

# IN DEFENCE OF THEORETICAL ETHICS

## A Critique on Amartya Sen's *The Idea of Justice*

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### 1. Introduction

Amartya Sen has made significant contributions to the understanding of the dynamics of poverty and its alleviation, global economics, and developmental paradigms. With the publication of *The Idea of Justice* (2009), the consequentialist agenda of Sen, an economist, has apparently become the most important word on justice. In tune with his rejection of 'transcendental theories of justice' offered by philosophers, Sen alleges that they are far removed from reality and are incapable of aiding the contemporary societies to overcome manifest injustice experienced. Hence, instead of following any idea of a perfect just society, Sen proposes that we must banish abstract theory and transcendentalism and should adopt a realizational model of justice to cure all ills of injustice. Sen's position, perfectly in tune with the postmodern philosophical agenda where there cannot be any universal or ultimate anchor for human pursuits (as all anchors are fundamentally relative), assumes the garb of *the* theory of justice, although he rejects any theorizing as of any ultimate value.

Sen has made very deeper explorations in understanding the intricacies related to the practice of justice. His work, *The Idea of Justice*, brings together a lot of recent studies from political philosophy, applied economics, developmental studies, etc., all of which are interspersed with references to the Enlightenment thought and writers. *The Idea of Justice* could be seen as an intense dialogue between deontology and consequentialism, where Sen makes his clear preference for the latter,<sup>1</sup> with an attempt to bridge the former without giving up any important ingredients of the latter.

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<sup>1</sup>The consequentialist positionality that Sen adopts should not be confused with a utilitarian philosophy. In fact, Sen proposes different varieties of consequentialist positions, including utility-based, resource-based, and freedom-based capability approaches, among which he prefers and defends the latter. See Sen, *The Idea of Justice*, London: Penguin Books Ltd., 2009, 231. According to Elizabeth Anderson, whom Sen

*The Idea of Justice* is intent on reducing injustice in the world. It has a basic assumption that the presence of many theories of justice, most of them claiming to be ultimate or perfect theories, has not been successful in making our societies less unjust. The general experience is such that, as the society progresses and life becomes more complex, unjust practices are also on the increase. In this context, Sen's premise is that there is no use of having theories of perfect justice; what we need is the immediate task of minimizing injustice. As a consequentialist, Sen looks for an approach which would bring in immediate dividends. Hence, instead of the arduous task of looking for an alternative theory of justice, upon which further discussions, analysis, and judgment of justice could be anchored, Sen gives up abstract theorizing and transcendental institutions altogether, and opts for a comparative approach, coupled with the practice of open rationality in the form of democracy and comparative realizational approach with a hope that societies within which we live could be made less unjust.

## **2. Theoretical versus Practical Approach**

Philosophical speculation has been one of the important attainments of humanity, unravelling the inner recesses of human thought and action, and leading us to a better understanding of reality (by addressing the ultimate questions). However, as going deeper into the reality is made possible by an employment of reason in its refined form, philosophical enterprise involves abstraction, which has led to a distance between the reality and philosophical knowledge. As ordinary people who have some understanding of philosophy have not appreciated this increasing wedge, there have been constant attempts to bring philosophical wisdom closer to reality and to make a bearing upon life. It was in this context applied philosophy was born, and ever since these two dynamic processes have been progressing hand-in-hand, although one or the other got priority at certain stages in the history of philosophy. By making use of the abstract philosophical knowledge, applied philosophers have tried to address concrete issues of life in such a way that better understanding as well as better resolutions of the problems have been reached.

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quotes in *The Idea of Justice* (263), the capability metric is “superior to a resource metric because it focuses on ends rather than on means, can better handle discrimination against the disabled, is properly sensitive to individual variations in functioning that have democratic import, and is well suited to guide the just delivery of public services, especially in health and education.” Anderson, “Justifying the Capabilities Approach to Justice” in *Measuring Justice: Primary Goods and Capabilities*, eds. Harry Brighouse and Ingrid Robeyns, Cambridge: Cambridge University Press, 2010, 81-100.

Amartya Sen, a trained expert in economics and developmental studies, admits that philosophy has been always his passion. Within the domain of philosophy, Sen is more interested in ethics, as it has got closer proximity with economics. In his writings, we come across with his critical acumen that enables him to go deeper into the economic realities in such a way that he finally comes up with thorough analyses and groundbreaking insights that are important for the welfare of the society. Sen’s interest in philosophy is more practical than theoretical. According to him, theoretical discussion on justice would not yield any practical result:

Despite its own intellectual interest, the question ‘what is a just society?’ is not ... a good starting-point for a useful theory of justice. To that has to be added the further conclusion that it may not be a plausible end-pointer either. A systematic theory of comparative justice does not need, nor does it necessarily yield, an answer to the question ‘what is a just society?’<sup>2</sup>

Therefore, he makes use of the philosophical tools for the enhancement of human living specifically from the angle of economic relations and developmental studies. Ideally, Sen proposes that ethics and economics should gain from each others’ expertise. In two of his important works, *On Ethics and Economics* (1987) and *The Idea of Justice* (2009), Sen makes very significant references on the importance of philosophy, especially towards the end of his reflection. He wrote in the last paragraph of his work, *On Ethics and Economics*: “... welfare economics can be substantially enriched by paying more attention to ethics, and that the study of ethics can also benefit from a closer contact with economics.”<sup>3</sup> Interaction between ethics and economics must be capable of enhancing each other in such a way that economic relations and practices would be infused with value conception and ethics will be made more attuned to the practical needs of the society. Sen considers that the role of philosophy, especially ethics, is to ensure that its theoretical acumen must have a bearing upon the actual problems that human beings face in their existential contexts. Hence, towards the end of his detailed analysis of justice, in *The Idea of Justice*, Sen wrote: “... philosophy can also play a part in bringing more discipline and greater reach to reflections on values and priorities as well as on the denials, subjugations and humiliations from which human beings suffer across the world.”<sup>4</sup>

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<sup>2</sup>Sen, *The Idea of Justice*, 105.

<sup>3</sup>Sen, *On Ethics and Economics*, New Delhi: Oxford University Press, 1990, 89.

<sup>4</sup>Sen, *The Idea of Justice*, 413.

The practical thrust of Sen in doing philosophy makes him question the intent to undertake an abstract or distanced theoretical scrutiny of justice. Indeed, Sen has a condescending attitude towards any attempt to arrive at a theoretical or rational understanding of justice that would give direction to the development of a just society. According to him, it would not serve any specific and positive purpose.<sup>5</sup> For, “the subject of justice is not merely about trying to achieve – or dreaming about achieving – some perfectly just society or social arrangements, but about preventing manifestly severe injustice...”<sup>6</sup> His overemphasis upon the concrete and the ensuing necessity of responding to the experience of manifestly severe injustice make him offer a general but disparaging evaluation of the rationalist understanding of justice as proposed by philosophers such as Rousseau and Kant. While this latter group of philosophers is said to have adopted “an arrangement-focused conception of justice,” Sen favours “a realization-focused understanding.” Indeed, the latter, according to him, concentrates “on the actual behaviour of people, rather than presuming compliance by all with ideal behaviour.”<sup>7</sup> When it comes to an analysis and understanding of injustice, he warns himself to the importance of “clear articulation and reasoned scrutiny.”<sup>8</sup> If he positively assents to reasoned scrutiny as instrumental in making us act against the injustices, it is necessary to raise the question as to how we would get along with such a scrutiny. What are the ingredients that would primarily enable us to conduct a reasoned scrutiny? If a reasoned scrutiny of injustice is possible at all and is capable of making us act against injustice, then, what is the foundation based on which Sen does not favour attempting to arrive at theoretical clarity on what is justice?

One of the reasons for Sen to shun an ideal understanding of justice is his own argument that those who act against injustice are not at all concerned about the establishment of a perfectly just society or perfect institutions to establish and maintain justice. He writes:

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<sup>5</sup>Sen, *The Idea of Justice*, 17.

<sup>6</sup>Sen, *The Idea of Justice*, 21. Sen does concede some value to reasoning: “Reasoning in some form cannot but be involved in moving from the observation of a tragedy to the diagnosis of injustice” (*The Idea of Justice*, 4). Further, he also makes positive assertion of reason’s role in human life: “reasoning is a robust source of hope and confidence in a world darkened by murky deeds – past and present” (*The Idea of Justice*, 46).

<sup>7</sup>Sen, *The Idea of Justice*, 7.

<sup>8</sup>Sen, *The Idea of Justice*, 1.

... when people agitated for the abolition of slavery in the eighteenth and nineteenth centuries, they were not labouring under the illusion that the abolition of slavery would make the world perfectly just. It was their claim, rather, that a society with slavery was totally unjust... It was the diagnosis of an intolerable injustice in slavery that made abolition an overwhelming priority, and this did not require the search for a consensus on what a perfectly just society would look like. Those who think, reasonably enough, that the American Civil War, which led to the abolition of slavery, was a big strike for justice in America would have to be reconciled to the fact that not much can be said in the perspective of transcendental institutionalism (when the only contrast is that between the perfectly just and the rest) about the enhancement of justice through the abolition of slavery.<sup>9</sup>

It is true that those who acted against slavery and attempted to put an end to the injustices associated with slavery, caste system, apartheid, etc., had finally made their cause one of overwhelming priority. However, I once again insist that they could prioritize and act against injustice and go to the extent of even sacrificing their own lives for the realization of the identified priorities not only because they could make a neutral reasoned scrutiny of the injustices associated with the above said patent crimes, but also they possessed a conscience that was capable of sensitising themselves to those prevailing injustices; moreover, they were also convinced of the fact that it is only by pooling together all their energies that they could fight against the identified injustices so that the society could be made better or more just. Indeed, they were not stupid enough to consider that merely by one such an act, the entire society would overnight become perfectly just. They were, however, contributing their might in making this world a better place to live; step closer to the attainment of a perfectly just society.

A critical analysis of the contractarian approach of John Rawls, specifically his transcendental institutionalism (in line with Hobbes, Rousseau, Kant, etc.) leads Sen to make room for an alternative view in the Smithian theory that focuses on the role of an “impartial spectator”<sup>10</sup>

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<sup>9</sup>Sen, *The Idea of Justice*, 21-22.

<sup>10</sup>Theoretically, this impartial-spectator emerges from “a thought experiment that asked what would a particular practice or procedure look like to a disinterested person – from far or near” (Sen, *The Idea of Justice*, 404). The idea of impartial spectator, employed by Sen, is more or less completely taken from Adam Smith’s *The Theory of Moral Sentiments*. So is the case with most of the ideas that Sen seems

that offers us with various possibilities such as

(1) dealing with comparative assessment and not merely identifying a transcendental solution; (2) taking note of social realizations and not only the demands of institutions and rules; (3) allowing incompleteness in social assessment, but still providing guidance in important problems of social justice, including the urgency of removing manifest cases of injustice; and (4) taking note of voices beyond the membership of the contractarian group, either to take note of their interests, or to avoid our being trapped in local parochialism.<sup>11</sup>

Although Sen approves of the positive role played by the impartial spectator in offering perspectives and reasons, or insights and discernment into an evaluation and, thus, to avoid parochialism of local perspectives,<sup>12</sup> it is not clear as to how one would attain the impartiality along the line that Smith has proposed. Moreover, how would we justify the possibility of an impartial spectator at all? The concept seems to be another version of the distanced universalizability that Kant had introduced through his categorical imperative and the resulting sense of duty for duty's sake. As Sen does not subscribe to any transcendental theory of justice and insists that only involved social choices would pave the way for any practical realization of justice, how is it possible for him to accommodate the impartial spectator in his understanding and realization of social justice?

### 3. *Niti and Nyaya*

The novel understanding of justice in terms of *niti* and *nyaya*, wrongly acclaimed by many of his reviewers (of *The Idea of Justice*) as the most

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to be innovatively introducing into his ethical discourse on justice. A close reading of *The Idea of Justice* indicates that it is through and through a contemporary re-articulation of the Smithian theories by interspersing it with a refutation of the positions of many other theorists who belong to the deontological category. Sen's preference for Adam Smith's position is obvious in the work. See, for example, Sen's interpretation and justification of Adam Smith's position on self-interest or self-love (in Smith's *An Inquiry into the Nature and Causes of the Wealth of Nations*), which is said to be a contentious ideal that he had put forth and popularised in giving birth to the modern capitalist market. Sen, *The Idea of Justice*, 185 ff. Yet, there is at least one statement in passing in which Sen also comments that the society has to go beyond Smith: "... our understanding of right and wrong in society has to go beyond what Adam Smith called the dictates of 'self-love'." *The Idea of Justice*, 197.

<sup>11</sup>Sen, *The Idea of Justice*, 70; see also 106 ff. "Scrutiny from 'a distance' can be very useful in order to arrive at grounded but open-minded judgments..." Sen, *The Idea of Justice*, 406.

<sup>12</sup>Sen, *The Idea of Justice*, 108-109.

original understanding of justice in Sen’s writings, is taken from the Indian lore. His preference for *nyaya*, as the true sense of justice to be adopted, is neither referred to any definite sources in the literature related to Indian or Hindu philosophy, nor does he offer any thorough linguistic analysis and conceptual interpretation of these two terms to derive his preferred sense of *nyaya* as the sole terminology capable of conveying the true sense of justice in the contemporary society. Hence, the innovation that Sen seems to have attained in offering a *true* sense of justice, in *The Idea of Justice*, by making use of the technical distinction between *niti* and *nyaya* is not properly grounded and justified.

*Nyaya* is more argumentative than *niti* that follows a definitive and consequence independent reasoning;<sup>13</sup> as argumentative, according to Sen, the former takes up a comparative weighing of the positions and looks for better and more acceptable consequences or realizations in personal and social life than merely brooding over and worrying about any transcendental view of justice. Sen rejects the *niti*-oriented practice of justice as more institutional and authoritarian in character.<sup>14</sup>

Sen provides an example of Ferdinand I, the Holy Roman emperor of the sixteenth century, who famously claimed: “*Fiat justitia, et pereat mundus*” (Let justice be done, though the world perish!) to make distinction between the meaning and implication of *niti* and *nyaya*. According to him, Ferdinand was insisting on establishing *niti*, which would be done even if the whole world were to perish. Sen considers *nyaya* to be broader in its implications.<sup>15</sup> However, Sen’s attempt is too simplistic in insisting on a watertight compartmentalisation in understanding *niti* and *nyaya*. Even if there is an insistence on *niti* (understood as “organizational propriety and behavioural correctness”) in its severest form, it gets its validity not from the blind adherence, but from the foundation upon which every *niti* is based. For example, the Constitution of India (or of any other nation), according to Sen’s distinction, would belong to *niti*. Although there is always the possibility of an amendment to most of the provisions (theoretically, including even the possibility of a complete redrafting of the Constitution of India, if that would be warranted by the change of Indian national consciousness), the content of these Constitutions would be ethically validated (not legally, as

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<sup>13</sup>Sen, *The Idea of Justice*, 210-214.

<sup>14</sup>See Sen, *The Idea of Justice*, 326; here the discussion is on institutional understanding of democracy.

<sup>15</sup>Sen, *The Idea of Justice*, 21.

legal reference point will ultimately be restricted to the fundamental principles identified in the Constitutions and the promulgation made by the head of the Republic of India) not merely from the approval of the Parliament of India and the promulgation of the President of India. There must be valid ethical foundation/s for the same. From a political point of view, Sen would immediately raise the issue that how would we arrive at an agreement or consensus regarding the ethical positions, especially when we see a myriad of theories and positions advocated and adhered to by different individuals or groups of people within a democracy.<sup>16</sup>

The treatment of justice as it is offered by Sen seems to be relying extensively on his political understanding of justice. For, he insists that whatever be the aspirations for and implications of justice that are acceptable to human beings – individually and collectively – ultimately those aspirations are restricted to the “elimination of some outrageously unjust arrangements to enhance global justice, as Adam Smith, or Condorcet or Mary Wollstonecraft did in their own time, and on which agreements can be generated through public discussion, despite a continuing divergence of views on other matters.”<sup>17</sup> Sen writes elsewhere in *The Idea of Justice*:

A no-nonsense transcendental theory can serve ... as something like the grand revolutionary’s ‘one-shot handbook’. But that marvellously radical handbook would not be much invoked in the actual debates on justice in which we are ever engaged. Questions on how to reduce the manifold injustices that characterize the world tend to define the domain of application of the analysis of justice; the jump to transcendental perfection does not belong there. It is also worth noting here the general analytical point ... that the diagnosis of injustice does not demand a unique identification of ‘the just society’, since a univocal diagnosis of the deficiency of a society with, say, large-scale hunger, or widespread illiteracy, or rampant medical neglect, can go with very different identifications of perfectly just social arrangements in other respects.<sup>18</sup>

Sen makes a leap from the transcendental theories of justice available from various philosophers to the issue of identifying a perfect theory of justice and makes the latter the most condemnable offence committed by

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<sup>16</sup>Sen, *The Idea of Justice*, 15: “... There may not indeed exist any identifiable perfectly just social arrangement on which impartial agreement would emerge.”

<sup>17</sup>Sen, *The Idea of Justice*, 26.

<sup>18</sup>Sen, *The Idea of Justice*, 100.

philosophers. This allegation needs to be taken from a more general perspective. Whenever a theoretician proposes a new theory, say, for example, on justice, usually such a theory is proposed as an alternative to the existing theories, and such theoreticians would usually project this as *the* best alternative. Although they may independently imply that each of their theories provides us with the perfect understanding of justice, there is not yet any theoretical unanimity. That is, there are multiple views on what is justice, proposed by a variety of thinkers, none of them claiming to be the very best. Yet, it has not been the case that, therefore, we did not have any direction as how to realize justice. Having multiple theories on a single concept or reality does not deprive us of our right to have one position, even if it lacks transcendental perfection.

Although Sen makes an outright denial of the validity and effectiveness of transcendental institutionalism,<sup>19</sup> as subscribed to by Hobbes, Rawls, etc., and alternatively suggests that the task ahead of us to establish justice is not the establishment of “a ‘perfectly just’ world society,” “but merely ... the elimination of some outrageously unjust arrangements to enhance global justice,” a more fundamental question needs to be asked as to how would someone be moved along the line of action required for the elimination of manifest injustice without an understanding of justice. In order to concentrate on removing injustices that are *identifiable and that can be remedied* what tools do we have? In attempting to remedy injustice, there need to be idealistic and realistic perception of justice, although such perceptions may vary from locus to locus such as social, political, religious, etc.

Sen, like many postmodern philosophers, insists that there is no unanimity with regard to the theoretical understanding on justice, much less on the ideal of justice, and goes on to imply that there cannot be any spontaneous agreement on how we understand justice, or what it is all about. However, when it comes to his proposal of the elimination of manifest injustice as it is experienced in the world, he proposes that

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<sup>19</sup>According to them, the creation of just institutions is a necessity for the realization of justice; if global justice is to be realized, then we are in need of effective global institutions. Sen’s criticism on transcendental institutionalism may be captured summarily in the following sentence: “Perfect global justice through an impeccably just set of institutions, even if such a thing could be identified, would certainly demand a sovereign global state, and in the absence of such a state, questions of global justice appear to the transcendentalists to be unaddressable.” Sen, *The Idea of Justice*, 25.

“agreements can be generated through public discussion, despite continuing divergence of views on other matters.” If this latter is possible, why not we aim at the same agreement with regard to an ideal understanding of justice through public discussion? I understand that people would come to a consensus when it comes to the issues of manifest injustice or instances of outrageously unjust arrangements in the society. However, the contrary is also true in the sense that there were many instances in the history (some of which continue to this day and some new ones are added in the course of time) where despite the outcry of many about certain outrageously unjust arrangements, as they were experienced by many, not only no agreement was generated through public discussion to eliminate such unjust practices but, on the contrary, to perpetuate the same with more stringent measures. That is, the agreement was generated only to intensely perpetuate injustices to the detriment of the realization of justice. It implies that a mere practical and pragmatic political strategy of proposing that agreement could be reached through public discussion, especially upon those outrageous instances of injustice, is a hollow claim. Without a proper understanding of what is justice, I do not think that anybody would succeed in generating agreements through public discussion. Where would they anchor the public discussion? It is not possible to come to a consciousness that a particular experience is that of injustice without ever having an understanding of what is justice.

As Sen insists that perfect justice cannot be established by transcendental institutionalism,<sup>20</sup> his alternative is to reject all transcendental theories of justice and to look for a mechanism that would relatively reduce injustice in the world. Moreover, he shares contempt for any theoretical deliberation on justice, as he thinks that such processes would end up as hollow claims.<sup>21</sup> I do not subscribe to both the positions, nor to the one subscribed by Hobbes, John Rawls, and company. They seem to be finally settling down with immediate practical concerns, without sufficient rigorous ethical speculation and effective moral action. If their concern is only to look for practical dimensions of the world affairs – as most of the political or economic thinkers would do – then, they are doing applied philosophy and not theoretical philosophy *per se*.

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<sup>20</sup>Sen, *The Idea of Justice*, 27.

<sup>21</sup>Sen writes: “... an exercise of practical reason that involves an actual choice demands a framework for comparison of justice for choosing among the feasible alternatives and not an identification of a possibly *unavailable perfect situation* that could not be transcended.” *The Idea of Justice*, 9, emphasis added.

Doing applied philosophy is not bad; indeed, we must positively acclaim the contributions made by applied philosophers. In fact, what I look forward is a collaborative effort on the part of theoretical philosophers and applied philosophers, as they would together contribute to the enhancement of human thought and would collaborate to explore the inner recesses of reality. As applied philosophy would bring more concrete facts into the speculation, the speculative philosophers, after getting a grip on the real and the concrete, would be in a position to make deeper and relevant abstractions upon the data supplied by the practitioners. They could be seen as two sides of the same coin. Then, we must look forward to mutual respect from either side, which would offer a better ambience for doing philosophy. However, the contemporary world is so much taken up by the immediate practical concerns so much so that many shun any abstraction and theorization, which constitutes the primary domain of philosophy proper. Sen’s insistence that any theorization on what is justice would ultimately amount to an empty rhetoric or hollow claim belongs to such a position.<sup>22</sup> His immediate concern of addressing the economic and developmental issues of the globalized and globalizing world pins him down to the here and now, which, in turn, makes him increasingly blind to those realities that go far beyond the immediate and the practical, but access to which can be made only by an abstract rational scrutiny, which is an endowment of being human.

Being very practical, instead of “seeking the perfectly just” society, Sen proposes that “a realization-focused perspective” of justice would make room for “the prevention of manifest injustice in the world.”<sup>23</sup> As an economist turned philosopher, who spontaneously falls back upon the applied dynamics of philosophy in the area of economics, development, and political thought, he favours an activist-style of philosophizing, which would be more bent on the prevention of injustice than on understanding the basic and positive dynamics of justice. The latter would instil in us better conceptual clarity, more from an ontological and epistemological angle, offering foundations for a proper ethical understanding of the social and political realities which are invoked in Sen’s examples.

I endorse Sen’s concern for positive involvement to drastically bring down the injustice prevailing in the world; however, I disagree with him in his insistence that this practical concern alone would provide us with a proper sense of justice. In fact, a proper fight against injustice can be had

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<sup>22</sup>Sen, *The Idea of Justice*, 26.

<sup>23</sup>Sen, *The Idea of Justice*, 21.

only if there are people who are convinced (which may also be understood in terms of a conceptual or theoretical understanding that is capable of moving people into committed action) of an ideal sense of justice. Indeed, those who are acutely aware of the prevailing injustice, if they also have a sense of the ideal justice, would certainly sacrifice even their own selves in order to overcome injustice and to establish justice. The fact that we do not find many such people, in our political democracies, is telling upon the utter lack of ideals amidst us, especially, among the democratically elected ruling ‘classes’ that covers the legislature, executive, and judiciary. The masses are deluded by the democratic machinery called the government, which ultimately turns out to be functioning more along the line of utilitarian consequentialist principles, which Sen himself does not endorse as a valid political ideal for the realization of justice.

#### **4. A Critique on Capability Approach and Social Realization**

Sen proposes to assess social realizations (which ultimately becomes the crux of understanding and realizing what is justice) based on the capabilities (such as freedom) that people actually have. The centrality accorded to capabilities,<sup>24</sup> though would make room for individualized assessment of the realization of justice in any given context, jeopardizes any universal understanding. Indeed, Sen adopts the capability approach precisely in view of eliminating universalizable approaches to justice. In his view, transcendental and theoretical approaches cannot have any consensus on what is justice. His own rejection of a commonly acceptable conceptual understanding of justice makes room for a viable criterion, and he identifies it in the capability approach. Sen’s preference for a consequentialist ethical strategy would fare better with the capability approach, as each one’s capability – individually or collectively – could be checked in terms of the consequences that they yield in the existential life situations. However, this would erode the foundations of justice and any commonly acceptable criterion to judge the prevalence of justice in the society.

In the context of Sen’s emphasis on the capability approach, a question to be asked is with regard to capability itself. According to him, “a capability is the power to do something.”<sup>25</sup> If so, a human being is endowed with many capabilities, including, for example, the capability not only to know the structure of an atom and the possibilities of nuclear fission and fusion, but also to use the knowledge to destroy a part or the

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<sup>24</sup>Sen, *The Idea of Justice*, 19; see also chapters 11-13, especially pages 231 ff.

<sup>25</sup>Sen, *The Idea of Justice*, 19.

whole of living beings by the devastating effects of the dropping of an atom bomb. Although Sen is aware of the fact that capabilities or opportunities come with responsibility for what we do, what is the foundation upon which we could fall back, deliberate, and decide upon the valid realization of a capability? The very fact that capability is to be further scrutinized by a set of criteria itself indicates that the capabilities cannot be accorded any normativity. What could then be the ultimate norm based upon which these capabilities and their realizations can be judged?

In Sen’s understanding, insistence on the ultimate norm itself is problematic. In order to circumvent the transcendentalist ethical position that there must be an absolute and ultimate norm of justice and it is based on this norm that we would eventually judge whether something is just or unjust, in his interpretation of the freedom-based capability approach, Sen indicates the need for an *informational focus* in judging and comparing the overall individual advantages.<sup>26</sup> In fact, in proposing this informational focus, Sen also eliminates the need for any specific formula about how that information may be used. All these preoccupations do indicate that Sen’s freedom-based capability approach as such cannot dismiss the anchoring of the final judgment on justice upon something other than the very capabilities. Introduction of the informational focus, to my mind, is the backdoor reintroduction of that conceptual understanding of perfect justice to which people always refer, which Sen has already done away with in his fight against deontology and transcendentalism. Sen’s informational focus is made to be dynamic and accommodative of further understanding, as the very information base evolves through public reasoning. If this dynamism could be introduced into the conceptual ideal of justice, it would practically function in the same way and would yield similar results.<sup>27</sup>

Moreover, in the final chapter of *The Idea of Justice*, Sen finds “comfort to think that not only do proponents of different theories of justice share a common pursuit, they also make use of common human features that figure in the reasoning underlying their respective approaches.”<sup>28</sup> As they are the “basic human abilities,” commonly shared and employed by all human beings, why should Sen find it so objectionable all the attempts that look for a commonly acceptable theory of justice or a single source of justice which would function as the point of

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<sup>26</sup>Sen, *The Idea of Justice*, 232.

<sup>27</sup>Interestingly, Sen himself, at least in one place, admits that “the capability approach is a general approach.” Sen, *The Idea of Justice*, 232.

<sup>28</sup>Sen, *The Idea of Justice*, 415.

reference in eliminating injustice and realizing justice? Although it is not essential to link between the same basic abilities that human beings employ and the single source of justice, they are sequentially connected, as the same human beings are the agents or actors as well as the proponents or beneficiaries of a theory of justice that would evolve from the process.

### **5. Why Rational Scrutiny Be Limited to Comparative Positions?**

Although Sen's interest in abstract philosophy seems to be very limited, he dwells on epistemology, in passing, in order to serve the interest of defending his ethical position on justice. An absolutist position of knowledge or ethics is ruled out as an unproductive and nonviable transcendental abstraction. Alternatively, he places his own model of comparative realizational approach as evolving from the relative positions on justice adopted by different agents. According to Sen, being restricted by one position – even if it is an absolute position – restricts the advocate to a very limited horizon in such a way that furthering the understanding of justice would become partisan. There is, then, the necessity to open up to others' positions: “[W]e must pay serious attention to the perspectives and concerns of others, as they would have a role in the scrutiny to which our decisions and choices can be sensibly subjected.”<sup>29</sup> So, in order to reject the absolutist position adopted by anyone on the theory of justice, Sen comes up with the proposal of a relational positionality, which, according to him, would be far more effective in bringing multiple views of reality to facilitate a more effective realization of justice.<sup>30</sup>

Sen comes to the conclusion that attempting to have an absolute positionality is practically limited and unproductive. He moves to such a conclusion with an analogical reasoning that pertains to the world of sense experience. In his view, the limitations that we experience in the domain of sense experience would also be part of “our thinking process and to the broadening of our capacity to contemplate. Our very understanding of the external world is so moored in our experiences and thinking that the possibility of going entirely beyond them may be rather limited.” After ruling out absolute positionality, Sen proposes that it is reasonable to search for comparatives instead of objective transcendence. Hence, he maintains that “comparative broadening is part of the persistent interest in innovative epistemological, ethical and political work...”<sup>31</sup>

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<sup>29</sup>Sen, *The Idea of Justice*, 197.

<sup>30</sup>Sen, *The Idea of Justice*, 155-156.

<sup>31</sup>Sen, *The Idea of Justice*, 170.

Sen makes a clarion call for an “uncurbed critical scrutiny” as it is “essential for dismissal as well as for justification.”<sup>32</sup> This is exactly what many ethicists, including Kant, had been insisting upon. Kantian emphasis on the critique of reason,<sup>33</sup> both theoretical and practical, was aiming at the dismissal of everything that was against the ethical principle that was enshrined in the categorical imperative, the anchoring principle in the Kantian ethics. Sen would not permit the acceptance of such a principle as it would immediately be classified as a transcendental approach that would lead to institutionalization. However, it must be noted that the general principle of ethics, the categorical imperative, that was attained in the Kantian rational enterprise, though proposed by Kant as an individual scholar, could withstand the impartial rational scrutiny and is capable of enshrining a society that is capable of being critical and open for the realization of humanity. Yet, in the course of history, just as Sen himself would do in the twenty-first century, we find that the Kantian enterprise was rejected as too rigid and authoritarian, although the universalizability principle of the categorical imperative, if understood in the proper perspective, would have been the bedrock for a just and sustainable human society.

The public reasoning or debate that Sen identifies as one of the methods of arriving at just social practices does not seem to be the solution. As is well evident from the modern communication scenario, where opinions are ‘constructed’ by those who are in power, including the media, an uninvolved or neutral public reasoning does not seem to be possible at all. However, Sen’s theory proposes that even if we are involved with one or the other position, theoretically there is the possibility to overcome the same through public pressure. That itself is the problem. When public pressure also can be constructed, what would come to save justice? As long as Sen does not subscribe to any definitive

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<sup>32</sup>Sen, *The Idea of Justice*, 387.

<sup>33</sup>Immanuel Kant, demanding an impartial and uninvolved critical scrutiny, wrote in his *First Critique* about the nature of the Enlightenment Age and the necessity of an open critique of everything with the tool of reason, including itself: “... our age is, in especial degree, the age of criticism [*Kritik*], and to criticism everything must submit. Religion through its sanctity, and the law-giving through its majesty, may seek to exempt themselves from it. But they awaken just suspicion, and cannot claim the sincere respect which reason accords only to that which has been able to sustain the test of free and open examination.” Immanuel Kant, *Critique of Pure Reason*, first edition (1781), trans. Norman Kemp Smith (as *Immanuel Kant’s Critique of Pure Reason*), London: Macmillan, 1929, Ai footnote.

position of justice, there is always the risk of going along with the public, even if it is constructed or manipulated. Instead of reducing or eliminating injustice, the public reasoning would end up as an ongoing clamour for being heard, and to establish that ‘my path’ or ‘our path’ is ‘the best path’. So, in all likelihood, Sen’s public reasoning, instead of being the sole source of true justice in practice, would turn out to be an instance of struggle for hegemony.

The proposed “uncurbed critical scrutiny” that Sen insists upon tends to become applicable only in the case of all that is done by others, just as it is being practised in the modern democracy on the global level. For example, when it comes to the affairs of non-US regimes, the uncurbed critical scrutiny carried out by the US agencies becomes so thoroughgoing and crucial to identify the violations of human rights, while when it is an issue of the US regime’s practices, the *uncurbed critical scrutiny* will be carried out only by the US and any external intervention would be ridiculed and rejected, as if they were all baseless or coming from another planet. On a more general note, we must also ask as to how many individuals or how many democratic governments would be ready to permit such uncurbed critical scrutiny of their affairs? As Sen subscribes to public scrutiny, and this scrutiny has to be left to the rationality of the public, without any definitive directive ensuing from any transcendental theory, it is quite likely that this scrutiny will end up as an ineffective tool. For, in the absence of a definitive norm, public rationality and critical scrutiny do not seem to be properly guided. A more dangerous aspect of this proposal is that those who are powerful and are capable of manipulating public opinion would succeed in *constructing* or *designing* ‘critical scrutiny’ that would serve their own vested interests, and it would be christened as justice!

Sen proposes that the impartial critical scrutiny should go beyond the limited boundaries of one nation or clan or organization. Public reasoning, according to him, should take into account “other people’s *interests* for the sake of avoiding bias and being fair to others, and on the pertinence of other people’s *perspectives* to broaden our own investigation of relevant principles, for the sake of avoiding under-scrutinized parochialism of values and presumptions in the local community.”<sup>34</sup> Although this seems to be providing us with an ideal position (and Sen would resist it) for the realization of justice, from a practical point of view, even with the

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<sup>34</sup>Sen, *The Idea of Justice*, 402.

advanced access to the media communication, the readiness on the part of many individuals, authorities, institutions, etc., to listen to public reasoning, even within the best of democracies (if at all there is, or there would be one on the face of the earth!), is minimal.<sup>35</sup> Moreover, whenever someone claims to have listened to the public reasoning, it is mostly restricted to *one's own*; that is, very seldom do we find Sen's ideal of public reasoning being realistic at all.

## 6. *Mahabharata* Model and the Consequentialist Argument

As a consequentialist, Sen claims to favour ethical decision making on the basis of “a comprehensive outcome.”<sup>36</sup> It is evident from his repeated references to the war episode in the *Mahabharata*, the great Indian epic (specifically to the dialogue between Krishna and Arjuna, where the former insists upon the prioritization of duty in the life of the latter). The principled insistence on the part of Krishna is directly and indirectly questioned by Sen so much so that he seems to favourably juxtapose the position of Arjuna, who raised question after question with regard to the contextualities and casualties of a war. Sen qualifies the position of Arjuna as a “broader perspective,”<sup>37</sup> which, though vanquished by Krishna at the end of the whole dialogue, remains a powerful case for “faring well,” than merely just faring forward. Indeed, the war scenario (especially Sen's repeated references to the fact that Arjuna was even asked to kill his own kith and kin) seems to give undue weight to Sen's interpretation along the line of a consequentialist position. However, if the same dialogue could be cast in another ambience of ordinary life situation, where ethical deliberations become an ongoing necessity, the principled position (or a sense of duty, but without unnecessarily highlighting the instruction to involve in a life-annihilating war) that Krishna recommended would be far more meaningful to attain clarity regarding the understanding of ethical principles and their practice.

In view of pushing through his argument for the realization-focused approach to understand justice, Sen poses a question against the validity of employing reason in attaining ethical objectivity: “why should we accept

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<sup>35</sup>The international response, especially that of the USA, on the “WikiLeaks” that has published secret documents of various nations and organizations and the attempts to deport and arrest WikiLeaks founder Julian Assange are telling upon the states of affairs of twenty-first century *democratic* practices.

<sup>36</sup>Sen, *The Idea of Justice*, 23.

<sup>37</sup>Sen, *The Idea of Justice*, 24.

that reason has to be the ultimate arbitrator of ethical beliefs?”<sup>38</sup> He insists that, in matters of ethics, reason alone does not provide us with any guarantee, as we do find that many an approach to truth and moral practice could fail. It is true that reason as a human faculty when employed may fail; however, it does not mean, therefore, that it would fail always. Moreover, Sen seems to reject the value of reason by relying on examples of sheer chance events and claims that when we use and do not use reason, we do make mistakes. However, as a human faculty, if used with diligence, this faculty of reason is the most reliable of all other human faculties, especially when it comes to ethical deliberations. Although elsewhere I have argued that human being is an integral one and, therefore, human emotion should also be accorded its due place in any moral deliberation,<sup>39</sup> I do not mean that reason’s powers could be replaced with any other endowment. Indeed, if Sen is looking for 100% guarantee, in the absence of which he does not accord any value to such an endowment, then no human achievement, not even sciences could be accorded any value. For, first of all, all these sciences rely on the power of human reasoning; moreover, all their results are fundamentally probabilistic (following the rules of statistics) and never absolute. If the line of reasoning that Sen initiates is to be maintained, we would necessarily end up as sceptics, as there is no door open to assure us about the value of reason, except the same reason itself.

Despite his reluctance to accord reason any absolute value,<sup>40</sup> Sen falls back upon the importance of “reasoned scrutiny” in order to circumvent the issue of ethical deliberation. According to him, “the case for reasoned scrutiny lies not in any sure-fire way of getting things exactly right..., but on being as objective as we reasonably can.”<sup>41</sup> So, what he insists is “the need for objective reasoning in thinking about issues of justice and injustice,”<sup>42</sup> which would give rise to an impartial perspective

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<sup>38</sup>Sen, *The Idea of Justice*, 39.

<sup>39</sup>Saju Chackalackal, “Kant on Inclinations: ‘Alien’ or ‘Human’?” *Journal of Dharma* 30, 1 (January-March 2005), 117-134.

<sup>40</sup>Sen, *The Idea of Justice*, 51. After dwelling on the importance of feelings and instinctive reactions as of significance along with reason, Sen writes: “What Akbar called the ‘path of reason’ does not exclude taking note of the value of instinctive reactions, nor ignore the informative role that our mental reactions often play. And all this is quite consistent with not giving our unscrutinized instincts an unconditional final say.”

<sup>41</sup>Sen, *The Idea of Justice*, 40.

<sup>42</sup>Sen, *The Idea of Justice*, 41.

on the part of the agent of deliberation and action. He subsequently maintains that “some people are easily *over*-convinced by their own reasoning, and ignore counter-arguments and other grounds that may yield the opposite conclusion.”<sup>43</sup> This calls for caution on our part in employing reason; it must primarily be open to a continued and open scrutiny, never ever closing the possibility for further exploration and revision.

As realization of justice is both a personal and social responsibility, the demands of justice do not arise from mere soliloquies. Certainly there is a community or a society that is involved and it has a very central place. Indeed, the individual ethical agent has to understand and accept the ideal of justice, but always in relation to the society. In this process, communication and dialogue (offering us the ambience for better understanding, clarification, and correction of some personal or societal misgivings) are said to be of vital importance.<sup>44</sup> However, this does not mean that, therefore, there is no chance of entertaining a basic position on justice. Proper understanding of justice cannot, therefore, be left to a public debate, indicating that what is finally identified as *just* is only that which survives public dialogue and scrutiny. For example, there are people who believe that all values and principles are to be democratically identified. It is true that the ethical ideals must be of application to all; however, it does not mean that only that which is democratically processed could be identified as valuable and ethically acceptable.

## 7. Principled Human Behaviour

An ideal understanding of justice would naturally demand a behaviour in consonance with the understanding of justice. Generally speaking, this responsibility is conceived as universally applicable; even if someone is ill-equipped to respond in full measure, it would insist upon the full measure binding nature, as such an ideal does not make room for any adjustment or exception. This general rule has been in place not to exact from those who are incapable of responding in full measure, but to retain the ideal in its fullness so much so that every participating member will try in the best possible manner to realize the ideal. However, Sen, as he does not subscribe to the ideal understanding of justice, opposes any universal demand on members of a society. As he puts it, “demanding more from behaviour today than could be expected to be fulfilled would not be a good way of advancing the cause of justice. This basic realization must play a

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<sup>43</sup>Sen, *The Idea of Justice*, 48.

<sup>44</sup>Sen, *The Idea of Justice*, 88-89.

part in the way we think about justice and injustice...”<sup>45</sup> Although Sen’s approach seems to be really considerate, especially towards those whose behaviour will not match the ideal of justice due to lack of capabilities, to use his own terminology, it would finally let lose a total disregard for the ideal of justice that human societies have been subscribing to from time immemorial. It is true that no human society has been successful in realizing the ideal of justice; also there shall be no insistence that the position we have adopted with regard to justice is so sacrosanct that it cannot be changed at all. All the same, the high demands put on the members enable them to keep trying and, thus, to attain at least partial success. However, if we begin to subscribe to Sen’s lenient attitude towards the members in general, it will give licence to all not only not to respond to the ideal of justice, but instead to claim that what is claimed by the ideal of justice is itself beyond their behaviour-ability.

Sen rightly insists that when it comes to moral deliberations, the question is not only to concentrate on what actually happens but also to take into account the processes that are integrally part of the act and its effects. He writes: “It could hardly be adequate ... to concentrate only on what actually happens, ignoring altogether the processes and efforts and conducts... A full characterization of realizations should have room to include the exact processes through which the eventual states of affairs emerge.”<sup>46</sup> However, going one step further, I would insist that anyone concerned about justice shall care not only for the act and the processes involved, but also the view of reality (ontology)<sup>47</sup> and the way of life (ethical foundations) that give rise to the values that he or she would cherish and subscribe to in actual life situations. The emergence of the states of affairs as far as an individual moral agent or the collective behaviour of a group of people is concerned would depend very much on the foundational value conception that has been nurtured by the individual or the group.

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<sup>45</sup>Sen, *The Idea of Justice*, 81.

<sup>46</sup>Sen, *The Idea of Justice*, 22.

<sup>47</sup>It is very strange to see that a person of Sen’s calibre very easily dismisses any discussion on ontological objectivity of the moral reasoning, as it is both difficult to understand and “largely unhelpful and misguided” (Sen, *The Idea of Justice*, 41). I tend to think that it happens precisely because of his interest in the applied use of philosophy than his interest to go into the more philosophically abstract issues of doing philosophy, which, I believe, would enable any one to see the foundations of ethical concepts and judgments.

## 8. Pluralistic Viewpoint versus Single Source Theory on Justice

Sen is a pluralist: his theory of justice tries to bring together various theories with a hope that these positions would make us better understand the demands of justice and effectively realize them in various existential contexts. “Judgements about justice have to take on board the task of accommodating different kinds of reasons and evaluative concerns.”<sup>48</sup>

Hence, he proposes that, instead of eliminating or reducing various competing theories, there must be complementarity among various positions that clamour for prominence.<sup>49</sup> Moreover, a plurality of theories, according to Sen, would facilitate tackling the issues of justice from different perspectives, bringing together human ingenuity from different angles and, thus, to offer elimination of injustice and establishment of justice.<sup>50</sup> In tune with this pluralistic outlook, Sen expresses reservation against those who attempt to reduce all distinct values “ultimately to a single source of importance.”<sup>51</sup>

He rejects any attempt to look for a unidimensional understanding of justice. He is taken up by the advantages (consequences) of having plurality of approaches; he is also aware of the restrictions that a unidimensional understanding of justice would lay on us. As long as consistency (emerging from rationality) is not a primary requirement in his theory of justice, Sen has no problem in admitting plurality of views, even if they would yield conflicting judgments and clamour for acceptance despite their variations and contradictions. If rational consistency, instead of realizational thrust, had been emphasized by Sen, then naturally his position would have looked for a single source theory (of course, an open and critical one at that), which, then would have been better placed to deal

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<sup>48</sup>Sen, *The Idea of Justice*, 395. Sen’s discussion of the three children and one flute, reference to which occurs repeatedly in *The Idea of Justice*, does pose the difficulty to come out with a single judgment. In fact, Sen himself approves the fact that there cannot be one judgment on the issue, as the judgment would differ depending upon the reasonableness of the arguments. Yet, he does agree, in the last chapter of the book, that although “plurality of reasons can sometimes pose no problem for a definitive decision,” there may be instances where it “can pose a serious challenge.” Although his position is such that the acceptance of a diversity of considerations does not necessarily entail an impasse, he at least concedes to the fact that “very hard decisional problems” could arise. Sen, *The Idea of Justice*, 396-397, 399.

<sup>49</sup>Sen, *The Idea of Justice*, 309.

<sup>50</sup>Sen, *The Idea of Justice*, 413-414.

<sup>51</sup>Sen, *The Idea of Justice*, 395.

with divergent and even conflicting demands or positions on justice.

In an attempt to reject the single source theory of justice, Sen discusses a couple of judgments with regard to justice as derived by an individual. According to Sen, a person who “can reason his or her way into rejecting slavery or the subjugation of women does not indicate that the same person must be able to decide with certainty whether a 40 per cent top rate of income tax would be better than – or more just than – a top rate of 39 per cent.”<sup>52</sup> If the proposed inability to judge about the top rate of income tax does not result from the technicalities involved in calculating the taxes and their role in attaining social justice, I would insist that the same person would be better placed if she were to subscribe to a single source theory of justice, which would come handy to deal consistently with the complexities involved in issues such as slavery, subjugation of women, tax laws, etc.

## 9. Conclusion

Economists, educationists, developmental scientists, etc., who do application of philosophical principles seem to assume the role of philosophers in the contemporary world of academics and research. Although I subscribe to the position that all human beings, by virtue of being human, are philosophers,<sup>53</sup> I am not ready to exchange mere application of philosophical principles in different fields for the rich theoretical philosophical heritage. There is a constant allegation that theoretical philosophy is too abstract and removed from real life. However, it is the critical distance that philosophy maintains with the actual life and reality that has made philosophy what it is.

*The Idea of Justice* gives an impression that it provides us with a novel approach and the best of the theories of justice. However, without seriously engaging with any of the classically recognized theories of justice (except for some passing but disparaging references on one or the other), he has come up with his new theory without any foundation, but claiming that having no foundation is the best way to realize justice. Moreover, it is clear from the foregoing discussion that he also does not subscribe to any definite position on what is justice.

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<sup>52</sup>Sen, *The Idea of Justice*, 395-396.

<sup>53</sup>Saju Chackalackal, “Philosophizing in India Ought to Be Indigenous” in *Indigenous Philosophizing: Indian Horizons*, ed. Saju Chackalackal, 531-570, Bangalore: Dharmaram Publications, 2010.

Being a postmodern consequentialist, Sen has tactfully constructed his own version of realizational justice that would address the immediate instances of injustice without having any foundational position, but claiming that the viable position would evolve through the involvement of the public critical scrutiny. Although there are many who acclaim Sen’s theory as groundbreaking and addressing the needs of the contemporary society, the question needs to be asked as to what extent Sen’s realizational theory of justice has any impact upon the economic and social uplift of those who have been deprived of justice. For example, what does his theory do to the unemployed and deprived poor of the remote villages or the urban population, or to what extent does it help us remedy the injustices prevailing in the arena of global trade relations? Sen himself rejected classical theories of justice saying that they do not address the concrete realities of injustice; same is the case with his own theory. Moreover, his theory seems to be even promoting injustices that are related to the modern economic powers. Sen’s sensitivity to injustice prevailing in the context of caste system or class struggles does not sensitise himself to their own root causes nor does he show any sensitivity to the injustices prevailing in the arena of economic globalization. Even if he wanted, I do not think that his theory could handle such issues, as his democratic critical scrutiny may even be sabotaged by the vested interests, be it fundamentalist religious or political powers, media mughals or multinational corporations.

In the context of an ever vibrant and developing thought, humanity has produced a myriad of theories in the domains of theoretical and applied philosophy. Plurality of theories indicates that humanity is capable of approaching life and reality from divergent perspectives, all of which would contribute towards the making of a more comprehensive understanding of reality. While positively acclaiming the plurality of theories or philosophical positions, it must be made clear that it does not amount to letting all theories have the same footing. My definitive positioning with one theory need not by itself invalidate all other theories; instead, the very presence of multiple theories indicates that my own perspective need not be the only possible one. My approach and understanding of reality need not exhaust the whole; yet, having my own position which must be further corrected and improvised does not warrant both extremes that either all theories are futile or that all theories are equally placed to compete with each other for prominence or hegemony. Letting all theories have their own place does not mean that they have the

same validity. Moreover, a mere comparison of all these theories or taking the best from all these theories would not only amount to mere syncretism but also a dangerous move as it would finally turn out to be a incomplete and inconsistent cacophony, which may not merit any serious attention, let alone contribute anything to the elimination of injustice and the understanding or realization of justice.

In an attempt to identify a novel theory of justice which would be more effective than any other existing theories, Sen, a postmodern consequentialist, has bypassed almost all classical philosophical theories of justice. Instead, he has focused only on the scene of injustice and has attempted to propose a position based on the positions offered by some contemporary thinkers whose theories have been concerned about the practical dimensions of life such as economics and political philosophy. Although Sen is found to be critically approaching some of these theories (e.g., the theory of justice proposed by John Rawls), his critical engagement is limited to their practical concerns. In his attempt to identify a valid and effective theory of justice, Sen has failed to engage himself with important classical theories of justice. He claims that almost all these theories have failed as they primarily focused on the development of transcendental institutions which, in turn, have miserably failed to eliminate injustices prevailing in the society; moreover, some of these transcendental institutions have been instrumental in compounding injustice. Thus, according to him, all these indicate that the transcendental theories do not merit any serious attention.

However, his blanket criticism and rejection of all theories of justice and his inability to provide any new consistent and constructive theory of justice have ultimately left Sen without any foundation for ethics. He has rejected the footing of our understanding of justice in any normative tradition (his rejection of deontology runs all through his writings). As his innovative proposals for the establishment of justice do not and cannot have any foundation, but are said to function in relation to the situations of injustice and the public critical scrutiny in a *functioning* democracy, for both of which there is no focal or reference point, his proposals would not serve any purpose in guiding the members and institutions of the society towards the establishment of justice. Instead, I am afraid, if his idea of the establishment of justice in our society is accepted as *the idea of justice*, it may only escalate more injustice without any guarantee for a better theoretical understanding of justice or practical guide to fight unjust practices and institutions for the establishment of justice.