always celebrated in the jurisprudential aspect as it is one of the core aspects that has a strong nexus with the legal facets particularly amongst other forms of justice. The philosophy of political, justice and social sciences is the core domain that is impliedly discussed by various academicians and scholars with respect to a just and fair society. In this paper, researcher critically evaluates the theory of justice by taking into account the two most famous theories proposed by two eminent personnel of their time. First one is of John Rawls in 1971 in which he beautifully enshrined the aspect of positive discrimination and distributive justice under the umbrella of social justice and second one is the work of Noble laureate, Amartya Sen. He provides a new notion on the idea of justice through his pathbreaking work on concept of justice which is also a critique of John Rawl's Work-Theory of Justice.

In the present work, researcher has dealt the concept of justice in the light of proposed work on same by the highlighted personnel in different phase. This paper provides a critical analysis coupled with the litmus understanding of the substance of Rawl's and Sen's notion of justice with the conceptual, practical as well as analytical perspective of the concept of justice by examining the theories as per their evolution and relevance in the instant time. The paper in toto presents the main concepts, appraisal, dominant criticisms and the current approach of researcher for understanding with a view to further decode that Sen's contribution is a global framework for the discourse of social justice.

Keywords: Social Justice, Theories, Amartya Sen, John Rawls, Criticism, Society, Inequalities, Liberty, Jurisprudence.

Introduction

It was aptly said by Aristotle that Man is a social animal, the interesting point to note here is that if we omit the word social than we are also animals. The existence of human that made then different from the animals is the social hierarchical structure and some key elements like equity, justice, fairness and good conscience. In our society there is a disparity that can't be even measured, some people are multibillionaires and other's live-in destitution. Because of their gender, faith, race, or other factors, many people in many countries are denied the right to free expression, to engage in political life, or to pursue a career, while their fellow citizens

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enjoy these rights.² In many cultures, your parents' income is the best predictor of your future earnings or whether you will attend college. It is believed that end goal of human beings is to pursue happiness in their life. In a intermingled society like ours, when the question of bliss or happiness is considered it is a far fetched dream for someone who belongs to lower strata of society.³

The two words equity and justice is the base of a real successful society. The moral theories and percepts of morality on the notion of equity and equality in the existing society was based from the times of Greek & Romans.⁴ The social theories existing in society were mainly upholding the notion of liberty and equality. But still the just question that was needed to addressed in the inception of modern age is that *Is our society just? Is concept of Justice existent in society? What is idea and notion of justice in social milieu?* The list is long if I need to quote. Through this research work I would like to unfold the two greatest and much celebrated work of theories of justice and the critique of one on the other's theory of justice.⁵

The paper focuses on the principle concept of justice and especially social justice for which two celebrated theories propounded by two eminent scholars of their time.

Justice as a Social Concept

Humans have used the concept of justice since ancient times. Justice is a term that has legal, moral, and ontological meanings. Since the dawn of humanity, the idea of justice has held a central role. Simply stated, justice is when someone acts in compliance with the provisions of a statute. If these rules are based on human consensus or social standards, their aim is to ensure that all members of a group are treated equally.⁶ Whether based on human consensus or social standards, these laws are meant to ensure that all members of society are treated equally. Justice issues occur in a variety of contexts and play an important role in triggering, perpetuating, and resolving conflict.⁷

John Rawls: Theory of Justice

The notion of justice and concept is already discussed at length but the theories of justice presented a novel ideological departure from existing theory of utilitarianism in some aspects. Here I will be unfolding the John Rawl's celebrated work theories of Justice and analyzing some peculiar aspect of same. A successful theory of justice must explain why clear injustices are unjust and help us resolve current disputes.⁸ John Rawls is highly known for his best work *A Theory of Justice* (1971) which is a sincere and successful attempt to define a just society and the model proposed thereof for same. It is pertinent to note that every contemporary scholar

² *A Theory of Justice - Overview, How It Works, Principles* (2021). Available at: <https://corporatefinanceinstitute.com/resources/knowledge/other/a-theory-of-justice/> (Accessed: 27 March 2021).

³ Gilbert, Margaret (2006) 'Reconsidering Actual Contract Theory' in *A Theory of Political Obligation: Membership, Commitment, and the Bonds of Society*. Oxford University Press. 215-238

⁴ Rajput, Shelal Lodhi, Unfolding the Contributions of Greek & Roman Philosophers in Natural Law School of Jurisprudence (November 18, 2020). Available at SSRN: <https://ssrn.com/abstract=3751247> or <http://dx.doi.org/10.2139/ssrn.3751247>

⁵ Sen Amartya (2002), *Rationality and Liberty*, The Belknap Press of Harvard University Press.

⁶ Charles Beitz, *Political Theory and International Relations*, Revised Edition (Princeton NJ: Princeton University Press, 1999); Thomas Pogge, *Realizing Rawls* (Ithaca, NY: Cornell University Press, 1989).

⁷ "Rawls' Theory of Justice: A Naturalistic Evaluation" (2021), p. Available at: <https://www.tandfonline.com/doi/full/10.1080/03605310500253022> (Accessed: 27 March 2021).

⁸ John Rawls' '*A Theory of Justice*' (2018). Available at: <https://1000wordphilosophy.com/2018/07/27/john-rawls-a-theory-of-justice/> (Accessed: 26 March 2021).

discussion of justice or issues related to society in aspect of justice references work of John Rawls *'A Theory of Justice'*.⁹

Key Notion: Objective of Rawls Theory

In his work Rawls particularly focused on the concept and abstract notion of social justice to come out with an unprecedented modular framework of just society. The work of Rawls has greatly influenced modern political thought.¹⁰ The main argument in theory of justice by Rawls is regarding the principled reconciliation of liberty and equality. Rawls calls for a principled reconciliation between liberty and equality through A Philosophy of Justice. An account of the circumstances of justice, influenced by David Hume, and an equal option situation for parties confronted with such circumstances, similar to some of Immanuel Kant's views, are at the heart of this initiative. The parties' acts are to be driven by justice concepts. Rawls proposes a model of an equal choice situation (the original position with its veil of ignorance), in which parties will hypothetically select mutually reasonable justice concepts. Under such conditions, Rawls claims that parties will choose his preferred concepts of justice over a number of alternatives, including utilitarian and right libertarian approaches.¹¹

Main Themes: Theory of Justice

The theory of justice mainly revolves around the themes of incepting a novel concept of social justice as in consonance with the milieu of that time.. Rawls began A Philosophy of Justice with the assertion that *"Justice is the first virtue of social institution,"* suggesting that a healthy society is one organized according to justice standards. Rawls argues that current philosophical theories of justice are inadequate "My guiding aim is to work out A Theory of Justice that is a viable alternative to these doctrines which have long dominated our philosophical tradition."¹², and that his theory seeks to formulate a definition of society's fundamental nature in accordance with social justice as fairness. The two dominant aspect that is proposed by Rawls in theories of justice is discussed ahead at length for better understanding.

The 'Original Position' & 'Veil of Ignorance'

Rawls establishes his philosophy by isolating people from their social and economic backgrounds and putting them behind the 'veil of ignorance,' as he calls it. The popular thought experiment he called the "original position" might be the most influential concept in Rawls' Theory of Justice. The intuition behind its application is that a definition of the correct standpoint a person should take in his or her thought about justice would greatly benefit the enterprise of political philosophy.

Before further dwelling in the aforesaid work, it is important to highlight the basic background behind the same. Rational people often disagree with how to live, but we must organize society in such a way that reasonable people will embrace it.¹³ In a society citizen could together agree

⁹ Thomas Pogge, *World Politics and Human Rights: Cosmopolitan Responsibilities and Reforms* (Cambridge: Polity Press, 2002) see especially Chapter 6. Thomas Nagel, "The Problem of Global Justice," *Philosophy and Public Affairs*, Vol. 33, No. 2, pp. 113 – 147, 2005

¹⁰ Charles Beitz, *Political Theory and International Relations*, Revised Edition (Princeton NJ: Princeton University Press, 1999); Thomas Pogge, *Realizing Rawls* (Ithaca, NY: Cornell University Press, 1989).

¹¹ Freeman, S. (2012). *Ideal Theory and The Justice of Institutions vs. Comprehensive Outcomes*. *Rutgers Law Journal*, 43 (2), 169-209.

¹² Charles Beitz, *Political Theory and International Relations*, Revised Edition (Princeton NJ: Princeton University Press, 1999); Thomas Pogge, *Realizing Rawls* (Ithaca, NY: Cornell University Press, 1989).

¹³ *John Rawls' 'A Theory of Justice'* (2018). Available at: <https://1000wordphilosophy.com/2018/07/27/john-rawls-a-theory-of-justice/> (Accessed: 27 March 2021).

on particular set of basic rules especially concerning major political and social institutions, which form the grundnorm of society. From the theory of justice it is evident that Rawls has highlighted the existing disparity and the implied concept of *moral arbitrariness* as some people are born in family that are well established in comparison to those who are still fighting for feeding their food.¹⁴ This contention of Rawls is highly cited one and he highlighted this aspect as '*they get them by luck.*' He highlighted that there are people who are at higher pedestal only by luck and they are using unearned advantage for their own benefit, this is one of the major source of injustice in society.¹⁵ The aforesaid notion and allied grounds was the innate inspiration of Rawls central claim that we should conceive of justice '*as fairness.*' Just to identify *What is Fairness in context of Justice* Rawls comes up with two important concepts : *The original position* and *the veil of ignorance*.

For the purposes of deliberating well about fairness, Rawls' original position is intended to encrypt all of our intuitions about which features are important and which are irrelevant.¹⁶ The concept of original position is a hypothetical situation in which a group of people is tasked with reaching an agreement on the political and economic framework of a society that they will hold after they have reached an agreement. Rawls suggested that social institution needs to agree towards fair outcome and conditions, where the factor of luck is just a misnomer and nobody knows that whether they are advantaged by luck.¹⁷ For achieving *fairness* the concept of something called *veil of ignorance* is highlighted by the Rawl's. The veil of ignorance is a device in which the people who choose the basic structure of society ('deliberators') have morally subjective features concealed from them: since they are unaware of these features, any decision they make cannot be skewed in their favour.

Deliberators, on the other hand, aren't in the dark about anything. They are conscious that they are self-interested, i.e., that they want as much of what Rawls refers to as primary products as possible (things we want, no matter what our ideal life looks like). They are often guided by a rudimentary sense of justice: they will follow laws that seem to be reasonable if others do as well. They also have a basic understanding of science and human nature. It is pertinent to note here that Rawls is trying to connote that most of individual deliberates behind a '*veil of ignorance*'¹⁸

The concept devised by Rawls is to strengthen the practical aspect of justice and not just a theoretical notion that can just vanished with time in the pages. He proposed the aforesaid model to present his views as where we are lacking and how we can overcome it. Designing of social structure that can help everyone as in accordance with principle of equity and fairness¹⁹

¹⁴ Murphy, T. (2010) *A Review of Amartya Sen, The Idea of Justice*, Poseidon01.ssrn.com. Available at: <https://poseidon01.ssrn.com/delivery.php?ID=774106069097102096030023025086012065099038066037028071088064098088127008089023119076007011027056020006042084020000102103119089048008059012061104013092031064016084023042039013102076006018006001118016117013090079111100006004092073004127093001082014103029&EXT=pdf&INDEX=TRUE> (Accessed: 27 March 2021).

¹⁵ Rawls' view is therefore a 'hypothetical contract' theory (i.e. it rests on what would be agreed under certain idealised assumptions), as opposed to the 'actual contract' view (e.g. Gauthier, 1986; Gilbert, 2006).

¹⁶ Rawls, John (1971) *A Theory of Justice* Cambridge, MA: Harvard University Press

¹⁷ 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.

¹⁸ *Justice: Conceptions of justice with special reference to Rawl's theory of justice and its communitarian critiques* (2021). Available at: <https://www.civilserviceindia.com/subject/Political-Science/notes/justice-conceptions-of-justice-with-special-reference.html> (Accessed: 27 March 2021).

¹⁹ Taylor, Charles (1985). '*The nature and scope of distributive justice*' in *Philosophy and the Human Sciences: Philosophical Papers 2* Cambridge: Cambridge University Press: 289-317

Rawls Principle of Justice

Rawls believes that a just society would follow laws that all will consent to in the first place. People don't know their personal circumstances or even their view of the good life because they are deliberating behind the curtain of ignorance. This has an effect on the types of results they would support: for example, deliberators will be irrational to commit to a world where only Christians have pro-life rights. This has an effect on the kinds of results they would support: for example, it will be irrational for deliberators to consent to a society in which only Christians have property rights because if they are revealed to be non-Christian after the veil is lifted, it would have a negative impact on their life chances. Similarly, deliberators are unlikely to prefer a culture with racial, homophobic, or other disproportionately biased practices, because they may find themselves on the wrong side of these policies until the veil is lifted.²⁰

This sphere gives rise to the first principle of justice of John Rawls which upheld the importance of equal and equitable basic rights and liberties to every member of society. The first principle reads as *all people have equal claims to as much freedom as is consistent with everyone else having the same level of freedom*²¹ Rawls' first idea is in line with popular belief in the value of equal basic rights and liberty for all citizens. This first theory is distinguished by two additional characteristics. The first is its priority: fundamental freedoms and rights must not be traded off for other social goods. The second distinguishing characteristic of Rawls' first principle is that it demands that political liberty be valued fairly. Political liberties are a subset of basic liberties that deal with things like the right to hold public office, the right to influence national election results, and so on. Rawls allows people to be not only formally but also substantively equal in order to enjoy these liberties.

Deliberators must be highly careful, according to Rawls, because their ignorance requires an ignorance of probability. They would follow what he calls a "maximin" theory, aiming to ensure that the worst possible situation they might end up in is as good as possible in terms of primary goods. If we imagine ourselves as deliberators, the idea of complete equality in primary goods can tempt us. At the very least, this means that no one can be better off than you for no reason. However, some disparity can be beneficial: the prospect of earning more can motivate people to work harder, thus rising the economy and increasing the overall amount of wealth available.

It is pertinent to note here that Rawls first principle is not an wholehearted endorsement of capitalism as we need to look the things in an holistic manner. In his second principle of justice Rawls addresses the concept of disparity, inequalities of socio and economic nature. We may divide the second principle in two parts for crystal clear understanding but in toto second principle reads as "Social and economic inequalities are to be arranged so that they are both

- (a) Reasonably expected to be to everyone's advantage and
- (b) Attached to positions are offices open to all."²²

²⁰ Martin, R. and Reidy, D. (eds.), 2006, *Rawls's Law of Peoples: A Realistic Utopia?*, Oxford: Blackwell.

²¹ This was later revised to a weaker requirement: that people have access to a "fully adequate" set of basic rights and liberties (2001: 42-3); these rights cannot be overridden by appeals to the common good.

Gilbert, Margaret (2006) 'Reconsidering Actual Contract Theory' in *A Theory of Political Obligation: Membership, Commitment, and the Bonds of Society*. Oxford University Press. 215-238

²² John Rawls *Views on the Theory of Justice* (2015). Available at: <https://www.politicalsciencenotes.com/theories-of-justice/john-rawls-views-on-the-theory-of-justice/759> (Accessed: 27 March 2021).

The second principle is segregated in two parts as I mentioned earlier. The Rawls' explained the economical inequality which resulted in social inequality in his second principle as it is one of the biggest hinderance in milieu of justice.²³

Firstly, people in the original role would accept inequality if the higher-paying positions aren't allocated inequitably. This gives us the ideal of fair equality of opportunity: differences are permitted only when they occur as a result of jobs that equally qualified people have an equal chance of obtaining. This necessitates, for example, that young people have approximately equal access to education; otherwise, This necessitates, for example, that young people have approximately equal educational opportunities; otherwise, a gifted person will be hindered by a lack of fundamental knowledge, either about their own abilities or about the environment.

Secondly, since the maxim theory governs their logic, deliberators can only tolerate inequalities that favour the poorest:²⁴ since, as far as they know, they may be the poorest, this maximizes the efficiency of their worst possible outcome. The difference theory is what it's called.

The difference principle, which governs the allocation of wealth and profits, is the second component of the second principle. Higher salaries, for example, will cover the costs of training and schooling, as well as offer incentives to fill positions that are in higher demand, resulting in a higher overall product. The difference theory necessitates the establishment of social institutions. The difference theory demands that social institutions be set up in such a way that any differences in wealth and income benefit those who would be the most disadvantaged. The difference theory stipulates that financial differences benefit all, with the greatest benefit going to those who are least advantaged.

From the aforesaid discourse and a succinct overview on Rawls principles in his celebrated work *Theory of Justice* we can safely infer that it tells us what to do if they collide or clash: equal liberty is most essential, then fair opportunity, and finally the difference principle. So, neither freedoms nor opportunity are regulated by the difference principle. We need to revisit the *utilitarianism* here as we can't forgot that important framework of theories and research here as Rawls did not proposed the ethical theory but he had come up with something called justice an element out the ethical considerations from vast ocean if we want to understand that in analogical way.²⁵ A just society organises its institution, norms and laws so as to achieve the greatest good for the greatest number, this was the proposition under utilitarianism. But with the advent of John Rawls work there is a slight change especially in the aspect of political and ethical considerations for society to address justice. The problem with utilitarianism is its abstract and rigid rules to be under the sphere of utilitarian ideology.²⁶

Justice is a first virtue of social institutions and laws and institutions must be reformed if they are unjust and if needed, they can be abolished also this is the crux of principle proposition of John Rawls' Theory of Justice. He was highly inspired and revisited the work of Locke's, Hobbes, Rousseau and the social contract traditions.²⁷ The naturalist view and the innate view

²³ H. Richardson, "[John Rawls](#)," *Internet Encyclopedia of Philosophy*.

²⁴ Mills, Charles (2009) '[Rawls on Race/Race in Rawls](#)' *The Southern Journal of Philosophy* (2009): 161-184

²⁵ Maffettone, S. (2011). Sen's Idea of Justice versus Rawls' Theory of Justice. *Indian Journal of Human Development*, 5 (1), 119-132.

²⁶ (2021) *Giapjournals.com*. Available at:

<https://giapjournals.com/index.php/hssr/article/view/1013/884?download=pdf> (Accessed: 27 March 2021).

²⁷ Cohen, Joshua. 1989. "Deliberation and Democratic Legitimacy." *The Good Polity*. Alan Hamlin and Philip Pettit (red.) 17--34. Oxford: Blackwell.

of nature as per the ideologies of the enlightened scholars have a glimpse in the work of Rawls that we can see. The classic view is that *No one should know his position in society as how he is advantaged due to his position or birth* in simple sense.²⁸ In toto, I would like to sum up that the moral propositions, the inspiration from ethical philosopher from natural school of law and a critical analysis of existent societal setup is what all Rawls studied for proposing his idea of justice and he dismissed utilitarianism in his work as it was described by me.²⁹

In the coming section, I will be dealing with the critical appraisal of Rawls theory and further unfolding the theory of Sen's in his work *Idea of Justice*.

Prof. Amartya Sen's Idea of Justice & Critical Appraisal Towards Rawlsian theory

It is vital to mention that Rawls theory has been criticised by various schools of thoughts and philosopher but from time to time Rawls refute and substantive his view but the work of Prof. Amartya Sen is highly recognised so it is sine qua non to discuss his work.³⁰ There are different philosophers, scholars who has highlighted some lacunae or lacking aspect in Rawlsian theory. Anarchy, State, and Utopia, by Robert Nozick, was published in 1974 as a defense of libertarian justice. As a result of a seminar he co-taught with Nozick, Michael Walzer wrote Spheres of Justice, a defense of communitarian political theory. Michael Sandel wrote Liberalism in a similar vein of critique. Rawls, according to collectivists, has discovered the foundation for justifying the current capitalist system. He has shown that if the wealthy have the right to amass money, the poor would inevitably profit. Even if his theory of fair equality of opportunity is strictly pursued, the gap between rich and poor would not be dramatically narrowed. Rawls' feminist critics, such as Susan Moller Okin, concentrated on his inability to account for the injustices and hierarchies present in family relationships. Rawls argued that justice should only extend to society's underlying structures.³¹ Feminists attacked Rawls for failing to account for injustices found in patriarchal Rawls' social relations and the gendered division of labor, especially in the home, rallying around the theme "the personal is political." Rawls' focus on primary social goods has worried some egalitarian opponents.

Understanding Rawls: A Critique and Reconstruction of A Theory of Justice, by Robert Paul Wolff, was a Marxist critique of Rawls. In this work, Wolff argues that Rawls' theory is an apology for the status quo insofar as it derives justice from current practice and dismisses the idea that capitalist social relations involve problems of injustice.³²

Abovementioned are the various highlights of a critical appraisal on Rawlsian theory but one of the celebrated work that proposes the idea of justice needs to be addressed in detail as there are some new horizons unfolded by Noble Laureate in his work *Idea of Justice*. I shall be revisiting it to further unfold the dynamism on theories of justice. I will here discuss a brief view of *Idea of Justice* from the lens of Rawlsian theory and where it differs. Further, Sen has given a critical appraisal to Rawlsian theory which is sine qua non to understand the whole idea of justice from the two of the greatest scholars in the field.³³

²⁸ Walzer, M. (1983). Spheres of Justice: A Defense of Pluralism and Equality. New York: Basic Books

²⁹ Raymond Wacks, Understanding Jurisprudence 222 (Oxford University Press, New York, 2nd edn. , 2009). 8 Id at 223.

³⁰ Reiko Gotoh and Paul Demouchel eds. Against Injustice: the New Economics of Amartya Sen (New York: Cambridge University Press, 2009)

³¹ Bond, D. and Park, J. 1991. An empirical test of Rawls's theory of justice: A second approach, in Korea and the United States. *Simulation & Gaming*, 22(4): 443–462.

³² Gilbert, Margaret (2006) 'Reconsidering Actual Contract Theory' in *A Theory of Political Obligation: Membership, Commitment, and the Bonds of Society*. Oxford University Press. 215-238

³³ Raymond Wacks, Understanding Jurisprudence 222 (Oxford University Press, New York, 2nd edn. , 2009). 8 Id at 223.

Nobel Laureate Amartya Sen's book "The Idea of Justice" is a ground-breaking work on the philosophy of justice. His book is both a continuation and a criticism of John Rawls' Theory of Justice. He addresses the words *niti* and *nyaya*, the former relating to basic laws and the latter to realisation.³⁴ *Niti* is an abstract exercise that, if fully applied, will result in the greatest amount of public health and justice. On the other hand, *Nyaya* is concerned with the compliance of laws and regulations. The concept of justice has been discussed in a very broad manner; to quote Prof. Sen "...aim is to clarify how we can proceed to address questions of enhancing justice and removing injustice, rather than to offer resolutions of questions about the nature of perfect justice"³⁵

Notion of Justice & Unfolding the social aspect

Justice has been, one of the most complex concepts, consuming a lot of scholarly ink, yet remaining enigmatic, cryptic and imprecise. Justice is a word of ambiguous import.³⁶ It is important to focus on the Sen's critique of Rawlsian approach. Sen's key counter-argument to Rawls' theory is that 'transcendental institutionalism' is nothing more than a moral conjecture, a hypothesis, on which he constructs his theory and which then becomes infested with some limitations. Sen's first objection is that Rawls' "initial stance" creates a hypothetical situation in which it will never be able to integrate the multifaceted, complex, variegated, contradictory, yet very genuine and cogent demands of a broad majority in practice. Sen eloquently illustrates his point by using the image of three children as an example.³⁷ We might not be able to accommodate the majority of legitimate voices airing genuine demands due to a lack of funding. Anne, Bob, and Clara are all making valid points, and these legitimate demands cannot be dismissed by a flimsy claim that is founded on the pursuit of human fulfilment, the alleviation of suffering, or the right to enjoy the fruits of labour. Despite Sen's significant contributions to social justice philosophy, his approach is not without criticism. Some of the most common criticisms of Sen's approach are highlighted and addressed in this section. It starts by discussing the topic of operationalization. Sen's inability to accept a list of basic capabilities is addressed in the second section. Third, it raises the question of whether freedom is a "universal all-pushing" concept. Sen illustrates the distinction between *niti* and *nyaya* with an example. In the sixteenth century, Ferdinand I, the Roman Emperor, declared: '*Fiat justitia, et pereat mundus*,' which can be translated as 'Let justice be done, even if the world perishes.' Sen criticizes Rawls for stressing institutions as guarantors of justice without taking into consideration the impact of human actions on institutions' ability to sustain a just society. Rawls, according to Sen, understates the challenge of getting everyone in society to obey the rules of a just society. Sen also argues that Rawls' position that the reflective equilibrium is the only possible outcome is wrong.³⁸

Sen's Notion of Justice

According to Professor Sen, a realization- focussed perspective also makes it easier to understand the importance of the prevention of manifest injustice in the world, rather than

³⁴ John Rawls, A Theory of Justice Original Edition (Cambridge MA: Belknap Press of Harvard University Press, 1970/2005).

³⁵ The concept of justice has been discussed in a very broad manner; to quote Prof. Sen "...aim is to clarify how we can proceed to address questions of enhancing justice and removing injustice, rather than to offer resolutions of questions about the nature of perfect justice"

³⁶ V.R. Krishna Iyer, Social Justice – Sunset or Sun dawn 28 (Eastern Book Co., Lucknow 1987)

³⁷ Arneson, Richard, "Equality of opportunity" The Standard Encyclopedia of Philosophy (Summer 2015 edn.), Edward N. Zalta (ed.), available at: <http://plato.stanford.edu/archives/summer2015/entries/equalopportunity/>(l

³⁸ Sen, Amartya, (1980), 'Equality of What?' in *Tanner Lectures on Human Values*, S. MacMurrin (ed.), Cambridge: Cambridge University Press

seeking the perfectly just.³⁹ Sen's search for a theory of justice that can direct comparative assessments in an imperfect world seems to be entirely rational. Rather than seeking a perfectly just society, the goal should be for every man and woman to combat inequality and make the world a less unjust place. Sen argues that academic political philosophy is too preoccupied with formulating and stressing theoretical dimensions, rather than exploring its practicality in the service of an implausible degree of theoretical completeness. However, it cannot be overlooked that the distinction he draws between transcendental justice and measuring oppression in the present is overdrawn, as some contend that some injustices are transcendental in nature.⁴⁰ The concept of Sen is a dynamic in its nature itself because he departed from the Rawls theory on different aspects but at the same time he also appreciate and uphold the ground basis on which Rawls theory was formulated and his idea of justice. From the deep analysis of both the theories it is explicit that both laurates have advocated in the favour of social justice that is highly dominated by the economical aspect and the social milieu. From the inception of life to its culmination, Rawls argued on the aspect of justice with its allied elements.⁴¹

"Justice, it has been argued, should not only be done, but it must also be seen to be done," Sen wrote in his recent book *The Country of First Boys* (Sen, 2015). As a result, the most fundamental idea that underpins all of these debates is that constructive work in ethics or politics must have a realistic goal and, as a result, should draw attention to the interests of the actors involved in the process.⁴²

Finally, to sum up the never-ending enriching aspect of theories of justice by two greatest scholars of their time that It's difficult to say whether Rawls' "Concept of Justice" or Sen's "Idea of Justice" is superior, and this isn't a good topic to debate. However, it is possible to argue that Sen's "Idea of Justice" complements and advances Rawls' "Definition of Justice." As a result, Sen's initiative should be viewed as a fulfillment of Rawls' principle rather than an alternative viewpoint.

Concluding Remarks

Finally, there is no question that Sen's approach has had a huge effect on the debate of social justice. Despite the critiques described above, and despite the fact that his opinion is not a theory in and of itself, the breadth and scope of Sen's skill approach is evident in the large amount of research that his work has spawned. Sen's contribution explores social justice problems from a bohemian perspective. Sen's work, while criticizing the concept of ideal justice and advocating for the elimination of inequality, is debatable. The pursuit of perfect justice aspires to an unattainable level of completeness, but many possible instances of injustice are much more complicated.⁴³ A vision of a just society presents a kind of vision, a noble pursuit that a society should strive to achieve; it is not sufficient that the vision become true, but it should at least contribute to the fulfilment of some of the vision's tenets Both Rawls and Amartya Sen are on the same path, and they agree that utilitarianism, or a philosophy that only promotes the wellbeing of the majority or the happiness of the greatest number, is not right. Sen's analogy of old Hindu jurisprudence about the Matsyanyaya, or decisions of the fishes, in which big fish devoured small fish, is similar to the utilitarian theory that remains today, but it

³⁹ Debra Satz, "Amartya Sen's The Idea Of Justice : What Approach , Which Capabilities" 43 Rutgers Law Journal 277(2012).

⁴⁰ 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.

⁴¹ Nussbaum, Martha, (2006), *Frontiers of Justice: Disability, Nationality, Species Membership*, Cambridge: Harvard University Press.

⁴² Sen, A. (2015). *The Country of First Boys*. New Delhi: Oxford University Press

⁴³ Debra Satz, "Amartya Sen's The Idea Of Justice : What Approach , Which Capabilities" 43 Rutgers Law Journal 277(2012).

is not without flaws. Sen encourages us to engage in public reasoning in the pursuit of justice in *The Principle of Justice*, not in terms of any abstract ideal, but in terms of contrasting the effects of various policies and focusing on how things are done in the name of impartiality and fairness.⁴⁴

I would finally like to conclude by saying that Rawlsian theory is a holistic model developed for the justice and in the instant time it needs to get revisited on some peculiar aspect. Adding on to this Sen's theory is a dynamic mix of conceptual ancient philosophy coupled with values proposed by different schools ranging from natural school of law to ideologies of utilitarianism not in abstract sense but in the holistic way.

⁴⁴ Wellbank, JH, Denis Snook, and David T. Mason. 1982. *John Rawls and His Critics: an Annotated Bibliography*. New York: Garland Publishing Company.