

Article

## Justice Reimagined: The Intersection of Sen's and Rawls' Theories

Chidi Paul Orji<sup>1</sup>, Rufus Godswill Nwagbara<sup>2</sup>

<sup>1</sup>[paul.orji@uaes.edu.ng](mailto:paul.orji@uaes.edu.ng), <sup>2</sup>[nwagbarag@babcock.edu.ng](mailto:nwagbarag@babcock.edu.ng)

Correspondence: [nwagbarag@babcock.edu.ng](mailto:nwagbarag@babcock.edu.ng)

### Abstract

*The intersection of Amartya Sen's and John Rawls' theories presents a compelling exploration of justice, focusing on the moral and ethical dimensions of society. While both philosophers aim to establish frameworks for justice and fairness, their approaches and emphases differ significantly. This article examines and interrogates Amartya Sen's conception of justice in contemporary society and its relation to John Rawls. Sen critiques Rawls' theory of justice, which leads him to develop an alternative approach to addressing issues of injustice. Through a detailed analysis of Sen's ideas, it becomes evident that he believes individuals possess the capacity to distinguish between justice and injustice. Drawing from Adam Smith's concept of the unbiased spectator in his Theory of Moral Sentiments, Sen employs this notion to tackle the complexities of political justice. In his works, Sen proposes the Capability Model as a viable solution to the challenges of achieving equal justice. The synthesis of their theories reveals shared concerns for the disadvantaged while calling for policy implications that transcend mere distribution, focusing instead on enhancing individuals' capabilities through education and social services. Ultimately, the convergence of Sen's and Rawls' insights enriches the discourse on justice, advocating for a comprehensive understanding that addresses inequalities and recognizes the complexities of human life.*

**Keywords:** Justice, Amartya Sen, John Rawls, Capability Model, Policy Implications

### Introduction

The intersection of Amartya Sen's and John Rawls' theories presents a compelling exploration of justice, focusing on the moral and ethical dimensions of society. Both philosophers aim to establish frameworks for justice and fairness, yet their approaches and emphases differ significantly, offering unique insights into the nature of justice. In his seminal work, *A Theory of Justice*, John Rawls proposes two foundational principles of justice. The first is the **Principle of Equal Liberty**, which asserts that each person has an equal right to the most extensive basic liberties compatible with similar liberties for others. The second is the **Difference Principle**, which states that social and economic inequalities must be arranged so that they benefit the least advantaged and ensure fair equality of opportunity for all (Rawls, 1971). Rawls introduces a thought experiment known as the **original position**, where rational individuals develop principles of justice behind a "veil of ignorance." This concept ensures fairness, as individuals make decisions without knowledge of their own socio-economic status, talents, or personal circumstances, leading to the formation of a well-ordered society structured around justice (Rawls, 1971).

In contrast, Amartya Sen critiques Rawls for focusing primarily on the distribution of goods rather than the actual capabilities that individuals have to achieve well-being. Sen's **capability approach** emphasizes two key concepts: **functionings**, which refer to the various things a person values doing or being (such as being healthy or educated), and **capabilities**, which are the actual freedoms or

opportunities people have to realize these functionings (Sen, 1999). This distinction shifts the focus from resource distribution to the meaningfulness of those resources in enhancing individuals' lives. Sen advocates for a **pluralistic perspective** on justice, acknowledging the diverse assessments of well-being shaped by personal and cultural factors. His approach urges policymakers to concentrate on enhancing individuals' capabilities rather than solely distributing resources, emphasizing the importance of actual outcomes in ensuring justice (Sen, 1992).

Despite these differences, both Rawls and Sen share a moral commitment to addressing the needs of the less advantaged. Rawls' Difference Principle aligns with Sen's emphasis on enhancing capabilities for disadvantaged individuals, reinforcing their shared vision of social justice (Sen, 2009). While Rawls provides a structured framework centered on fair distribution, Sen prompts a broader understanding of justice that emphasizes the real-life capabilities and functionings that define individual well-being. By integrating their perspectives, a more comprehensive framework for justice emerges, urging both fair distribution and the enhancement of individual freedoms (Nussbaum, 2000). The policy implications of their theories differ; Rawls might prioritize reforming social institutions for equitable distribution, whereas Sen would emphasize enhancing individual capabilities through education, healthcare, and social services. This distinction highlights the practical applications of their theories in real-world contexts, encouraging a multifaceted approach to justice (Robeyns, 2006). The intersection of Sen's and Rawls' theories enriches the discourse on justice by blending structure with a focus on individual capabilities. Their combined insights provide a more comprehensive understanding of justice, urging policies that address inequalities while accommodating the complexities of human life and societal needs.

Throughout history, one of the central concerns of political philosophy has been justice. Justice is connected to the primary social and political issues that face humanity. Certain issues- poverty, liberty, corruption, hunger, unemployment, and inequality, in particular- have always been linked to the subject of justice, and we cannot talk about these issues without first taking a serious and analytical look at the concept of justice. The focus of this article is Amartya Sen's conception of justice and its relation to John Rawls. Amartya Sen was born in India on November 3, 1933. He was awarded the 1998 Nobel Prize in Economic Sciences for his contributions to welfare economics, social choice theory, and the problems that the most vulnerable segments of society face. He makes use of evaluative and comparative justice methods. In his work *The Idea of Justice*, which he dedicated to John Rawls, Sen, attempts to offer a general theory of comparative justice. Additionally, he expands on his earlier research on capabilities. Sen achieves this, by first separating two philosophical traditions related to the idea of social justice. Although social justice has been discussed for a long time, Sen contends that during the 18th and 19th centuries, the European Enlightenment brought about social and economic changes that significantly altered political attitudes in Europe and America, which in turn

greatly favoured the idea. The two main schools of philosophy have divided into two opposing schools of thought as a result of their differing views on justice.

### **Conceptions of Justice: Similarities of Amartya Sen and John Rawls**

Amartya Sen from an ethical point of view, individual efficiency is not sufficient in the economy; Ethics makes economics a pure theory and enriches it. Therefore, "the economy can only be completed with an ethical perspective" (Lenning, 2011:42). On the other hand, while adopting the human welfare approach based on Rawlsian philosophy, Sen believed it only with the concept of capability. Unlike utilitarianism, focusing on what people can do rather than what they have, Sen distinguishes between ends (like welfare and freedom) and means (like money) with a capacity approach (Stanton, 2007). In the capability approach, instead of the welfare theory that excludes the egalitarian approach in redistribution policies, it allows for interpersonal comparisons. He advocates the 'weak equity axiom' (WEA). According to the weak equality axiom, for example, from two persons A and B, if A is in a worse situation than B, more income must be transferred to A in the distribution, according to the real interpersonal comparison of income. This approach is in line with the 'difference principle' put forward by Rawls against the summative and egalitarian argument of utilitarian thought. Social inequalities, according to Rawls, who has a deep sensitivity in this context, the "weak equality axiom" advocated by Sen is accepted as a theorem that observes 'fair distribution' in cases where interpersonal comparison can be made partially (Seker, 2009: 266).

In addition, Sen states that while he was writing his book *Collective Choice and Social Welfare*, which he published in 1970, he particularly benefited from Rawls's comments and suggestions. Emphasizing that his work has different results and aspects, Sen draws attention to the fact that in the formation of his understanding of justice, "Rawls was greatly influenced by the important points he identified in the theory of justice (social foundations of self-respect and primary goods)" (Sen, 2009:53). Emphasizing that some direct costs and losses cause -embarrassment - in the person, the issue of self-esteem is generally seen by political leaders as a marginal issue (considered a rather luxurious concern). In this context, Sen contends that institutional arrangements and public policies influence the "social foundations of self-esteem." Meanwhile, Rawls expresses his agreement with the perspective that self-esteem may be the most significant fundamental benefit emphasized by the theory of justice as truth. In addition, Rawls, by focusing on primary goods, indirectly affirmed the importance of real human freedom - the opportunity for people to do what they want and do with their own lives - given to people in real life. At this point, Sen is with the person who has the basic freedoms in real life, which he claims; He argues that there is a conformity/overlap between Rawls's owners of primary goods (Sen, 2009:64-65). According to Sen (2009:65), "Rawls has provided an indirect focus on human freedom by talking about the importance of the use of primary goods." For example, a disabled person is less advantageous than someone who can work in terms of having primary goods and

the same income level. Again, for example, a pregnant woman's needs—more like nutritional support—will be greater than the needs of a woman without children. For Sen's capacity approach, the ability to do valuable things in the life of someone who tends to suffer from congenital hereditary diseases and the recycling of primary goods to it will be different. Again, for example, because one of the neighbours has an epidemic disease, the environmental factors of the person will affect that person differently. Therefore, Sen considers it very important to focus on primary goods for the actual evaluation of freedoms and capacities. At this point, Sen states that "Rawls, starting from the concept of primary goods, carries the concept in question to his capacity approach" (Sen, 2009: 66).

In addition, according to Sen, Rawls made some contributions to the moral power of people. Rawls emphasized that people have a capacity for 'good' thinking and a 'sense of justice'. This address of Rawls pointed out that the human being is not only selfish and prudent, but also has a disposition or capacity to consider the idea of justice and righteousness. Thus, Rawls, apart from enriching the concept of rationality, tried to show the difference between being reasonable and being rational in a very useful way. Rawls word He emphasizes that this difference between the concepts in question is widely used in his work titled Sen, *The Idea of Justice* (Sen, 2009:63-64). Consequently, both Rawls and Sen formulated the market as a regulation, not a dogma. Both explored the dimension of enabling market conditions for individuals to freely shape their successful life plans. Rawls and Sen tried to identify the link between institutions and actions by focusing on a society based on equal freedom for all individuals, and by drawing attention to people's actions based on the environment (Salais, 2003:6). In addition, both Rawls and Sen criticize traditional welfare economics and the concept of utility on which utilitarian morality is based. Both Rawls's and Sen's approaches are an alternative theory to the wholesale and unfair welfare aspect of utilitarianism. The aforementioned "approaches, in particular, raise the issue of economic justice based on redistribution" (Seker, 2009:266). However, although both thinkers criticized the concept of utility on which traditional welfare economics and utilitarian morality are based, and brought up the issue of economic justice based on redistribution, as a result of this study, it was determined that there were differences rather than similarities between Rawls and Sen's understanding of justice.

### **Differences in the Conceptions of Justice by John Rawls and Amartya Sen**

It is seen that John Rawls was under the influence of Kant in the formation of his thoughts on justice, and Amartya Sen was inspired by Smith. Rawls devised the concept of the veil of ignorance to bring objectivity to the discussion of justice. At this point, Sen, on the other hand, is the impartial spectator proposed by Smith as a means of achieving objectivity in public debate applies to the concept. The concept in question, according to Sen, "guides taking measures against injustices and is under the justice that inspires trust" (Sen, 2009: 135). Sen sees Rawls as one of the contemporary representatives of the social contract approach and emphasizes that

the social contract, which was accepted unanimously in the original case, is largely dependent on the Kantian tradition. Sen states that the traditional social contract theory represented by Kant, Rousseau, Locke, and Hobbes was continued and generalized by Rawls through a higher abstraction (Sen, 2009:69-70).

On the other hand, Adam Smith established the basis of the concept of justice by resorting to a tool he called the impartial spectator. To Sen, what Smith refers to is neither the social contract model nor the utilitarian approach advocating the maximization of total utility. According to Sen, Smith allows for certain possibilities in thought that are not used by Rawls in the contractual method, in the thought that addresses the question of truth through the principle of the neutral audience. These possibilities are: (a) Smith does not merely identify a transcendent solution, but considers a comparative assessment; (b) draws attention to social realization, not just the rules and demands of institutions; (c) by clearly demonstrating situations of injustice, it guides social justice problems that involve their immediate elimination; (d) avoiding being trapped in local narrow-mindedness, it draws attention to voices that remain beyond those who make up the contracting group (Sen, 2009:70). Sen sees Smith's approach as a more comprehensive and useful approach and separates it from Rawls' theory of justice as truth, which demands a more structural obligation, and the limitations of the contractual approach. In addition to this, Sen, the approach of Rawls, which investigates how the political order and institutions will be formed according to the principles of justice, is the behaviour of the Enlightenment theorists. Sen differs from the transcendental approach to justice at this point: it depends on the attempts/moves/success styles in life" (Singh, 2009: 157). For Sen, who sees the emergence of the definition of a competent just society as the only goal as a dominant feature of the transcendental justice approach, a theory of justice should form the basis of practical reasoning, which includes a way of reasoning about how to increase justice and reduce injustice. Demanding that practical interest is not less important than theoretical reason, Sen emphasizes that in democracies, for example, unfair judgments are given by some institutions, but this situation is judged by different voices from a wide range of people. Here, Sen proposes a pluralist perspective on justice, which does not postulate an imaginary goal of finding a universal definition of a just society but is shaped by actual dynamics in human life every day. Sen emphasizes that every day there are competing choices and alternatives all over the world, and that is why there is a pluralism of reason in public speaking, and its importance is undeniable. However, in Rawls' theory, every individual in the post-contract world acts conformist with the idea of justice emerging from the original position. At this point, Sen, states that "in the task-oriented world, we cannot hope for self-evident obedience for everyone without the need for anything motivating/encouraging" (Sen, 2009:61).

For this reason, a theory of justice should be created for Sen by staying within the nature of reason, without trying to liquidate theories and without weakening/repressing pluralism. Sen aims to "revise the structures of institutions and rules in the idea of justice. It is to create a human-centred justice paradigm that

changes obsessive commitment to the regulation-centred justice approach, but is instead sensitive to behavioural contexts and practical reason" (Singh, 2009: 158). For this purpose, Sen (2009:411) "evaluates social realization by focusing on actual events rather than evaluating institutions and regulations first, and focuses on comparative problems in promoting justice instead of defining competent just regulations." In addition, Sen (2009:74), who argues that there is intellectual inactivity in the Rawlsian mode of thinking about justice, states that "we do not need a rest/holiday intellectually, but instead we need to act to benefit from the richness of thought". As seen above, Sen's understanding of justice is under the influence of Smith, unlike Rawls, who was under the influence of Kant. It is possible to collect the differences in the understanding of the justice of Rawls and Sen, who have different justice traditions, under three headings in general. The first of these concerns the notion of primary goods; the second concerns the issue of positive and negative liberties; the third is about the problem of global justice.

### **The Notion of Primary Goods**

The first difference between Rawls and Sen's approaches to justice is related to Rawls' notion of primary goods. Rawls does not accept that benefit is the only concept used in the evaluation of individual advantage and rejects welfarism. According to Rawls, who introduced the concept of primary goods instead of utility, primary goods include the means, rights and freedoms, opportunities, income and wealth, and the social bases of one's self-respect. According to the critic Rawls, welfare economics grounded in utilitarian principles should evaluate welfare not by income, but rather by what he refers to as primary goods. Where the settled welfare approach emphasizes income in the equitable distribution approach, Rawls' primary goods cover a wider area. For Rawls, all social primary goods must be distributed equally unless the unequal distribution of any or all of these 'goods' is to the advantage of those with the least interest. Unlike Rawls, who focused on the distribution of primary goods, Sen used the capability approach. This approach is in contrast with the determination of individual satisfaction (utilitarianism) and possession of primary resources (Rawls' approach) because it asks what are the opportunities that enable individuals to use the freedoms they have. Since Sen's capability approach is concerned with the purposes of a good life rather than focusing on the means of life. The ability to transform primary goods and resources within actual freedoms varies considerably from individual to individual. Therefore, according to Sen, the equal distribution of primary goods can become a part of inequality in terms of enjoying freedom. In other words, Sen, who draws attention to the fact that there may still be inequality among people despite having the same basket of primary goods, thinks that neither utility nor primary goods are suitable for the analysis of the inequality problem. For this reason, when focusing on the real possibilities that a person has to achieve his goals, the primary goods of the person are not sufficient, and his characteristics (such as disability, old age, and illness) should be considered. That is, even if primary goods are evenly distributed, a lack of capacity in individuals can have very different consequences. For example,

the rights (political rights, the right to study at the university, etc.) and resources owned by an illiterate person will benefit him very little.

Sen contends (2009:395), for example, that “a wheelchair-bound person may have the same primary goods and resources as a non-disabled person; however, the wheelchair-bound person is less capable than the non-disabled person.” Therefore, for Sen, both ‘equality in real income’ advocated by the utilitarian approach and ‘equal opportunities to have primary values’ advocated by Rawls do not show that there is equality in people’s welfare levels. Therefore, for Sen, the inequality in people’s well-being cannot be resolved simply by interfering with the inequality in income distribution. Therefore, Rawls’ primary values are insufficient to show a person’s current level of well-being. Because, according to Sen, some people with primary values may not have reached the minimum level of welfare even if they have the minimum income level due to a lack of capacity. That is, even if the incomes are theoretically sufficient to build the desired life, they may not be functional. For Sen, welfare analyses should focus more on real incomes, resources, and the freedoms they produce than on commodities. For, “these tools can produce different freedoms for different people and this has to be taken into account” (Seker, 2009:269).

Therefore, for Sen, it is necessary to focus mainly on the capacity and possibilities of income to change the current life. Due to this fact, “Sen’s capacity approach focuses on the actual life that people can reach”, which focuses on the tools necessary for a good life and the resources accordingly (Seker, 2009:270). Also, Sen, (2009) emphasizes that welfare cannot be reduced to human material wealth, but is an integrated concept with human freedom and rights, since economists tend to the most and the least, they are generally homogeneous/homogeneous such as income and utility, occupied with parameters. Capabilities, on the other hand, are considered invalid according to them, since they cannot be applied to such mathematical operations. For Sen, “capabilities require making a decision (judgment) rather than counting” (Sen, 2009:395). The concept of capacity, which is a key concept in Sen’s approach, “points to the ability of individuals to use these primary goods in the actual situation or conditions” (Salais, 2003:10). Sen, points out that, if the individual has less ability than another person to reach the value he/she aims, he/she is less advantageous. Therefore, for Sen, “the problem of justice cannot be reduced to the different distribution of wealth” (Ceyhan, 2010:2).

In addition, according to Sen, the equality we encounter in the justice model put forward by Rawls is procedural. That is, there is no decision and observation dimension in formulating a successful life plan in this model. In other words, “personal characteristics and abilities are ignored in a just social arrangement” (Salais, 2003:10). If the goal is to concentrate on the real opportunity that the individual will have to achieve his own goals, then the assessment must take into account not only the primary goods that individuals have individually but also the personal characteristics that determine the transformation of primary goods into the

capacity to achieve one's ends. For example, while a person with a disability may have a wider range of primary goods, they will have less chance of living a normal life or achieving their goals than a healthy person with a narrower range of primary goods will have less capacity to achieve the life they seek. Likewise, it is generally accepted that an elderly or more susceptible person is at a disadvantage even if they have a wider range of primary goods. Sen stated that the concept of 'functions', with distinctively Aristotelian roots, reflects the various things a person might value doing or being. You consider that these valued functions range from basic functions such as adequate nutrition and avoidance of preventable diseases to community life. It emphasizes that it can take different forms, from complex activities or personal situations such as being able to participate and having a sense of self-esteem (Sen, 2004a:107-108).

### **Positive and Negative Freedom**

The second difference between Rawls and Sen's approaches to justice is the priority given to negative and positive freedoms. Contrary to negative freedom, which can be defined as the opportunity to choose and act in an area where the behaviour of the person is determined by himself and there is no outside interference, positive freedom can be defined as ensuring the participation of the person in the structure determined within the framework of social and political rights. In this sense, "in addition to the possibility of negative freedom as the act of choosing according to one's own will in an area where there is no outside intervention or determination, the social and political area corresponding to the area that determines the individual from the outside, where the opportunity of the individual to choose or act according to his own will is prevented, and a positive freedom opportunity within the framework of political rights" (Coşkun, 2003:113). In a sense, negative freedom means non-interference. Negative freedom, which is accepted as a basic principle in liberal democracies that prioritize individual freedom, differs from positive freedom, which also includes self-realization. The basic political axiom of the negative idea of freedom is based on the idea that everyone knows their own best interests and that the state should not determine the goals and objectives of individuals. On the other hand, in the positive freedom supported by statist theories that emphasize the priority of the social and political structure, freedom is interpreted and grounded as self-control, not as being left alone.

State intervention is not necessarily prohibited in terms of negative freedom, but this intervention is merely it can be justified because it will expand the area of freedom. In terms of positive freedom, state intervention also increases people's freedom by increasing their opportunities (Macit, 2009:45-46). In short, negative and positive freedom provides us with a basis for understanding freedom on an individual and social scale. In this context, Sen sees the freedoms of individuals as the basic building blocks in the capacity approach and the understanding of justice, which is an extension of this. In Sen's approach, freedom is about the ability of individuals to choose the lifestyles they value. In Sen, words, "freedom is possible



when a person can effectively use his/her capacities" (Sen, 2009:225). The idea that holding freedom better represents the individual's benefit, rather than what happens through freedom, forms the main axis of his approach, freedom is valuable not only because it allows you to realize certain things, but beyond the value of the attained state of being, but simply because of its importance. At this point, for Sen, what is valuable is freedom itself, not what is achieved with freedom. Therefore, "only formal freedoms, resources, and income are not enough for freedom; the capability to use and develop basic human activity opportunities is essential. The capability to choose and implement this choice is essential", full of freedom is a stimulant" (Insel, 2000:17). Capability, a key concept in Sen's approach, refers to alternative combinations that a person is likely to choose. Thus, capability thinking focuses on the freedom that allows a person to decide how to live. Expanding freedoms is seen by Sen as both the main goal and the main tool of development. You, respectively, are the founders of freedom in development defining its role and instrumental role. The founding role of freedom is concerned with the enrichment of basic freedoms in human life. Fundamental freedoms include basic capabilities such as the freedom to avoid hunger, malnutrition, preventable diseases, and premature death, as well as the freedom to enjoy literacy and calculus, political participation, and free expression. Instrumental freedoms, on the other hand, are concerned with how different kinds of rights, opportunities, and entitlements contribute to one's overall capacity to live more freely. For example, instrumental freedoms such as political freedoms, economic opportunities, social opportunities, transparency guarantees, and protective security tend to contribute to the general capability necessary for a person to live more freely (Sen, 2004a:57-58).

According to Sen, the liberal approach essentially takes negative liberties into account by confining itself to utilitarianism. However, for Sen, an ethical attitude cannot be satisfied with negative freedoms in an environment where the initial distribution of resources is unequal. To move from negative freedoms to positive freedoms, the concept of capability is needed. This concept, which includes abilities/rights such as establishing and developing a dignified and meaningful lifestyle and taking advantage of opportunities, is not subject to a universal and homogeneous norm. For Sen, "the fact that a person has formal rights does not mean that he has the opportunity to exercise those rights. Besides reaching the rights, the important thing is the capability to claim rights and this capacity is determined socially" (Insel, 2000:18). On the other hand, Rawls defines freedom as "this or that person's being or not independent of this or that restrictions on doing or not doing" (Rawls, 1971:202), and Rawls's freedom principle is "freedom of assembly and expression, which is also defended by classical liberalism—the right to hold public office and to choose, freedom of conscience and thought, the right to own personal property, psychological pressure and not to be physically tortured and not to be arbitrarily arrested or caught" (Rawls, 1971:61).

Rawls, in his theory of justice, stipulates the equal distribution of fundamental freedoms among all persons. According to Rawls, equal basic freedoms are freedom

of expression and conscience, political freedoms and freedom of association, freedoms related to the freedom and dignity of the person, and the rights and freedoms included in the rule of law. Rawls states that "he does not give priority to freedom as if it is the main purpose of social life, he has a tendency not to limit actions without a sufficient reason, but this tendency causes a false perception that he approaches freedom as an end" (Rawls, 2007:321). Therefore, the priority Rawls gives to freedom is methodical. In Rawls, the priority of freedom should be associated with equality. Because, according to him, freedom of conscience is a fundamental freedom and freedom of conscience must be firmly established in people under the veil of ignorance. In this context, the principle of priority of freedom in Rawls can be explained by the effort to secure the freedom of conscience (Macit, 2009: 48-49). Consequently, Rawls' analysis of social welfare is limited to primary social goods based on rational human needs or wants and is concerned with negative freedoms. Sen's mainstay is "positive freedoms such as freedom, lack of education or being restricted/limited by poverty" (Stanton, 2007:9).

## Global Justice

Another difference between Rawls and Sen's approaches to justice is related to the issue of global justice. In Sen's approach to justice, the problem of international justice, in other words, the global dimension of justice, takes up a lot of space. In contrast, Rawls, in his work *A Theory of Justice*, made no mention of international justice issues. However, in his book *The Law of Peoples and the Reconsideration of Public Reason Thought*, Rawls (2006:xviii) tried to answer the question of "how a just liberal society should have relations with other countries, and examined how relations could be regulated fairly in the international arena". At this point, Sen finds Rawls' treatment of the problem of the international dimension of justice remarkably unsuccessful. While Rawls adopts the 'principle of difference' in *A Theory of Justice*, which entails a fairly extensive economic redistribution, when the discussion is applied to the international arena, a very limited obligation to help, not a 'global difference principle' to the benefit of the world's worst offenders adopted an understanding of economic justice. Rawls does not follow a universal and inclusive way of determining the law of people. Because, representatives of every people on earth do not participate in the international initial state, but only representatives of societies that Rawls calls 'well-ordered peoples' (according to Rawls, societies with a liberal democratic understanding of politics and justice are well-ordered peoples). Rawls, who argues that the basic institutions of such societies are organized in such a way as to protect the interests and freedom of each individual in the light of the principle of equal care and respect, states that in addition to the representatives of these reasonable liberal peoples, the representatives of the societies he calls 'right peoples' participate in the international initial situation.

Decent people are not liberals and democrats; citizens are not seen as politically or socially equal. In the functioning of decent societies, 'the understanding of justice

based on the idea of the common good' is dominant. This understanding of justice reflects the common good that society as a whole aims to achieve for itself or its members. Social decisions are made taking into account the values and interests of the members, although not on an equal basis. What makes these societies, which contain significant inequalities and hierarchical arrangements, smooth for Rawls, is that they do not try to solve their problems with other societies through violence, respect the basic human rights of their citizens, provide minimum living standards, and openly express their opinions even if they are not seen as equal. Rawls calls the set of countries formed by well-ordered peoples the "Community of Peoples". The participants in the initial international status are only representatives of the member societies of the Peoples' Community. Societies that are not well-ordered are not members of the Commonwealth of Peoples. Rawls thinks that three types of people are not well-ordered: lawless states, societies in distress, and benevolent absolutist regimes. Unenforceable states both violate the basic human rights of their citizens and try to solve their problems with other states through violence. According to Rawls, such societies should be sanctioned and, if necessary, intervened in their internal affairs. Societies in difficulty do not have favourable conditions to be a well-ordered society due to historical, social, and economic conditions. According to Rawls, resources should be transferred to such societies by other peoples because of their unfavourable conditions. Finally, benevolent absolutist societies respect many of the basic human rights of their citizens but do not give members of the society a voice in political decision-making. Only the representatives of well-ordered (liberal or decent) societies are determined by the law of the people that will guide the equitable regulation of international relations. Representatives of the three types of ill-regulated people mentioned above do not have a say in determining the law of people. Rawls' goal here is not to advocate for a cosmopolitan view of justice but rather to focus on relations between countries that first meet specific criteria among themselves, and subsequently with those that do not meet these conditions. His intention is to promote reasonable and fair regulation of interactions between nations (Borovali, 2006). Sen highlights that Rawls overlooks the significant inequalities between societies. While Rawls attempts to address some issues of international justice in his "Law of Peoples," these efforts do not encompass the global redistribution of social justice among disadvantaged societies. In contrast to Rawls, Sen argues for moving beyond the West-East dichotomy and promoting justice on a global scale. He underscores the importance of the concept of global justice, which extends well beyond the narrow and local perspectives of the nation-state. For Sen, a pluralistic understanding of justice and a common humanitarian attitude in the arena of human rights in the fight against public health problems such as international terrorism and AIDS, to increase solidarity in the era of globalization, seem to be a great possibility. Sen points out that justice should not be affected by our worldview, and that we must accompany the enhancement of justice by constantly promoting justice for less injustice in the new world. According to Sen, who argues that justice should have a global dimension, especially by dealing with the practical problems encountered in the last quarter century, certain societies should regulate their fields of activity

globally without being limited and their freedoms restricted. At this point, Sen argues that “we need an international reform to create a less unjust world on a global scale” (Sen, 2009:25). Emphasizing that the institutional structure of today's world should be reformed so that injustice can be much less, Sen said that the distribution of rights related to global relations is not only dependent on the internal policies of the states, but also commercial agreements, patent legislation, global health initiatives, providing international education, it emphasizes that the possibilities for technological diffusion depend on a wide variety of international social arrangements, such as the ecological and environmental threat, the treatment of accumulated debts by irresponsible military domination in the past, and the threat of civil war and conflict. Sen Invites people to the struggle to strengthen the operability of participatory processes to ensure justice at the global level and draws attention to the fact that this is not an unimportant goal in achieving justice at the global level (Sen, 2009: 409-410). Sen (2010:155) puts it that, “the approach to the problem of justice in today's world, which consists of different groups and very different identities, requires a broad understanding.” Considering the global opportunities that exist today, Sen states that millions of people who are not actively embraced are excluded from the activities of privileged people, cannot enter the global economy, and are excluded from trade, and sees this exclusion as an important problem as unequal inclusion. According to Sen, the remedy for such exclusion requires a radical break from domestic economic policies (such as providing basic education, health services, and micro-credits for domestic economic activity), as well as requiring other countries – especially rich countries – to change their international policies.

According to Sen, for example, economically developed countries can make a big difference in the situation by embracing the export products of developing countries – agriculture, textile, and industrial products. On the other hand, because some steps have been taken under the name of aid and development support regarding the debts of poor countries in recent years as a positive development, Sen also emphasizes that the old debts of poor countries that limit their freedom to a large extent should be resolved humanely and realistically. In addition to this, Sen Sees the current legal provisions of patent rights as one of the major problems related to today's global justice problem. For example, “The need for diseases such as AIDS. There are unequal patent laws that create barriers to the use of life-saving drugs that are widely heard - and often produced very cheaply, but whose market prices are very high due to license fees” (Sen, 2010:160). According to Sen, the demands for justice and equality should be taken into account as well as the demands for profit for the world's poor, who do not have the power to purchase vitally important expensive drugs or are very limited. Because, Sen does not see globalization as just opening the markets, but emphasizes that “poor people eat the carrot without tasting the carrot of the global economy” (Sen, 2010:162), and sees the development of a security network that supports health, school, and education opportunities on a global scale. Sen (2010:163) claims that “just as virtue is its reward, poverty is its own punishment.” In other words, Sen points out that

poverty and intense inequalities are terrible enough on their own, and sees these as problems that deserve to be addressed first. For Sen, although the critique of global capitalism neglecting justice does not go beyond condemnation, this critique can easily be extended by making it demand more global justice through appropriate institutional changes.

Pointing out that the poor and oppressed countries cannot benefit from some of the benefits brought by globalization, Sen (2010:152) states that "the people of such countries struggle to benefit from the fruits of modern technology, to gain more access to the markets of rich countries to have a much richer variety of goods, from sugar to textiles. They are striving for and wanting to have more say and to be considered more in world affairs." Here, Sen does not take a stance against globalization but simply sees massive global inequality and poverty as a fundamental problem at the heart of globalization. In this context, Sen is driven by economic connections, technological advances, and political opportunities. It emphasizes that the interests of deprived and oppressed countries should also be taken into account adequately about benefiting from the benefits of globalization, and draws attention to the need to share the enormous benefits of globalization more equitably. On the other hand, according to Sen, even if the poor who can participate in the globalizing economy get richer, it does not result in the poor getting a fair share of the benefits of mutual economic relations and the wide potentials brought by it. Stating that there are very restrictive trade barriers that restrain the exports of poor countries, Sen sees it possible at this point to make many alternative arrangements for fair or acceptable distribution of gains of the parties to fairly share the benefits of global cooperation and to eliminate international inequality and poverty. Sen (2010:156) points out that, "International and domestic reorganizations that will enable the poor to have a better and fairer regulation with less economic, social and political inequalities should be discussed." At this point, Sen states that the introduction or strengthening of public regulations for social security and other supportive public interventions can have important results.

Sen (2010) states that the perception that the world is divided between the rich and the poor makes it very easy to plant the seeds of discontent, and this creates opportunities to mobilize people for what is often seen as 'reprisal violence'. Sen (2010:166), who argues that injustice, poverty, and inequality do not immediately lead to terrorism, but that they foster an atmosphere of violence and revenge that will yield results in the long run, "points out that the sense of poverty and global injustice creates a fertile ground for recruiting militants to terror camps." According to Sen, a fairer sharing of the benefits of globalization has long-term implications in two issues that can facilitate the taking of preventive measures. The first of these is cutting off the gunpowder source of terrorism; another is to prevent the emergence of a general climate that allows terrorism to be tolerated (and sometimes even glorified). Pointing out that 85 percent of the weapons sold in the international market in recent years are the G8 countries, which play a fundamental role in the

world's leadership, excluding Japan, Sen (2010: 160) says, "This is a situation that urgently requires new global initiatives that go beyond the need to curb terrorism. sees it as another global problem." At this point, Sen, who sees it as a necessity for rich and powerful countries to have the perspective of an impartial audience, said that rich and powerful countries should compare their own lives with other lives that are severely limited – malnutrition, poverty, persecution, and oppression. Sen, argues that the poor and powerless should look after their interests (Sen, 2009:403-407).

Sen's belief that the relationships between the West and the East are not essential echoes the ideas of Gautama Buddha. From Buddha's viewpoint, the acceptance of obligations tied to power is crucial. This notion aligns with a central theme in Sen's approach to justice, which emphasizes that our strength compared to other species comes with responsibilities toward those who are dependent on the imbalances of power. Buddha tried to illustrate this with the analogy of a mother's responsibility towards her child: A mother can do many things to influence her child's life, but the child cannot. A mother knows her child, knows the disproportion of her own and her child's powers, and can do many things that will make a big difference in the child's life. The mother does this without any reward or benefit, and she does not need any contract to understand this obligation towards the child. This behaviour of the mother is not based on mutual benefit but on a one-way obligation. Sen says that the basis of reasonable thinking towards others outside of us should not be mutually beneficial, as in the mother-child example above, but should include the one-sided obligation of the person who has the effective power (Sen, 2009). In this context, Sen argues that Adam Smith strongly supports the above-mentioned line of thought, applying the principle of neutral audience, which is an enlightening concept about obligations and moral concerns. As a result, Sen sees the public discussion of global problems on a world scale as a need for solving the global injustice problem. Sen argues that such a solution should include the efforts of citizens' organizations, non-governmental organizations, and independent elements of the news media on this issue, as well as calling on many institutions, including the United Nations, to implement a global identity.

In addition, Sen states that although he is not against globalization, some legitimate questions and problems raised by the so-called anti-globalization protest movements contribute constructively to public reasoning. In addition, Sen (2010) sees it as a burning need to ask questions not only about the economy and politics of globalization but also about the values, ethics, and sense of belonging that shape our understanding of the global world in today's world. For Sen, dealing with such issues with a non-introverted understanding of human identity does not mean that our national obligations and local allegiances are completely replaced by a global sense of belonging. In other words, according to Sen, global identity can and should take its share without destroying our other identities and belongings. In a nutshell, "the reduction of inequalities and sees the progress of social justice as possible in a

global context and emphasizes that there is no need to wait for an imaginary world state for this" (Ceyhan: 2010:2).

## Conclusion

The difference in the quality of life between the rich and the poor has increased at a macro level, and people have more justice in the global context, Amartya Sen, who is one of the important thinkers of today, focuses on the problem of how a social justice that takes care of the peace and welfare of all people can be achieved in this global age, in the global world. At this point, Sen criticizes Rawls' egalitarian justice approach based on primary goods. According to Sen, even if primary goods are distributed equally, a lack of capacity in individuals can have very different consequences. For Amartya Sen, justice means eliminating clear inequalities in capabilities. In addition, Amartya Sen's conception of justice in contemporary societies requires equal access to basic capacities such as basic health care and education services.

## References

- Borovali, M. (2006). John Rawls and his Political Philosophy. Borovalı M. and Özbank M. (Eds.), *Peoples of the law and the Idea of Public Mind the Idea* (pp. X-xxiii). (Trans. G. Evrin) Istanbul: Bilgi University Press.
- Ceyhan, A. (2010). *Amartya Sen's Understanding of Justice*. Retrieved on August 16, 2011 [http://www.belgeler.com/blg/2gkf/amartya\\_sen](http://www.belgeler.com/blg/2gkf/amartya_sen)
- Coskun, S. (2003). *The distinction between Negative and Positive freedom in Contemporary Political Philosophy*. Ankara University Institute of Social Sciences, Department of Philosophy. Unpublished High Degree Thesis.
- İnsel, A. (2000). Ethics of Freedom versus Economic Theory: Amartya Sen's teaching on Ethical Economics, *Journal of Society and Science*, 86, 7-21.
- Lenning, M. (2011). *The Concept of Justice in the History of Economic Thought*. <http://toulouse-justice2011.fr/fullpapers/e5lenning.pdf>
- Macit, M. H. (2009). *John in Rawls' Political Liberalism re-build*. Ataturk University Institute of Social Sciences, Department of Philosophy. Unpublished Doctoral Thesis.
- Nussbaum, M. (2000). *Women and Human Development: The Capabilities Approach*. Cambridge University Press.
- Rawls, J. (1971). *A theory of justice*. Harvard University Press.
- Rawls, J. (2007). *Political liberalism*. (Trans. Mehmet Fevzi Bilgin) Bilgi University Press.
- Robeyns, I. (2006). "The Capability Approach in Practice." *Journal of Political Philosophy*, 14(3), 351-376. doi:10.1111/j.1467-9760.2006.00263.x.
- Salais, R. (2003). The contours of a pragmatic theory of "situated" institutions and its economic relevance. <http://halshs.archives.ouvertes.fr/docs/00/43/05/43/pdf>.
- Seker, F. (2009). The capacity approach of Amartya Sen. *Journal of Erciyes University Faculty of Economics and Administrative Sciences*, 32, 259-280.
- Sen, A. (1992). *Inequality Reexamined*. Harvard University Press.
- Sen, A. (1999). *Development as Freedom*. Knopf.

- 
- Sen, A. (2004). *Development with freedom*. (Trans. Yavuz Alogan). Ayrıntı Publications.
- Sen, A. (2006). *People of law and public mind the idea of re-addressed receipt*. (Trans. Gül Evrin) Bilgi University Press.
- Sen, A. (2009). *The idea of justice*. Cambridge, Massachusetts. The Belknap Press of Harvard University Press.
- Sen, A. (2010). *Identity and violence*. (Trans. Ahmet Kardam) Optimist Publications.
- Singh, S. K. (2009). Amartya Sen, the idea of justice. *International Journal on Humanistic Ideology*, 2, 157-160.
- Stanton, E. A. (2007). The human development index: A history. *Political Economy Research Institute, Workingpaper Series*, 127, 1-36.
- 

**Publisher's Note/Disclaimer:** The statements, opinions, and data contained in all publications are solely those of the individual author(s) and contributor(s) and not of NJH. NJH disclaims responsibility for any injury to people or property resulting from any ideas, methods, instructions, or products referred to in the content.