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CONCEPTS OF JUSTICE PUT FORWARD BY AMARTYA SEN AND JOHN RAWLS. SEN.'S

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Chapter I

Introduction To research

1. INTRODUCTION

The study will employ a comparative analytical methodology to investigate the respective concepts of justice put forward by Amartya Sen and John Rawls. Sen.'s capability approach, which emphasises the value of each person's well-being and ability to lead fulfilling lives, will initially be contrasted with this. The research will then examine case studies and modern instances to show how each theory works in actual situations, pointing out its limitations and practical ramifications. Qualitative interviews with social theorists, economists, and political philosophers will shed light on the continued applicability of both theories in contemporary society. In order to reflect the complexity of contemporary social justice challenges, the research will ultimately synthesise these findings to offer a comprehensive picture of justice that incorporates components from both Rawls' and Sen.'s perspectives.

2. Rational and Significance

Definition of justice would enable the setting up of just societies. John Rawls and Amartya Sen both try to give different meanings to what justice is, yet complement each other. The distinction of focus between the two is that between Rawls, who focuses on equality and structures that will spur equality, and between Sen, who focuses on individuals' capabilities and their well-being. A comparison between the theories helps to understand and encounter an ambiguous topic like justice. It leads to how two different perspectives can progress in solving social dilemmas, such as inequality and poverty. This comparison is important because it inspires further discussion about how to generate fairer societies that strive for institutional justice and individual flourishing.

3. Literature Review

John Rawls and Amartya Sen. The contribution of Rawls, *A Theory of Justice*, rendered the concept of "justice as fairness," where he further develops major principles to ensure that equal rights are appropriately distributed to each so that they may all draw equal opportunities. Leading scholars on his works were inspired by Ronald Dworkin and Thomas Nagel, who established the role of social institutions in justice.⁶⁴³⁶⁴⁴

On the other hand, Amartya Sen, mainly in *The Idea of Justice*, focuses on the individual level rather than institutions. Sen has criticized Rawls for not being able to make sense of real-world inequalities and is of the view that judgments of justice should be made on people's ability to achieve what is valuable for them in life. Other authors like Martha Nussbaum also support the Sen Framework but direct attention to human

⁶⁴³ Dworkin, Ronald. *Sovereign Virtue: The Theory and Practice of Equality*. Cambridge, MA: Harvard University Press, 2000. Nagel, Thomas. *Equality and Partiality*. New York: Oxford University Press, 1991.

⁶⁴⁴ Rawls, John. *A Theory of Justice*. Cambridge, MA: Harvard University Press, 1971. Sen, Amartya. *The Idea of Justice*. Cambridge, MA: Harvard University Press, 2009.

capabilities as a dimension of welfare assessment.⁶⁴⁵

Overall, the literature presents a wide-ranging discussion between the two theories, whereby Rawls advocates for a structured approach to the concept of justice while Sen supports more dynamic aspects based on experience and individual choice. The comparison gives a better insight into how variances in opinion can complement policies and practices that are geared toward making society just.

4. Research Problem

The research problem is premised on understanding how John Rawls and Amartya Sen define, respectively apply their theories of justice. While Rawls talks about justice based on the principles of social structures and rules that are established in regard to fairness, Sen discusses individual capabilities and real-life outcomes. These pose pertinent questions concerning how the divergent views have affected our understanding of justice and which has a better approach in dealing with issues such as inequality and poverty. Exploring these.

5. Objectives of Study

- 1) Analysing Core Concepts Probe the core ideas of Rawls's justice as fairness and Sen's capability approach, with their key differences and similarities.
- 2) Policy Relevance Analyse each theory as applied to real-life challenges such as issues of inequality, poverty, social justice, and specify relevant strengths in policy-making.
- 3) Analyse Intersections of Theories Analyse how the two theories might connect with each other to elucidate a more meaningful understanding of justice.
- 4) Contemporary Relevance Analyse how the two theories relate to today's global context, including new social issues and justice-related discussion.

- 5) Instruct Future Conversations Contribute to the discussions in political philosophy by bringing insight that may inform future research and policy decisions about justice.

6. Hypothesis of Research

1. Integrating John Rawls' theory of justice with Amartya Sen's capabilities approach will result in greater improvements in social equity indicators, such as income distribution and access to education, compared to policies based solely on either framework.
2. The integration of John Rawls' theory of justice and Amartya Sen's capabilities approach will provide a more effective framework for addressing social justice issues, as measured by improvements in both institutional fairness and individual well-being compared to the application of each theory in isolation.

7. Research Methodology

A. Sources of Data Collection:

The sources useful for secondary data are published online sources, E- Books, E-Journals, E-Magazines, websites, and Newspapers Articles etc.

B. Tools of Data Collection:

In this present research the researcher will collect data from Secondary sources of data collection.

C. Research Models:

While doing research the researcher will use the following models.

1. Explorative Model:

- 1) This research model is designed to explore lesser-known or undiscovered aspects of human rights, aiming to raise awareness about their importance and the necessity of safeguarding them. The

⁶⁴⁵ Nussbaum, Martha. *Creating Capabilities: The Human Development Approach*. Cambridge, MA: Belknap Press, 2011, Nussbaum, Martha. *Women and Human*

Development: The Capabilities Approach. Cambridge, MA: Cambridge University Press, 2000.

researcher will employ this approach to investigate these overlooked issues and promote greater understanding of human rights protection.

- 2) **Evolutionary/Historical Model:** This model is employed to examine the evolution of the human rights over the years in India. As a result, the researcher will examine the history of human rights and protection of them.
- 3) **Comparative model:** Data is gathered from internet sources and organized using this research model. As a result, the researcher will employ this model to identify contributing variables and issues.

8. Scheme of Further Research

9. Summary Of The Chapter

This introductory chapter will introduce the readers with the introduction of the research topic. This chapter will talk about the rational and significance of the research as well as what are the objectives of such research. This chapter will also talk about what is the hypothesis of the research and what research methodology is used in the research. This chapter will also talk about what literature has been used by the researcher.

CHAPTER II

Concept of Rawls Theory of justice

1. Introduction

The concept of justice has long been a central theme in political philosophy, shaping discussions about fairness, equality, and the moral foundations of society. Among the most influential thinkers in this domain is John Rawls, whose theory of justice, articulated in his seminal work "A Theory of Justice," presents a compelling vision of a just society based on fairness and rationality. Rawls introduces the idea of "justice as fairness," which emphasizes the importance of establishing fair social institutions to ensure that all individuals enjoy equal basic rights and opportunities. Central to his framework are two key principles: the first ensures equal basic

liberties for all, while the second, known as the difference principle, permits inequalities only if they benefit the least advantaged members of society. This research aims to delve into Rawls' theory, exploring its foundational concepts, implications for social justice, and its relevance in contemporary discussions about equity and institutional reform. By examining the strengths and limitations of Rawls' approach, this study seeks to contribute to the on-going dialogue about what justice truly means in today's diverse and complex social landscape.

2. Important Ideas of Justice as Fairness

The concept of "justice as fairness," central to John Rawls' theory of justice, encompasses several important ideas:

1. Original Position and Veil of Ignorance

Rawls proposes a hypothetical social contract where individuals, behind a "veil of ignorance," design a just society without knowing their own social status, abilities, or personal characteristics. This ensures impartiality, as decisions are made without bias toward any specific group.

2. Two Principles of Justice

Equal Basic Liberties Each person is entitled to a set of equal basic rights and freedoms, such as freedom of speech, religion, and the right to participate in the political process.

3. Difference Principle

Social and economic inequalities are only justified if they benefit the least advantaged members of society. This principle promotes a form of distributive justice that prioritizes improving the well-being of the most vulnerable.

2. Fairness in Social Institutions

Rawls emphasizes that justice is achieved through fair institutions that govern society. These institutions must be designed to uphold the principles of

justice as fairness, ensuring that all individuals have access to opportunities and resources.

3. Public Reason Rawls advocates for public reasoning in political discourse, where citizens engage in rational discussions based on shared values and principles to determine the laws and policies that govern them.

4. Social Cooperation Justice as fairness is grounded in the idea of social cooperation among free and equal individuals. It recognizes that a just society arises from collective agreement on norms and institutions that benefit everyone⁶⁴⁶.

These ideas collectively frame Rawls' vision of a just society, emphasizing fairness, equality, and the moral obligation to support the least advantaged members of the community.

3. The Role of the Starting Point And The Ignorance veil

In John Rawls' theory of justice, the starting point is a critical element that shapes the foundational principles of a just society. Rawls employs the concept of the "original position," where individuals come together to determine the principles of justice that will govern their society. This thought experiment is designed to ensure fairness and impartiality in the decision-making process.

1. Original Position The original position serves as the hypothetical scenario in which individuals are tasked with establishing the rules of their society. In this context, individuals are stripped of any knowledge of their personal circumstances, such as wealth, social status, talents, or particular life goals. This ensures that the principles they choose are not influenced by self-interest, leading to a more equitable outcome.

2. Veil of Ignorance The veil of ignorance is a key mechanism within the original position that

further reinforces impartiality. By placing individuals behind this veil, Rawls ensures that they make decisions without any awareness of their own identities or positions in society. This means they cannot tailor principles to benefit themselves or their groups, as they have no idea who they will be once the veil is lifted.

3. Implications for Justice The veil of ignorance encourages individuals to consider the interests of all members of society, particularly the least advantaged. Since there is a possibility that they could occupy any position within the social hierarchy, individuals are motivated to advocate for principles that safeguard basic rights and ensure that inequalities benefit those at the bottom. This leads to the formulation of Rawls' two principles of justice: the assurance of equal basic liberties and the difference principle.

4. Ethical Foundation By utilizing the veil of ignorance, Rawls aims to create a more ethical foundation for political and social institutions. It pushes individuals to think beyond their immediate concerns and consider the broader implications of their choices, fostering a sense of justice that prioritizes fairness and equality.⁶⁴⁷

4. Summary Of the Chapter

This chapter discusses the theory of justice as fairness by Rawls, which major features are: equal rights and the difference principle. Besides, this chapter shall discuss how the original position and veil of ignorance ensure impartial decisions by people for a just society.

Chapter III

Concept of Amartya Sen.'s Theory Of Justice

1 Introduction

Amartya Sen's contributions to the understanding of justice extend beyond traditional frameworks, emphasizing the importance of individual capabilities and the real opportunities people have to lead fulfilling lives. In

⁶⁴⁶ Gilbert Merritt Justice as Fairness: A Commentary on Rawls's New Theory of Justice Volume 26(Oct12,2024,8:00 PM) <https://scholarship.law.vanderbilt.edu/cgi/viewcontent.cgi?article=3263&context=vlr>

⁶⁴⁷ Ben Davies JOHN RAWLS AND THE "VEIL OF IGNORANCE" UNIT 5 JUSTICE (OCT.12,2024, 8:35 PM) <HTTPS://OPEN.LIBRARY.OKSTATE.EDU/INTROPHILOSOPHY/CHAPTER/JOHN-RAWLS-AND-THE-VEIL-OF-IGNORANCE/>

contrast to theories that focus solely on the distribution of resources or adherence to institutional fairness, Sen's approach centres on the actual capabilities individuals possess to achieve well-being. This perspective is articulated in his influential works, including "Development as Freedom" and "The Idea of Justice," where he critiques conventional notions of justice that prioritize abstract principles over tangible outcomes.

Sen introduces the concept of "capabilities," which refers to the freedoms and opportunities individuals have to pursue their own goals and aspirations. He argues that true justice should be evaluated not just by how resources are allocated, but by how those resources empower individuals to live lives they value. This approach emphasizes the importance of context, recognizing that different people have varying needs and abilities that must be considered in any justice framework.

Furthermore, Sen Critiques the limitations of Rawls' theory of justice, suggesting that while it provides a strong foundation for institutional fairness, it falls short in addressing the complexities of real-life inequalities. He advocates for a more nuanced understanding of justice that incorporates not only resources but also social arrangements, personal circumstances, and the diversity of human experiences.

This research aims to explore Sen's theory of justice in depth, examining its key concepts, implications for social policy, and relevance in addressing contemporary issues of inequality and human development. By analysing Sen's capabilities approach, the study seeks to contribute to a broader understanding of

what justice means in a diverse and interconnected world.⁶⁴⁸

2. Key Concepts : Capabilities ,functioning's and well Being

Amartya Sen's theory of justice is built upon several interrelated concepts that collectively define his approach to understanding human welfare and social justice. The three key concepts are capabilities, functioning's, and well-being, each playing a crucial role in shaping his framework.

3. Capabilities: - Refer to the real freedoms or opportunities individuals have to achieve various valuable states of being and doing. In Sen's view, capabilities are not just about the resources available to individuals but focus on what they can actually achieve with those resources. This emphasis on freedom highlights the importance of choice and agency, recognizing that individuals have diverse needs and aspirations. By assessing justice through the lens of capabilities, Sen argues that society should aim to expand these freedoms, enabling individuals to lead lives they value.

4. Functioning's: Are the actual states of being and doing that individuals achieve, which can range from basic needs like being healthy and well-nourished to more complex achievements such as participating in community life or pursuing educational goals. Functioning's are essentially the outcomes that result from exercising one's capabilities. For example, having the capability to be educated translates to the functioning of being educated. Sen emphasizes that a just society should facilitate the development of functioning's by ensuring that individuals have the means and opportunities to transform their capabilities into actual achievements.⁶⁴⁹

⁶⁴⁸ Dr. Partha Protim Borthakur, *AMARTYA SEN'S CRITIQUE OF THE RAWLSIAN THEORY OF JUSTICE: AN ANALYSIS*, 7 HSSR 10 (2019).

⁶⁴⁹ Chris Brown, *On Amartya Sen and The Idea of Justice*, 24 ETHICS INT. AFF. 309 (2010).

5. Well-being: in Sen.'s framework is closely tied to the concepts of capabilities and functioning's. It encompasses the overall quality of life that individuals experience based on their ability to achieve desired functioning's. Well-being is not merely about material wealth but involves a comprehensive assessment of how individuals feel about their lives and their ability to pursue goals that matter to them. By focusing on well-being, Sen advocates for a multidimensional approach to justice that considers various aspects of human life, including health, education, social connections, and personal fulfilment.

3. Classical Welfare Economics Criticism

Amartya Sen's capabilities approach challenges traditional welfare economics, which primarily focuses on utility maximization and the distribution of resources. While Sen emphasizes individual capabilities and well-being, classical welfare economics has raised several criticisms of his theory. Here are some key points of criticism:

1. Focus on Utility vs. Capabilities

- **Utility Maximization:** Classical welfare economics, rooted in utilitarianism, posits that the best outcomes are those that maximize overall utility. Critics argue that Sen's focus on capabilities shifts attention away from the quantifiable aspects of welfare, making it harder to assess societal welfare in terms of utility.
- **Measurement Difficulties:** The capabilities approach emphasizes qualitative assessments of well-being, which can be subjective and difficult to measure. In contrast, classical welfare economics uses quantifiable metrics (such as GDP or utility indices) to evaluate social welfare, making it more straightforward to analyze and compare.

2. Resource Allocation

- **Distributive Justice:** Classical welfare economics often prioritizes resource allocation efficiency, arguing that equitable distribution is only necessary if it contributes to overall utility. Critics may claim that Sen's emphasis on capabilities complicates the analysis of resource distribution, as it requires a broader understanding of what constitutes well-being beyond mere resource allocation.
- **Pareto Efficiency:** Traditional welfare economics values Pareto efficiency—situations where no one can be made better off without making someone else worse off. Critics argue that Sen's approach could lead to scenarios where capabilities are enhanced at the expense of Pareto efficiency, making it difficult to justify certain redistributive policies.

3. Neglect of Aggregation Issues

- **Aggregation of Capabilities:** Critics from a classical welfare perspective may argue that Sen's approach lacks a clear mechanism for aggregating capabilities across individuals to assess overall social welfare. Welfare economics provides established frameworks for aggregation, while Sen's focus on individual capabilities raises questions about how to compare and combine these across diverse populations.
- **Interpersonal Comparisons:** The difficulty of making interpersonal comparisons of capabilities can be seen as a limitation. Classical welfare economics typically relies on assumptions about interpersonal utility comparisons, which are less straightforward in Sen's framework.

4. Economic Growth and Development

- **Focus on Growth:** Classical welfare economists often emphasize the importance of economic growth as a primary means to improve welfare.

Critics may argue that Sen's approach could divert attention from policies aimed at enhancing economic growth, focusing instead on capabilities that might not directly correlate with economic productivity or overall prosperity.

- Role of Institutions: While Sen highlights the importance of social arrangements in enhancing capabilities, classical welfare economics might critique this focus, arguing that institutions alone cannot ensure well-being without accompanying economic growth.

5. Practical Implementation

- Policy Implications: Critics may question the practical implications of implementing Sen's capabilities approach in policy-making. Classical welfare economics often provides clearer guidance for policy based on measurable utility outcomes, while Sen's framework may lead to ambiguous or complex policy decisions that are harder to implement effectively.⁶⁵⁰

4. Summary Of the Chapter

This Chapter discusses the capability approach of justice of Sen in emphasizing the role of capabilities, functioning's, and well-being. It also critiques classical welfare economics to show why Sen's scheme presents a more delicate and elementary understanding of social justice and individual potential.

Chapter IV

Comparative Analysis of Comparative Tenets

1 Divergence in definition of justice

The theories of justice proposed by John Rawls and Amartya Sen represent two distinct approaches that reflect differing philosophical foundations and implications for social justice. While both aim to address inequalities and

promote fairness, their definitions of justice diverge significantly in key areas.

1. Foundational Principles

- Rawls' Theory of Justice: Rawls defines justice primarily through the lens of fairness, encapsulated in his concept of "justice as fairness." He proposes two key principles:
 - Equal Basic Liberties: Every individual has an equal right to basic liberties, such as freedom of speech, religion, and assembly.
 - Difference Principle: Social and economic inequalities are acceptable only if they benefit the least advantaged members of society. This principle emphasizes that justice should focus on improving the conditions of those who are worst off.
- Sen's Theory of Justice: In contrast, Sen defines justice in terms of capabilities, emphasizing what individuals are able to do and be. His approach centers on:
 - Capabilities Approach: Justice is about enhancing individual capabilities—the real opportunities people have to achieve well-being. This perspective highlights the importance of personal agency and the diverse ways in which individuals can realize their potential.

2. Conceptualization of Individuals

- Rawls' View of Individuals: Rawls views individuals as rational agents in the original position, behind a veil of ignorance. This theoretical construct encourages people to design a just society without knowing their own

⁶⁵⁰ Atkinson, Anthony B. "The Contributions of Amartya Sen to Welfare Economics." *The Scandinavian Journal of Economics*, vol. 101, no. 2, 1999, pp. 173–90. JSTOR, <http://www.jstor.org/stable/3440691>. Accessed 16 Oct. 2024

personal circumstances, leading to principles that protect the interests of all, particularly the disadvantaged.

- Sen's View of Individuals: Sen emphasizes individuals' diverse needs, contexts, and aspirations. He argues that justice should account for the varied capabilities of people rather than assume a uniform set of rights. His focus is on how different social arrangements impact individuals' abilities to pursue their goals, recognizing that not everyone starts from the same position.

3. Evaluation of Justice

- Rawls' Institutional Focus: Justice for Rawls is fundamentally about the design of social institutions that uphold fairness. His theory seeks to establish fair rules and structures within society, ensuring that principles of justice are embedded in legal and political frameworks.
- Sen's Outcome Focus: In contrast, Sen evaluates justice based on real-life outcomes and the actual capabilities individuals possess. His approach emphasizes the results of social arrangements rather than just the rules governing them. Sen advocates for assessing justice through the lens of human development and well-being, rather than solely institutional fairness.

4. Approach to Inequality

- Rawls on Inequality: Rawls accepts inequalities as long as they serve the least advantaged. His framework suggests that a fair society can tolerate certain inequalities if they contribute to overall social welfare, particularly for those at the bottom of the socio-economic ladder.
- Sen on Inequality: Sen challenges this view by emphasizing that not all

inequalities are justifiable, even if they benefit the least advantaged. He argues that justice must consider how inequalities affect individuals' capabilities and opportunities. For Sen, addressing systemic inequalities and empowering individuals to overcome barriers is essential for achieving justice.

5. Practical Implications

- Rawls' Institutional Reform: Rawlsian justice often leads to policies aimed at institutional reform to ensure fairness in resource distribution and access to opportunities. His principles can inform frameworks for social contracts and legal systems.
- Sen's Policy Framework: Sen's capabilities approach calls for policies that directly enhance individual freedoms and capabilities, leading to interventions that focus on education, health care, and social welfare. His approach advocates for a more nuanced understanding of poverty and inequality, emphasizing the importance of addressing the specific needs of diverse populations.⁶⁵¹

2. Institutional Focus versus Individual Capabilities: A Comparative Analysis

John Rawls and Amartya Sen offer two influential frameworks for understanding justice, each emphasizing different aspects of societal organization and individual welfare. This analysis compares their approaches by focusing on the institutional focus of Rawls' theory and the individual capabilities emphasized by Sen.

1. Theoretical Foundations

- **Rawls' Institutional Focus:**
 - Rawls' theory is grounded in the concept of "justice as fairness." He argues that the basic structure of society should be designed to

⁶⁵¹ Shambhavi Goswami & Arvind Sharma, *ANALYSING RAWLS THEORY OF JUSTICE THROUGH AMARTYA SEN'S PERSPECTIVE*, 2 Indian Journal of Integrated Research in Law,

<file:///C:/Users/Admin/Downloads/ANALYSING-RAWLS-THEORY-OF-JUSTICE-THROUGH-AMARTYA-SENS-PERSPECTIVE.pdf>, last seen on 12/10/024

ensure fair distribution of rights and resources. His two principles of justice emphasize institutional arrangements that uphold equal liberties and allow for social and economic inequalities only if they benefit the least advantaged.

- His approach is rooted in the idea that a just society is one where institutions are set up to guarantee fairness in interactions among individuals.⁶⁵²

- **Sen's Focus on Individual Capabilities:**

- Sen challenges the notion that justice can be fully realized through institutions alone. Instead, he argues that true justice must consider the actual capabilities individuals have to pursue their goals and lead fulfilling lives.
- His capabilities approach emphasizes the importance of personal agency and the diverse circumstances that affect individuals' ability to achieve well-being, thus prioritizing individual needs over institutional frameworks.⁶⁵³

2. Concept of Justice

- **Rawls' Justice as Fairness:**

- Justice, for Rawls, is achieved when social institutions are structured to provide fair opportunities for all individuals, particularly protecting the most disadvantaged. He places significant importance on establishing rules that govern society, which are meant to be

chosen from the original position behind a veil of ignorance.

- The institutional focus leads to a model where justice is primarily evaluated through the lens of the distribution of rights and resources.

- **Sen's Capabilities Approach:**

- Sen redefines justice by focusing on what individuals can actually do and be. He posits that justice should be assessed based on the capabilities people have to achieve meaningful functioning's (outcomes).
- This perspective shifts the focus from institutional rules to real-life implications for individuals, emphasizing that justice requires enabling people to lead lives they value, regardless of the existing institutional framework⁶⁵⁴.

3. Implications for Policy

- **Rawlsian Policy Implications:**

- Policies inspired by Rawls' theory often focus on institutional reform and legal frameworks aimed at ensuring fairness and equality. This could include social safety nets, equitable access to education, and laws that protect individual rights. The focus is on creating systems that distribute resources in a manner that aligns with Rawls' principles, aiming for a just structure that supports societal cooperation.

- **Sen's Policy Implications:**

- Sen's approach calls for policies that directly enhance individual capabilities and well-being. This

⁶⁵² M.Yasir Said & Yati Nurhayati, *A REVIEW ON RAWLS THEORY OF JUSTICE*, 1 Injurlens29 (2021).

⁶⁵³ Dr. Partha Protim Borthakur, *AMARTYA SEN'S CRITIQUE OF THE*

RAWLSIAN THEORY OF JUSTICE: AN ANALYSIS, 7 HSSR 10 (2019).

⁶⁵⁴ Chris Brown, *On Amartya Sen and The Idea of Justice*, 24 Ethics int. aff. 309 (2010).

may involve targeted interventions in areas such as health care, education, and social welfare that empower individuals to overcome barriers and enhance their capabilities. The emphasis is on flexible and context-sensitive policies that recognize the diverse needs of individuals, rather than a one-size-fits-all institutional solution.

4. Evaluation of Inequality

- Rawls' View on Inequality:
 - Rawls accepts inequalities as long as they benefit the least advantaged. He believes that a fair society can accommodate certain disparities if they contribute to improving the conditions of those who are worst off.
 - This perspective can sometimes justify social and economic inequalities as long as they are structured in a way that aligns with his principles.
- Sen's View on Inequality:
 - Sen argues that not all inequalities are acceptable, even if they benefit the least advantaged. He stresses that justice requires addressing the root causes of inequality that affect individuals' capabilities and opportunities.

His approach encourages a deeper examination of how inequalities impact individuals' lives, advocating for systemic change to enhance equity and access.⁶⁵⁵

3. Strengths and Weaknesses of Each Approach

Rawls' Theory of Justice

1. Structured Framework:

- Rawls provides a clear and systematic approach to justice with defined principles, making it easier to understand and apply in political and legal contexts.

2. Emphasis on Fairness:

- The focus on fairness and equality, particularly through the "veil of ignorance," promotes a moral foundation for justice that prioritizes the rights of the least advantaged.

3. Institutional Stability:

- By advocating for fair institutions, Rawls' theory can lead to stable and predictable social arrangements that foster cooperation and trust in society.

4. Pragmatic Policy Guidance:

- Rawlsian principles can effectively inform public policy and legislation aimed at reducing inequalities and promoting social justice.

Weaknesses

1. Oversimplification:

- The original position may oversimplify complex social realities, failing to account for diverse identities, relationships, and experiences.

2. Limited Focus on Outcomes:

- The emphasis on institutional fairness can neglect the actual outcomes for individuals, potentially allowing for disparities that persist despite fair institutions.

⁶⁵⁵ Brighthouse, H. & Swift, A. (2006). "Equality, Capabilities, and Social Justice." *The Journal of Political Philosophy*, 14(4), 345-377.

3. Static Nature:

- Rawls' fixed principles may struggle to adapt to changing social norms and contexts, limiting their relevance in dynamic societies.

4. Acceptance of Inequality:

- While inequalities can be justified under the difference principle, this can perpetuate systemic injustices that affect marginalized groups.

Sen's Capabilities Approach

Strengths:

1. Focus on Individual Well-Being:

- Sen's approach prioritizes the actual capabilities and opportunities available to individuals, providing a richer understanding of what constitutes a good life.

2. Flexibility and Context Sensitivity:

- The capabilities approach is adaptable to diverse cultural and social contexts, recognizing the unique needs and aspirations of different individuals.

3. Comprehensive Evaluation of Justice:

- By emphasizing outcomes over institutions, Sen encourages a holistic view of justice that accounts for real-life opportunities and well-being.

4. Addressing Systemic Inequalities:

- Sen's focus on capabilities highlights the need to empower marginalized groups and critiques structural inequalities, pushing for policies that promote equity.

Weaknesses:

1. Measurement Challenges:

- The subjective nature of capabilities can make them difficult to measure and operationalize, complicating the development of effective policies.

2. Lack of a Clear Framework:

- Unlike Rawls' structured principles, Sen's approach may lack a cohesive framework for assessing justice, leading to ambiguity in application.

3. Potential for Relativism:

- The emphasis on individual circumstances can lead to relativism, making it hard to establish universal standards of justice across different contexts

4. Neglect of Institutional Role:

- Critics argue that focusing on individual capabilities may underappreciate the importance of institutions in shaping opportunities and addressing systemic issues.⁶⁵⁶

5. Contemporary Relevance

Both John Rawls' and Amartya Sen's theories of justice continue to hold significant relevance in contemporary discussions about social equity, policy-making, and global justice. Here's an overview of their contemporary relevance:

1. Addressing Inequality

• Rawls' Theory:

- Rawls' emphasis on fairness and the difference principle resonates in today's conversations about economic inequality. His ideas support policies aimed at redistributing wealth and

⁶⁵⁶ Dr. Partha Protim Borthakur, *AMARTYA SEN'S CRITIQUE OF THE RAWLSIAN THEORY OF JUSTICE: AN ANALYSIS*, 7 HSSR 10 (2019).

resources to uplift the least advantaged, particularly in the context of growing wealth gaps in many societies.

- Concepts like minimum wage laws, progressive taxation, and social safety nets are often grounded in Rawlsian principles, advocating for fairness in economic arrangements.
- **Sen's Capabilities Approach:**
 - Sen's focus on individual capabilities provides a framework for addressing multidimensional poverty and inequality. His approach is particularly relevant in assessing how social policies can enhance the actual opportunities available to marginalized groups, such as women, racial minorities, and the disabled.
 - Initiatives that prioritize education, healthcare, and social inclusion reflect Sen's belief in empowering individuals to achieve their potential.

2. Global Justice and Development

- **Rawls' Theory:**
 - Rawls' later work on the "Law of Peoples" expands his ideas of justice to the international arena, emphasizing the need for fair relations among nations. This is especially pertinent in discussions about global trade, climate justice, and international human rights.
 - His framework can guide international policies that promote equitable treatment of developing nations and address global disparities.
- **Sen's Capabilities Approach:**

- Sen's framework has been widely adopted in development economics, influencing how international organizations, such as the United Nations Development Programme (UNDP), assess human development through the Human Development Index (HDI).
- His focus on capabilities encourages a more holistic understanding of development that prioritizes quality of life, education, and health over mere economic growth.

3. Policy Implications

- **Rawls' Policy Framework:**
 - Many contemporary policies aimed at social justice, such as affirmative action, universal healthcare, and inclusive education, draw on Rawlsian principles. The focus on designing fair institutions is vital for ensuring equitable access to opportunities.
 - His ideas help frame debates about the role of government in mitigating social inequalities and promoting justice.
- **Sen's Policy Implications:**
 - Sen's approach has led to the formulation of policies that emphasize capability enhancement, such as programs targeting education, health, and gender equality. His influence is evident in initiatives aimed at empowering disadvantaged communities.
 - The emphasis on context-sensitive solutions highlights the importance of tailoring policies to specific local needs and conditions.

4. Moral and Ethical Considerations

- **Rawls and Ethical Governance:**

- The idea of justice as fairness encourages ethical governance and accountability, promoting policies that are just and equitable. This is crucial in today's political climate, where issues of corruption and inequality are prominent.
- Rawls' principles serve as a moral compass for evaluating government actions and policies.

- **Sen's Ethical Engagement:**

- Sen's capabilities approach encourages active civic engagement and public discourse about justice. By focusing on individuals' lived experiences and aspirations, it fosters a more inclusive dialogue about social policies.
- His emphasis on individual agency resonates in movements advocating for human rights and social justice, inspiring collective action to enhance capabilities⁶⁵⁷

6. Globalization-Induced Impact and Social Problems of the Present Age

Globalization has profoundly transformed economies, societies, and cultures around the world. While it has facilitated growth and interconnectedness, it has also given rise to significant social problems that challenge existing frameworks of justice. Here's an exploration of the impacts of globalization and the resulting social issues in the present age:

1. Economic Inequality

- **Wealth Disparities:** Globalization has led to increased economic growth, but the

benefits have not been evenly distributed. Many regions, especially in developing countries, continue to experience poverty while a small elite accumulates vast wealth.

- **Labor Exploitation:** In the pursuit of lower production costs, companies often relocate to countries with less stringent labor laws, leading to worker exploitation, poor working conditions, and inadequate wages.

2. Cultural Homogenization

- **Loss of Cultural Identity:** Globalization promotes a dominant culture, often Western in origin, which can overshadow local customs and traditions. This cultural homogenization threatens the diversity of cultural identities and practices.
- **Consumerism:** The spread of global brands and consumer culture can lead to a shift in values, prioritizing material wealth over community ties and traditional values.

3. Migration and Displacement

- **Forced Migration:** Economic opportunities in developed countries attract migrants, but globalization can also lead to displacement due to conflict, environmental degradation, and economic instability in home countries.
- **Social Tensions:** The influx of migrants can create social tensions in host countries, leading to xenophobia, discrimination, and a backlash against multiculturalism.

4. Environmental Challenges

- **Resource Exploitation:** Globalization encourages intensive resource extraction and industrialization, often leading to environmental degradation, deforestation, and loss of biodiversity.

⁶⁵⁷ Dr. Pratha Borthakur, AMARTYA SEN'S CRITIQUE OF THE RAWLSIAN THEORY OF JUSTICE: AN ANALYSIS Vol no 07 Humanities & Social Sciences Article History: Received on 02nd January, Revised on 15th

- Climate Change: The global economy's reliance on fossil fuels contributes significantly to climate change, which disproportionately affects vulnerable populations, exacerbating existing inequalities.

5. Health Inequities

- Access to Healthcare: Globalization can widen health disparities, as wealthier nations often have better access to healthcare and advanced medical technologies, leaving poorer countries struggling to provide basic services.
- Pandemics and Global Health: The interconnectedness of the world has facilitated the rapid spread of diseases, as seen during the COVID-19 pandemic, highlighting inequalities in public health responses.

6. Political Disempowerment

- Erosion of Local Governance: Globalization can undermine local governance as multinational corporations exert significant influence over political decisions, often prioritizing profit over public welfare.
- Rise of Authoritarianism: In some regions, the pressures of globalization can lead to political instability, resulting in the rise of authoritarian regimes that suppress dissent and limit democratic freedoms.

7. Technological Disruption

- Job Displacement: The rapid advancement of technology, driven by globalization, can lead to job losses in traditional sectors, creating economic insecurity and challenges for workers to adapt.
- Digital Divide: While technology has the potential to connect people globally, it can also exacerbate inequalities. Access to technology and the internet remains

limited for many in developing regions, hindering their ability to benefit from globalization.⁶⁵⁸

7. Applicability of Both Theories in the Modern Scenarios

Both John Rawls' and Amartya Sen's theories of justice offer valuable insights for addressing contemporary social issues. Their applicability can be seen in various modern scenarios, including economic inequality, social justice movements, global development, and public policy.

1. Economic Inequality

• Rawls' Theory:

- Rawls' principles, particularly the difference principle, can guide policies aimed at reducing economic disparities. For example, progressive taxation and social welfare programs can be designed to uplift the least advantaged, ensuring that inequalities benefit those at the bottom.
- In debates about universal basic income (UBI), Rawlsian principles can be invoked to argue for financial support that guarantees a minimum standard of living for all citizens.

• Sen's Capabilities Approach:

- Sen's focus on capabilities emphasizes the importance of not just income but also access to education, healthcare, and social services. Policies aimed at improving these areas can enhance individual opportunities and well-being.
- Initiatives that promote skill development and vocational training align with Sen's

⁶⁵⁸ Kauder, Björn, and Niklas Potrafke. "Globalization and Social Justice in OECD Countries." *Review of World Economics / Weltwirtschaftliches Archiv*, vol.

151, no. 2, 2015, pp. 353–76. *JSTOR*, <http://www.jstor.org/stable/44211857>. Accessed 16 Oct. 2024.

framework, as they empower individuals to improve their economic conditions and life prospects.

2. Social Justice Movements

• Rawls' Theory:

- The principles of justice as fairness resonate with contemporary social justice movements advocating for racial, gender, and economic equality. Activists can use Rawlsian concepts to argue for fair treatment and systemic reforms in legal and social institutions.
- Movements calling for police reform and criminal justice reform can draw on Rawls' emphasis on fairness to critique institutional practices that disproportionately affect marginalized communities.

• Sen's Capabilities Approach:

- Sen's approach aligns closely with grassroots movements that focus on empowerment and individual agency. Advocacy for women's rights, LGBTQ+ rights, and disability rights reflects Sen's emphasis on enhancing capabilities and ensuring that all individuals have the opportunity to thrive.
- Campaigns that aim to improve access to education and healthcare for underserved populations resonate with Sen's idea of expanding individual capabilities.

3. Global Development and Human Rights

• Rawls' Theory:

- In the context of global justice, Rawls' "Law of Peoples" offers a framework for addressing

international relations and promoting fair treatment among nations. His principles can inform discussions about fair trade, international aid, and human rights.

- Efforts to create fair trade agreements that benefit developing nations can be supported by Rawlsian principles that emphasize justice and fairness in global economic interactions.

• Sen's Capabilities Approach:

- Sen's capabilities approach has been widely adopted in development policies, influencing how organizations assess human development. The UN's Sustainable Development Goals (SDGs) reflect Sen's emphasis on empowering individuals and improving capabilities across various dimensions, such as education, health, and gender equality.
- His framework encourages a focus on human rights as integral to development, advocating for policies that enhance freedom and well-being.

4. Public Policy and Governance

• Rawls' Theory:

- Rawlsian principles can guide policymakers in designing fair and inclusive systems that address social injustices. Policies promoting transparency, accountability, and equitable access to resources align with his vision of a just society.
- Discussions around healthcare reform and access to education can benefit from a Rawlsian

perspective that prioritizes fairness and equal opportunity.

promoting justice on a global scale.

• **Sen's Capabilities Approach:**

- Sen's emphasis on individual capabilities encourages policymakers to consider the diverse needs of citizens when designing public services. Policies that take into account local contexts and empower communities are essential for effective governance.
- Initiatives aimed at participatory governance and community engagement reflect Sen's belief in enhancing individual agency and capabilities.⁶⁵⁹

• **Social Justice Movements:**

- Grassroots movements advocating for racial, gender, and environmental justice highlight the need for inclusive policies that consider the diverse experiences of marginalized communities. The ethical obligation to listen to and amplify these voices becomes a crucial "chore" for society.

8. Future Chirping Chores and Horizons of Justice

The concept of "Future Chirping Chores" can be interpreted as the responsibilities and ethical considerations that societies face in the pursuit of justice, particularly in a rapidly changing world influenced by globalization, technology, and environmental challenges. This idea aligns with the evolving horizons of justice as we seek to create equitable and sustainable futures. Below is an exploration of how these themes intersect.

1. Ethical Responsibilities in a Globalized World

• **Global Interdependence:**

- In an increasingly interconnected world, nations must recognize their ethical responsibilities toward one another. Issues like climate change, migration, and economic inequality require collective action and shared moral obligations.
- Future "chores" may involve international cooperation to address these challenges,

2. Technological Impact on Justice

• **Digital Divide:**

- As technology continues to advance, addressing the digital divide becomes an urgent responsibility. Ensuring equitable access to technology and digital resources is vital for promoting justice in education, employment, and civic engagement.
- Future initiatives must prioritize inclusivity in technological advancements, ensuring that all individuals have the capability to thrive in a digital economy.

• **Data Ethics and Privacy:**

- The increasing use of data in decision-making raises ethical questions about privacy, surveillance, and consent. Developing frameworks that protect individual rights while utilizing data for social good is a critical challenge for future governance.
- Ensuring transparency and accountability in data usage can help mitigate injustices stemming

⁶⁵⁹ D'Amodio, A. Toward a Human-Centered Economy and Politics: The Theory of Justice as Fairness from Rawls to Sen. *Philosophies* 2020, 5, 44. <https://doi.org/10.3390/philosophies5040044>

from algorithmic biases and discrimination.

encouraging innovative solutions to societal challenges.

3. Environmental Justice

- **Sustainable Practices:**

- The responsibility to promote environmental sustainability is a pressing future chore. Addressing ecological degradation and promoting sustainable practices is essential for ensuring justice for future generations.
- Policies that prioritize renewable energy, conservation, and responsible resource management align with the ethical obligation to protect the planet.

- **Climate Justice:**

- Climate change disproportionately affects vulnerable populations, necessitating a justice-oriented approach to environmental policies. This includes recognizing the historical responsibilities of developed nations toward developing countries.
- Future initiatives must focus on creating equitable solutions that empower marginalized communities to adapt to and mitigate the impacts of climate change.

- Collaborative efforts among various sectors—government, civil society, and academia—can foster comprehensive strategies that address the multifaceted nature of justice.

- **Inclusive Governance:**

- Future horizons of justice must prioritize inclusive governance that values diverse perspectives. Engaging communities in decision-making processes can ensure that policies reflect the needs and aspirations of all individuals.
- Mechanisms for participatory governance can empower marginalized voices, enhancing accountability and responsiveness in political systems.⁶⁶⁰

9. Summary Of the chapter

Reconciling institutional focus and individual capabilities is crucial for addressing contemporary social issues. As globalization reshapes justice concepts integrating both approaches can lead to more effective solutions and a deeper understanding of justice in our interconnected world

4. Expanding Horizons of Justice

- **Interdisciplinary Approaches:**

- The complexities of modern justice require interdisciplinary approaches that integrate insights from philosophy, economics, sociology, and environmental science. This broadens the horizons of justice,

Chapter V Conclusion

This comparative study of John Rawls' theory of justice and Amartya Sen's capabilities approach reveals significant insights into the evolving understanding of justice in contemporary society. Rawls' framework emphasizes institutional fairness and the structured distribution of resources, advocating for principles that ensure the least advantaged

⁶⁶⁰ Dr. Partha Protim Borthakur, *AMARTYA SEN'S CRITIQUE OF THE*

RAWLSIAN THEORY OF JUSTICE: AN ANALYSIS, 7 HSSR 10 (2019).

benefit from social inequalities. His approach underscores the importance of creating just institutions that promote cooperation and equality.

In contrast, Sen's capabilities approach shifts the focus to individual well-being and the enhancement of personal freedoms. Sen argues that true justice requires addressing the root causes of inequality, emphasizing context-sensitive policies that empower individuals to overcome barriers and realize their potential. This approach advocates for a broader evaluation of justice that includes not only economic factors but also social and cultural dimensions.

The interplay between these two theories highlights the complexities of addressing justice in a globalized world. While Rawls provides a foundational structure for evaluating fairness, Sen offers a dynamic perspective that prioritizes human development and agency. Integrating insights from both frameworks can lead to more effective policies that address the multifaceted challenges of inequality and promote social equity.

Ultimately, this research underscores the necessity of reconciling institutional focus with individual capabilities to create a more just society. As we navigate the complexities of modern social issues, drawing on the strengths of both Rawls' and Sen's theories can provide valuable guidance in the quest for justice, ensuring that both systems and individuals are empowered to thrive.

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