
REFLECTION PAPER ON THE IDEA OF JUSTICE BY AMARTYA SEN

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INTRODUCTION

Though the central concern of Sen's Idea of justice is to find the most just society by comparing the existing and non-existing social alternatives, which are based on a diversity of reasons and democratic principles, the dogmatic pursuit of an idealised, perfectly just society remains the main focus of John Rawls and his contemporaries and predecessors in the social contract school of philosophy. It's important to note that none of these schools of thinking is uniquely Western. They did so unaware of similar arguments taking place in other societies, such as the enlightenment movement in the West and the argumentative tradition in the East.

Since Europe's Enlightenment Movement in the eighteenth and nineteenth centuries has produced two intellectual traditions in the West: (a) the social contract school of philosophers such as Kant and other social contract school figures such as Hobbes and Locke, (b) the social realization-focused comparative approach led by Smith, Condorcet, Wollstonecraft, Marx, Bentham and Mill (c) the contractarian tradition. Sen also calls the former transcendental institutionalism, which "concentrates its attention on what it labels as perfect justice, rather than on relative comparisons of justice and injustice". Rather than discovering criteria for one option being less unfair than another, this inquiry is focused at determining the essence of the just (p.6). However, in their quest for a fair society and institutions, contractarians fail to see how the actions of institutions and people affect the final result. As opposed to these people, those who adhere to a comparative and social realization-focused approach stay focused instead on transcendental searches for a perfectly just society in order to arrive at the least unjust society through "comparisons of societies that already exist or could potentially emerge". As a result, their concern rises to the level of 'praxis,' which is the eradication of systemic injustice. Though the 'idea of justice', Sen offers is a departure from both 'transcendental institutionalism' and 'realization-focused comparative' theories. Sen acknowledged his affinity for the latter because its primary concern is finding a society with the least amount of injustice

possible, whether or not alternatives exist. He thus, poses the question in a different way: “how would justice be advanced?” rather than what would be absolutely fair institutions? As a result, Sen’s concern for social justice causes him to shift away from an approach that is comparative in nature and toward one that is centred on actual manifestation. Sen’s ‘transcendental institutionalism’ has two major flaws. He refers to it as the ‘infeasibility’ and ‘redundancy’ dilemma, and goes into detail about both. The quest for just institutions is predicated on the assumption that society and just institutions have come to an accord via reason.

Redundancy is the next issue to deal with. It’s not necessary to look for transcendently flawless institutions if using reason to choose perfectly fair institutions necessitates comparing the current situation. Sen says that identifying totally equitable social arrangements is neither required nor sufficient if a theory of justice is to guide rational choice of policies, tactics, or institutions. He uses yet another example to drive his point home. Even if a transcendental diagnosis could be produced, invoking the diagnostic that the Mona Lisa is the perfect image in the world is of little use when attempting to decide between a Picasso and a Dali. Similarly, if a decision must be made from a list of viable options, looking for the best one is pointless.

Even the comparative approach is criticised by Sen who promotes an “accomplishment-based conception of justice” that emphasises people’s daily lives above institutions and norms. “Justice cannot be indifferent to people’s real lives,” he says. Aside from the obvious influence that institutions and laws have on what occurs in the real world, reality extends well beyond the organisational picture and encompasses people’s lives, whether they manage to live them successfully or not’. Here, he elaborates on the role freedom and capacity play in moving the objective of a fair society forward.

The Indian Sanskrit literature on ethics and jurisprudence has expressed it in terms of Niti and Nyaya to promote the logic of ‘accomplishment-based understanding of justice,’ Sen makes the difference between ‘arrangement-focused’ and realization-focused understanding of justice; Nyaya refers to the consequences of institutions, regulations, and institutional behaviours; Niti, on the other hand, refers to those outcomes. For Sen, the difference between processes and results is irrelevant since they are interwoven. Instead, Sen advocates adopting a holistic approach to achieving what he terms a ‘complete outcome.’ When Krishna orders Arjun to execute his warrior duty, Arjun is apprehensive because he is worried about the devastation that would result from the conflict and his performance of duty. Sen believes Arjun’s worries were well-founded, and that it’s always better to fare well than fare ahead.

ANALYSIS

Sen continues his investigation in Part III with an emphasis on the human capacities' method, which he pioneered with Martha Nussbaum in the 1980s, he wrote 'The Materials of Justice'. 16 Section 4, "It offers an argument in support of his belief that democracy is best described as decision-making via dialogue rather than just as a matter of processes, such as regular elections." The concept that there are viable democratic mechanisms for aggregating voter preferences is challenged by social choice theory, making a Niti-oriented approach to democracy challenging. However, the value of government by discussion can easily be understood in terms of Nyaya—the kind of society it creates. In the book's concluding part, the author argues that today's concern for justice must have a global component.

As opposed to Rawls, Sen seeks to develop mental habits rather than establish an ideal. To achieve this, he asks us to examine our preferences and habits with the same objectivity as Smith's impartial observer. We should not assume that our way of doing things is the only way to do things. While he clearly opposes the death penalty in general, his main point is that countries who apply it, particularly China and the United States, should reconsider their policies in light of other countries' experiences. Even by not considering European or Latin American judges' objections to the death penalty, the United States Supreme Court denies itself access to significant evidence. Indeed, considering previous injustices inside the United States may create some anxiety among proponents of capital punishment. Essentially, Sen contends that both proponents and opponents of capital punishment should strive to be objective observers of their own positions.

The more we think about it, the more we'll discover that many features of modern life cannot be justified, despite the fact that they appear to benefit those of us who live in a more advanced industrial environment. This is what he's saying. People who live in wealthy and powerful nations owe it to others who suffer from starvation, poverty, and oppression to put themselves in the shoes of an unbiased observer, adopting the viewpoints of people who have much less opportunities in life than they have. In order for the affluent and powerful to also acknowledge the needs and respect the weak, more is needed. People in the developed industrial world must understand that their actions have a ripple impact on the rest of the globe, whether they mean to or not. United States policy actions, whether handling terrorism or the global financial crisis, have ramifications worldwide because of interdependence at all levels.

CONCLUSION

According to Sen, to be really effective, public argumentation must now transcend national boundaries and include the whole world's people. It's a good thing that we're all interconnected since that needs to consider others' interests and lets us understand things from their point of view. As Sen looks forward, he sees that it won't be an easy task. Our talks will be stymied by his analogies, which will force us to examine our own interests, which is never fun. In any case, he shows us via his own work and life what it means to be a worldwide neutral observer.

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