



Examination on Social Injustice in Contemporary Societies Amartya Sen's Approach

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Abstract. The article looks at Amartya Sen's perspective on the injustice problem as well as the idea of justice. To understand Sen's view of justice, one must consider his critique of Rawls' Theory of Justice. One could read Sen's Idea of Justice as both a critique of Rawls' theory of justice and a suggestion for a different approach. Sen's criticism of Rawls' theory of justice led to the development of his own view of justice. Furthermore, by examining and understanding Sen's notion of justice, Niti and Nyaya's human reasoning is able to differentiate between injustice and justice. Adam Smith proposes the unbiased observer as the moral criterion in the Theory of Moral Sentiments. This concept is used by Sen to the question of political fairness. Sen offers the Capability Model as a remedy for the equal justice problem in his works.

Keywords: Justice, Niti and Nyaya, Amartya Sen,

1. Introduction

Amartya Sen's contributions to welfare economics and social choice theory, as well as his concern in the issues facing the most impoverished sections of society, earned him the 1998 Nobel Prize in Economic Sciences. He applies comparative and evaluative approaches to justice. Sen adds to his earlier work on capabilities and tries to develop a broad theory of comparative justice in his book *The Idea of Justice*,

which he dedicated to John Rawls. Sen first separates two schools of thinking that are connected to the concept of social justice in order to do this. The political climate in Europe and America changed as a result of the social and economic changes brought about by the European Enlightenment in the 18th and 19th centuries, and Sen claims that even though the topic of social justice has been debated for ages, the idea was greatly bolstered by these developments. Thus, there are two distinct approaches and two distinct paths in the line of thought on justice among the major thinkers.

2. Various Approaches on Justices

The justice approach, the first of these strategies, was first proposed by Thomas Hobbes in the 17th century and was later adopted by prominent philosophers of various schools, including Rousseau, Locke, Kant, and Rawls. The 'social contract' theory is a prevalent approach in contemporary political philosophy that emphasizes social justice mechanisms. This method is also referred to by Sen as the transcendental institutionalism method. Smith, Condorcet, Wollstonecraft, Bentham, Mill, and Marx all promoted various institutions that have an impact on justice. According to the comparative philosophy of justice, justice can be achieved by contrasting various lives under it (Sen, 2009:6-7). Instead of comparing justice and injustice in real communities, Sen implies that the

transcendental institutionalism approach seeks to define what is right and what perfect justice is, without specifically addressing real societies. Sen considers this aspect of the approach- which emphasizes the equitable arrangement of institutions rather than individuals and real societies- to be a contractual way of thought, claiming that it assumes a hypothetical social contract scenario. This social contract is obviously relevant given that it provides the perfect counterbalance to confusion and chaos. "The results of this approach lead to the development of theories of justice that focus on the transcendent identity of ideal institutions," Sen says, highlighting the arrangement-focused nature of the transcendental institutionalism approach (Sen, 2009:6). Sen notes that the other approach to justice, the comparative justice approach, is realization-focused. Comparative theorists attempt to rectify this by demonstrating the injustice in the world and that social realization (actual institutions, behaviors, and other effects on human life) claims that they concentrate on the outcomes. Rather than restricting their research to the transcendent analysis of an ideal society, these theorists have compared current or likely cultures and focused entirely on eliminating injustice worldwide (Sen, 2009:7).

As a key distinction between the arrangement-focused and realization-focused approaches to justice, the realization-oriented approach- that is, the comparative justice approach—focuses on people's real behavior rather than their compliance with ideal behavior. The realization-oriented approach asks "How can justice be developed?" in contrast to the regulation-oriented approach (transcendental institutionalism approach), which asks "How is a competent just institution?" The realization-oriented approach concentrates on the actual realization of justice in societies rather than merely on institutions and regulations; in other words, it emphasizes comparison rather than taking a transcendent path (Sen, 2009:7-9). Sen contends that transcendental institutionalism is the prevailing perspective on justice in contemporary political philosophy and cites John Rawls as an example of this perspective. According to Sen, the principles of justice may be seen in Rawls' Theory of Justice, where our relationship with perfectly just institutions is fully defined and specified, and the standards of proper action in the moral and political environment are illuminating. Sen contends that the transcendental institutionalism approach, which incorporates Rawls, has two issues with regard to justice. First, there can be an irrational consensus on what constitutes a just society, even in the face of rigorous standards of impartiality and open-minded examination (as in Rawls' initial view, for instance).

Sen declares that this is a transcending solution that has been agreed upon and that the viability of the result reached is the issue. The selection of the extremely unlikely ideal scenario from among potential options and the real selection requirements for a comparison framework of justice in the application of practical reason are two more of these issues. The repetition problem of research in terms of a transcendent answer is what Sen refers to as this (Sen, 2009:9). A fictitious state of equality (the initial position) is presumed to exist at the beginning of Rawls' theory of justice, as does the idea that individuals who are ignorant of themselves will all agree on one of the two principles of justice. Rawls, however, is unable to explain why other perspectives on justice were not selected. Sen, attempts to demonstrate with this approach to justice that Rawls' explanation of this concept of justice is incorrect. Sen contends that since Rawls developed his argument to highlight objectivity, various alternative viewpoints might readily reject it as unhelpful and unreliable. According to Sen, this blocks the fulcrum of Rawls' theory of justice. Sen is interested in ways to lessen unfairness, notwithstanding the fact that we all have diverse ideas about what a rationally consistent ideal system might look like.

In this regard, Sen views "the diversity of systems and lifestyles as things that signify human freedom, rather than as an error or mistake" (Sen, 2009:12). Sen contends that there can never be complete agreement on what constitutes a just world. There can be more than one competing cause for justice, all of which claim to be impartial. because Sen (2009:16) contends that "there are multiple systems of values and criteria to consider justice." The fundamental idea of Rawls' theory of justice is truth, according to Sen (2009:54), who also notes that "The principles of justice in Rawls' formulation determine the basic social institutions that regulate society."

When determining the principles of justice and impartiality in a hypothetical original circumstance, accuracy becomes necessary. Since the inception of political theory, "justice as truth has been central as a right" (Sen, 2009:55). The identification of suitable principles that dictate the consensus selection of just institutions required for a society's fundamental structure is one of the structural goals of righteousness practice. Accuracy and impartiality are integrated in Rawls to choose the right justice principles. This is where Sen situates Rawls alongside Kant.

According to Sen, "Those who defend a universal law, as Kant did, accept that the characteristics such as not being emotional and being objective are shared by most people" (Sen, 2009:57). Sen then discusses the

variety of conflicting objective principles and attempts to clarify this by using the example of three kids playing a flute (Sen, 2009:16): Our three children are named Anne, Bob, and Carla, and we own a flute. One of these three kids has to get this flute. Bob wants that flute because he doesn't have any toys, Carla says she made the flute herself, and Anne thinks she only deserves it because she can play it.

In the aforementioned example, Sen, highlights that every youngster has a unique motive for possessing the flute, making it extremely challenging to decide who should receive it. Sen claims that liberals, utilitarians, and proponents of economic equality will all have different opinions about who should be given the flute. Because Bob is the poorest, for instance, economic egalitarians will support him; liberals will want to give the flute to Carla because Carla made it; and utilitarians will support giving it to Mother because only Anne is proficient on the flute and she will enjoy playing it the most. For Rawls and his adherents, Sen contends, only one of these kids will be correct, and the choice will be made accordingly.

Rawls is part of the transcendental institutionalism perspective, which views justice as universal and necessary, applicable everywhere and at any time. Sen, who contends that this is impossible, highlights that according to Rawls' theory of justice, there is only one kind of just society, and that is described in terms of principles. That is, this ideal form of Rawls cannot account for tenable, rational responses to the plurality that exists in the modern world, and all other replies fall short. However, according to Sen, in the case of the three kids, we always violate at least one justice standard when we give the flute to one of them: Not giving the flute to Anne will result in human performance; not giving the flute to Bob will lead to the abolition of poverty; and not giving the flute to Carla would be incompatible with the right to enjoy the fruits of one's labor. Sen, notes that the aforementioned example makes it clear that there are valid reasons for each child to receive a flute. To put it another way, Sen contends that if we have to make a choice, we can only come up with three distinct answers for three distinct people. Sen contends that potential solutions are likewise illegitimate, emphasizing that it is extremely challenging to come to an agreement on the fundamentals of justice. Instead of talking about ideal solutions that might not work, the emphasis should be on selecting from among plausible alternatives. "If we try to choose between Picasso and Dali, we should not do it by referring to the diagnosis that Mona Lisa is the most ideal painting in the world," Sen (2009:16) tries to justify this decision.

Sen claimed that each of the three children's justifications in the "three children with a flute" scenario demonstrates non-arbitrary justifications and various forms of impartiality. Sen contends that no social institution, but only social negotiation, can bring about a peaceful resolution to such a dispute. In order to quantify justice, he highlights that this is achievable by eliminating standards that do not stem from common sense (Sen, 2009:14-15). As Sen notes, the flute example illustrates various basic concepts about what constitutes a just society that are examined independently and argued objectively.

As a result, it appears impossible to identify the institutions required for the fundamental framework of society and to define the fundamentals of justice. Sen claims that "it is very difficult to use the whole procedure/procedure of justice as the correctness developed by Rawls in his theory" (Sen, 2009:57) because of this. In his book *Theory of Justice*, Rawls makes the case that the development of justice principles will occur independently and that those who join together in the first place will not select other alternative beliefs about justice. Sen views Rawls' method as an attempt to arrive at a transcendent ideal. Sen, claims that although Rawls acknowledged later that it was difficult to get to a unanimous agreement on the one set of justice principles, this unsolvable issue had disastrous consequences for the notion of justice as truth. Sen, however, asserts that Rawls' theory "enriched political philosophy with its thoughts and played a great role in our understanding of various aspects of the idea of justice" (Sen, 2009: 58). However, Sen (2009:18) believes that "knowledge about the creation and regulation of institutions and rules cannot replace the importance of experiences and realizations in human life."

With regard to Sen, an achievement/skill-based conception of justice is closely tied to people's real lives, and such an approach to justice is necessary. Sen contends that regulations and institutions are undoubtedly crucial and have a significant impact on events and circumstances. The ability or inability to manage one's own life is not included in this organizational picture, therefore institutions and regulations only provide a portion of the real world. Therefore, Sen, finds himself closer to the justice tradition (comparative justice approach) to which intellectuals such as Adam Smith, Jeremy Bentham, John Stuart Mill, and Karl Marx belong. Sen believes that comparative theorists focus directly on social realization (the implications of actual institutions, conduct, and other factors) by plainly explaining the injustice in the world and seeking to correct injustice.

Sen claims that rather than creating an entirely unfair world, "these thinkers believed that injustices were correctable by gathering around the desire to eliminate injustice" (Sen, 2009:7).

Sen particularly supports and believes that Smith's Theory of Moral Sentiments is significant at this point. Sen supports the idea of an unbiased audience proposed by Smith in place of Rawls' veil of ignorance. For Sen, Rawls introduced objectivity into the discourse on justice by utilizing the idea of the veil of ignorance. Rawls contended that, presuming that individuals beneath the veil of ignorance were unaware of their position, they selected the principles of justice in a hypothetical, fictional scenario.

Smith, on the other hand, introduced the idea of a neutral audience, which he defined as an impartial observer who monitors, challenges, or influences an individual's moral behavior to some degree. The individual in society determines whether his moral behavior is right or wrong, just like he would if he were another person (impartial audience), and his action is shaped accordingly. The individual and the neutral audience are like two distinct selves and may not always be consistent with one another. Instead of being a part of one's character, the objective observer is a second self-established in one's mind. But it comes before one's character, and it influences and molds the other to some degree. Stated differently, Smith believes that both reason and emotion work together to influence our behavior or help us develop our character (Metin, 2010:68-69). Sen, makes reference to Smith's idea of an unbiased audience, which he proposed as a way to achieve objectivity in public discourse. Sen believes that the veil of ignorance in Rawls' original position is a less practical and straightforward application of Smith's idea of the neutral audience. Sen contends that an unbiased audience directs an outlook that acknowledges shortcomings and incompleteness, does not require a perfect, just world, and finds a reasonable and plausible conception of justice to be adequate. Sen contends that when we adopt such a viewpoint, we must rely on our ability to judge justice and keep it apart from our preferences and interests.

However, Sen (2009:20–21) uses two distinct terms from the Sanskrit literature on ethics and legal doctrine in the ancient Indian legal system as a helpful example to help readers better grasp the differences between the realization-oriented approach to justice and the regulation-oriented approach. Nyaya and Niti are two distinct ideas that are used in traditional Sanskrit literature in place of or in place of justice. Despite their differences, these ideas are connected.

3. Sen's Conception of Niti and Nyaya

Niti is a notion that emphasizes rules and institutions and relates to behavioral correctness and organizational relevance. Sen argues that Niti therefore takes the place of the notion of a society that is perfectly fair and that, in the contemporary world, it aligns with the transcendental institutionalism approach that seeks to address the issue, "What do competent just institutions look like?" On the other hand, Nyaya's concept is about breaking through. Nyaya is, in other words, a comprehensive plan or vision of justice that is accomplished. The more realistic and holistic concept of justice is represented by Nyaya, which focuses on specific outcomes, whereas Niti is the procedural sense of justice and the tool of codification. In addition, Nyaya in particular provides practical life guidance to individuals. Nonetheless, both Niti and Nyaya hope for the formation of fair, comprehensible fairness. According to Sen, when justice is viewed from Nyaya's broader and more inclusive perspective, institutions, laws, and organizations play essential roles, but they are inextricably tied to the real world.

In this regard, he asserts that the realization-oriented comparative justice approach is compatible with the Nyaya notion. Nyaya's approach to justice centers on the topic of "how justice can be developed," rather than "how perfect just institutions look." Sen (2009:21). The ancient Indian tradition emphasizes that justice is viewed as Nyaya rather than Niti. According to Sen (2009:411), "the difference between transcendental institutionalism and social realization approaches regarding justice to the difference that exists between Niti and Nyaya".

According to Sen, the lawmakers of ancient India also engaged in a debate known as *matsyanyaya*. In accordance to this discourse, "the big fish can freely swallow the small fish, which is justice in the world of fish." Sen maintains that we must take into account this degrading discourse—referred to by lawmakers as *matsyanyaya*—for a particular purpose. Since "justice in the fish world" shouldn't be permitted to infiltrate the human world, justice's primary function should be to prevent *matsyanyaya*. Sen contends that the accomplishment of justice through Nyaya consciousness and society's self-reasoning are more important in this case than evaluating institutions and regulations. In order to avoid the *Matsyanyaya* example mentioned above, Sen affirms that transcendental ideas for the development of capable just societies or social arrangements do not result in a solution. "The realization-oriented approach makes it

easier for us to understand the importance of preventing sharp injustices seen in the example of *matsyanyaya* and to prevent or correct the injustices that exist in the actual world," according to Sen (Sen, 2009:21). Sen uses the uprisings to end slavery in the 18th and 19th centuries as an example in this regard. It is not required to look for agreement on what constitutes a just society in order to abolish slavery; rather, slavery was abolished by a majority vote, according to Sen, who claims that Adam Smith, Condorcet, and Mary Wollstonecraft are among those who underline that a society with slaves is unjust. Slavery was abolished as a result of the American Civil War.

Sen highlights that the "great strike launched for justice in America, the enhancement of justice through the abolition of slavery, cannot be shown within the transcendental institutionalism approach, but within the social realization approach (comparative justice approach or realization-oriented approach)" (Sen, 2009:22). Sen argues that a correct comprehension of social realization, or the *Nyaya*-based perspective on justice, "contains a comprehensive, broad explanation (including process) of the events and situations that occur through the right processes" (Sen, 2009: 24). However, Sen's conception of justice places a high value on the global aspect of justice. Sen (2009:24) contends that "the restrictive/limiting perspective of the dominant view of transcendental institutionalism in political philosophy emphasizes that it will not be possible to realize global justice from this perspective." A transcendent and unresolved assertion, according to Sen, is that a competent global justice may be established by creating perfectly just institutions. This claim is made within the framework of the regulation-oriented (transcendental institutionalism) justice approach cannot satisfy the needs of a just world at the global level in our day and age. In fact, a thorough clustering of institutions is necessary to apply the Rawlsian approach to the theory of justice in order to identify the fundamental components of a just society.

Rawls does not resort to imaginative explanations or compromise his principles of justice when considering how to think about global justice. Rawls's later work, *The Law of Peoples*, aims to illustrate how this will occur between nations while pursuing demands for justice as truth. Sen asserts that "this addition, which includes the resolution of the fundamental problems of humanity through negotiations between the delegates of different countries, remains very weak and qualifies justice in a very limited way" (Sen, 2009:26). "What is the international reform we need to create a less unjust world?" Sen wonders. Sen poses the query (2009:25).

Sen highlights that the interests of underprivileged and oppressed nations should also be adequately taken into account in order to benefit from economic connections, technological advancements, and the advantages of political opportunities. Sen views widespread global inequality and poverty as a fundamental issue at the core of globalization, and he calls for the enormous benefits of globalization to be shared more fairly. "The impoverished should have a better and fairer arrangement with less economic, social, and political inequalities of opportunity," says Sen (2010:156).

The benefits that the domestic and international reorganizations will offer should be discussed. At this point, Sen may benefit greatly from the implementation or bolstering of social security laws as well as other beneficial public initiatives. Sen argues that while disagreements on other issues continue, achieving global justice for a competent just society may lead to consensus through public debate. Sen stresses that in order to reduce injustice and address current injustices, the institutional framework of the modern world needs to be changed. Sen observes, for instance, that the medications required by underprivileged AIDS patients may be manufactured more readily, marketed for less, and obtained more readily from the market. The reformation of the rules pertaining to this is a straightforward issue that has some ramifications for global justice. In contrast, Hobbes highlighted the 'evil, wild, and short' nature of people's life in his 1651 book *Leviathan*, which can be considered a model work. "This Hobbesian conclusion regrettably still constitutes a good starting point for today's theories of justice," according to Sen (2009:412).

Despite tremendous material advancement, Sen contends that far too many people worldwide still live with these awful characteristics. Sen's methodology focuses on the lives and abilities of individuals, as well as their oppression, pain, and deprivation. According to Sen, various theories of justice share some presumptions about the nature of human existence, such as degrading and embarrassing others, causing them pain, being harsh, lacking empathy, arguing, disagreeing, etc. Sen stated that the prevalence of these characteristics in human existence does not dictate a certain theory of justice, but rather that, despite our diverse lifestyles, we should strive for fairness generally and eradicate injustice from human society.

Sen affirms in his argument that he emphasizes human capability and ability a lot and compares it to other conceptions of justice. Sen believes that some people and societies shouldn't be destined to live solitary lives

because they lack basic human characteristics like communication, empathy, empathizing with others, reconciliation, and cooperation. Regarding the quality of human life, Sen believes that avoiding solitude is crucial. Hobbes highlights the hardship of solitude by highlighting the 'bad, wild, and short' nature of people's lives in *Leviathan*, according to Sen. To put it another way, Sen's observations about the predicament of the isolated people and the challenges of loneliness that Hobbes highlights are same in this instance (Sen, 2009:415). Sen, claims that in a world that is already terrible, we are subjected to a number of problems, like as oppression and starvation, and to make matters worse, we constantly quarrel with one another yet are unable to connect with one another. At this point, Sen, stresses public reason and advocates for the replication of genuine democratic possibilities and discussion places. In the final section of *The Thought of Justice*, Sen discusses the real-world issues of the past 25 years and makes the case that justice ought to be global in scope today. Sen calls us to a non-local, neutral mind rather than putting forward an ideal of justice in Rawls' manner. You examine things from the perspective of Smith's unbiased audience, highlighting the necessity to examine our inclinations, habits, and preferences while avoiding the assumption that there is just one possible approach (Sen, 2009:394-396). Sen calls for us to rely on public reason that is not tied to any particular ideal in order to achieve justice. He says that in order to assess the far-reaching effects of social arrangements without compulsively adhering to formal and procedural rules, we must compare the effects of specific policies that were implemented in the name of impartiality and integrity. (Sen, 2009: 408-409).

Sen concludes by saying that the transcendental institutionalism approach is the dominant paradigm of justice today. Despite being supported as well-meaning rhetoric, many issues pertaining to justice are disregarded. The restrictive/limiting transcendental institutionalism approach that predominates in the philosophy of justice needs to be abandoned, according to Sen. Sen, 2009:26-27. *Nyaya* and *Niti* are both translated as "justice," yet he forces us to choose *Nyaya* over *Niti* and Smith over Kant. Sen contends that this kind of public reason ought to govern some societies' areas of action on a worldwide scale without reducing their degree of liberty. Sen believes that at this juncture, having the viewpoint of an unbiased audience is essential for nations, particularly wealthy and strong ones. Sen holds that wealthy and influential nations ought to consider the interests of the weak and impoverished and compare their lives with those of others who are living in extreme poverty, oppression, persecution, and starvation (Sen, 2009: 403-407). Sen

asserts that by making an effort to understand the viewpoints of those around us, we may also consider their interests and develop a sense of solidarity with them. According to Sen, "we can start by trying to be a global impartial audience in our own lives and work," even if he acknowledges that this is by no means a simple task (Brown, 2010:11).

Instead of presenting the illusory goal of defining a just society universally, it offers a pluralistic perspective on justice by demonstrating sensitivity to behavioral contexts and practical reason. This is because it aims to establish a human-centered justice paradigm that transforms an obsessive commitment to the justice approach focused on regulating the structures of institutions and rules.

4. An Examination of Amartya Sen's Justice Philosophy

The ideas of individualism and freedom were positioned with liberalism as the foundation of justice theories. Freedom and the individual are valued and elevated in liberalism. A person who possesses the fundamental rights of life, liberty, and property and whose purpose is within himself is considered an individual. The state must take into account each of these rights when making legal arrangements. The justice system's goal is to safeguard each person's legal rights. The only responsibility of the state is to administer justice while respecting each person's freedom and rights. There is no way for the state to interfere with an individual's freedom and rights. Justice is the defense of rights in any way, and the state is the state of law. In the majority of circumstances, justice has also been regarded as freedom since liberal theory guarantees freedom in the exercise of rights. However, it is unclear at this time if freedom is a goal or a means. Because freedom in this situation is both a goal to be achieved and a way to achieve the goal. The significance of the idea of the right to justice in liberalism is readily grasped if freedom is regarded as a right in and of itself. Freedom is a prerequisite for exercising rights. According to his rights, a person can be free. There is no freedom to vote, for instance, if a person is not allowed to do so. In a sense, granting freedoms also entails ensuring rights. Because human rights and liberties are inextricably linked (Gündoğan, 2003:2-3). Amartya Sen, a professor of philosophy and economics, has a capacity method that illustrates this internal connection between freedoms and human rights. Capability, according to Sen (2004a:108), refers to "different combinations of functions that a person can achieve."

Sen proposes that unequal financial distribution frequently results in a far smaller distribution of rights

and capacities. Inequality is socially reproduced because of the original unequal distribution of capacities. However, in the context of social policy, the endowment of access to rights really means that measures to redistribute skills are required. Sen supports that, in order to lessen inequality, it is necessary to redistribute capacities rather than just national income. Sen argues, for instance, that poverty is not just a lack of money but also a lack of rights and the ability to take advantage of life's chances.

On the one hand, poverty stems from the lack of rights like the right to education, the right to health, the right to access culture and other collective services, civil and political rights, and most importantly, the right to participate in public decisions. These rights are just as important as the right to cash income because they increase one's capacity for decision-making. However, they are tangible representations of both poverty and insufficient income. According to Sen, these rights define individual freedoms and constitute a whole along with the right to monetary earning (Insel, 2000:18–19).

5. The Capability Approach of Amartya Sen

Amartya Sen and Martha Nussbaum provided the groundwork for the capabilities approach, which was organized in the late 1980s under the auspices of the United Nations Development Program (UNDP) (Tilak, 2002:192). Sen and Mahbub ul Haq developed the Human Development Index (HDI) in 1989. Unlike previous development indices, the HDI considered capabilities such as basic health and education. The construction of the index and the identification of the significance of some unrealized liberties have both profited considerably from the previously described "feminist economics" (Sen, 2004b:80).

According to Tilak (2002), Sen "created the human development approach in 1999 and presented it as a capability approach." Human wellbeing is tackled from several angles in Sen's capability approach, "which is the most serious criticism developed against utilitarian liberal justice theories" (Seker, 2009:260). This method exhibits an interdisciplinary aspect. This method was applied in empirical research and served as a theoretical foundation for the human development paradigm. "The capability approach addressed the question of 'what is equality?' in liberal political philosophy and concentrated on what people can do and become effectively, rather than their happiness or income and expenditures" (Nussbaum, 2005:168; Robyns, 2005:93). The capability approach suggests a development strategy that is viewed as a process of extending people's fundamental liberties, in contrast to

conventional money or benefit-based methods. It is believed that the primary goal and instrument of growth are the increase of freedoms. According to Sen, these are the fundamental and crucial roles that freedom plays in development, respectively. The essential human liberties and the foundational function of freedom It's about making your life better.

Basic abilities like the freedom to escape starvation, malnourishment, avoidable illnesses, and early death are examples of fundamental freedoms. Other freedoms include the ability to practice calculus and reading, to participate in politics, and to express oneself freely. Contrarily, instrumental freedoms focus on how various rights, chances, and privileges enhance an individual's overall ability to live a more liberated life. For instance, the general ability required for an individual to live more freely tends to be influenced by instrumental freedoms including political freedom, economic opportunity, social opportunity, transparency guarantees, and protective security (Sen, 2004a:57-58).

The importance of values like rights and freedoms in human welfare was neglected by benefit and income approaches, which prioritized other development standards" (Sen, 2000:19). Though it rejects seeing them as a goal, this method, which offers a more comprehensive view of human progress, acknowledges the instrumental significance of rising national and individual incomes in extending liberties. The freedom to live and grow into their potential should also be granted to individuals. According to the capacity approach, people's competences are used to construct the goals of justice, development, and human welfare. According to Sen, individual liberties are the fundamental components of the capacity approach. The idea here is that "individuals can choose the lifestyles that they value" (Sen, 2004a:101). What you value in this situation is freedom itself, not the results of freedom. Expanding people's ability to live the lifestyles they value is of interest to Sen. The term "capacity" refers to the many combinations of functions that an individual may do (Sen, 2004a:108). Therefore, what counts in this situation is the ability to act, which is what represents the different things one may choose to be or accomplish.

Sen emphasizes the idea of capability and action capacity, arguing that the former is a necessary flexibility (the ability to adopt different lifestyles) in order to arrive at different combinations of action capacity. Alayrak (2003) states that "capability is the capacity to use the goods and services owned or achieved and to benefit from and reach individual-social rights."

In this instance, capacity manifests as the liberties that allow a person to achieve the lifestyle they choose. In other words, capacity indicates the freedom of the individual to make decisions in life and is the absolute requirement for a person to be a real individual living in society. Sen therefore views a lack of capability as being far more significant than a shortage of revenue.

Sen differentiates between two forms of poverty— income poverty and capacity/sufficiency poverty—in contrast to the traditional definition of poverty, which explains poverty solely in terms of income poverty. According to Sen, a nation's growing supply of goods and services undoubtedly helps to prevent poverty and uphold the rule of law, but these factors by themselves cannot raise people's standard of living. Additionally, people should be able to do more. Growing talents is more important to Sen than growing income and products since he views true poverty as a condition in which one is devoid of fundamental abilities. Because, in Sen's words, "income is only instrumentally important; however, the lack of capacity is a problem related to the existence of man, his field of existence" (Sen, 2004a:131). Therefore, in accordance with Sen, a person's methods of achieving another goal— increasing his capacities—are more important than his money or fortune. For instance, receiving primary health care and basic education will both enhance the person's quality of life and immediately aid in his emancipation by raising his earning potential. Sen believes that a nation should prioritize improving general health care and basic education before implementing any other policies. Sen contends that extreme poverty and injustice won't exist in nations that are able to completely achieve these aims.

It is evident that, in contrast to conventional economic theory, Sen has a multifaceted view of poverty. According to conventional economic theory, unemployment and government interference in free markets exacerbate poverty, whereas economic development and higher worker productivity can alleviate poverty. According to conventional economic theory, maximizing utility and producing more commodities efficiently are crucial. However, the "capability approach is a universal approach, every thought, every individual, and everything that is considered as a goal is important" (Nussbaum, 2000: 241). "There is a very close relationship between human rights and human competencies" is also stressed (Nussbaum, 2000:243, 2005:184; Osmani, 2005:206; Sen, 2005a:163, 2005b:8).

Osmani (2005:206) considers the capacity approach as a "bridge connecting human rights and poverty" when

examining poverty and human rights from this angle. Since "rights are moral reasons based on a moral basis and they should be handled without prejudice and impartially," morality should be utilized while describing human rights (Sen, 2005a: 153; Sen, 2005b:8). "Human rights and human competencies should be considered together," according to the capability approach, which views all rights and competencies as a basic matter of justice (Nussbaum, 2000:244, 2005:184; Sen, 2005a:153). It is easier to comprehend each scenario when these factors are taken into account. Given the inextricable link between freedoms and rights, some liberties ought to be regarded as rights. Sen (2005a:185) states that "fundamental freedoms need to be protected, integrated, and expanded." According to Sen (2004a:56), fundamental freedoms include "basic capabilities to avoid hunger, malnutrition, preventable diseases, and premature death, to receive education, to benefit from political participation and free expression." The capacity method, however, also highlights how women's capabilities are viewed as inferior to men's in historically sexist society.

The aforementioned perspective, which views women's rights as human rights, contends that women's uneven social and political circumstances give them unequal human competencies and capacities (Nussbaum, 2000:240, 2005:183). Sen has used the term of "missing women" to refer to women who, in most areas of the world, receive less assistance in doing the necessities of life. "In reality, the 'missing women' are second-class citizens, despite their theoretical equality" (Nussbaum, 2000:241). According to Mary Wollstonecraft, the world is a huge prison that restricts women's ability to be creative. Sen claims that "the description of Wollstonecraft, who lived and started the defense of human rights, is still valid today, two and a half centuries ago" (Sen, 2005b:3). Sen noted in his study on gender that women face discrimination and therefore disadvantage in every sphere of social life. This circumstance is "not acceptable in terms of universal norms of equality and freedom, and needs to be reconsidered in terms of the distribution of opportunities and resources," claims Nussbaum (2000:242).

More resources must be made available to people or organizations dealing with these issues. When it comes to raising consciousness and offering alternatives, education is the most crucial factor in resolving these issues (Nussbaum, 2005:184). According to the capacity perspective, rights are viewed as an extension of human freedom, and education is regarded as a basic human right regardless of its economic significance. "A wider educational

perspective that emphasizes people's capacity to select the lives they value is highlighted by the idea that education is a right" (Sen, 1997:1959).

Capacity and education are interdependent. Capacity describes the range of possible combinations that an individual is likely to select. The freedom that enables an individual to choose their own way of living is thus the emphasis of "capability thinking" (Saito, 2003:20). Accordingly, "people are deprived of their freedom when they are unable to obtain an education or have poor educational attainment" (Costantini & Monni, 2005:335). "Education enhances an individual's inner peace, self-confidence, employment opportunities, and the capacity to take various beneficial actions" (Alkire, 2005:129). Human skills are expanded through education, according to the capacity perspective. People become more liberated when they acquire values and develop their abilities via education. It is believed that education increases personal liberties. Whether or whether individual freedom of action is curtailed, this perspective, which views individual liberties as the fundamental building blocks, views education as a virtue. The capacity approach views education as an aim in and of itself, whereas other development models view it as a tool to boost profits.

The capacity approach holds that poverty is both a result of and a cause of a lack of education. As previously stated, it distinguishes between two forms of poverty: capacity/adequacy poverty and income poverty. It does not only explain poverty in terms of income. Sen claims that capacity/competence poverty is the true definition of poverty, stating that it is "the state of being deprived of certain rights, opportunities, and options" (Sen, 2004a:101). As previously observed, Sen's method in contemporary economic theory represents a fresh start in the fight against the insistence that all preferences and tangible wants are only particular manifestations of a universal and abstract need notion like utility. Using the conventional instruments of economic theory, Sen, however, defined utility as an individual's capacity for action rather than wellbeing. This concept eliminates the necessity of interpreting utility as contentment or the fulfillment of wishes. The ideas of choice and freedom are manifestations of utility, which is the potential of an individual to act. Sen's theory of freedom, in other words, contends that utility represents an individual's capacity to act rather than the outcome, in contrast to the welfare theory, which is predicated on the utility-happiness pair. Choice and freedom are two ideas that are essential to ethics. Freedom is the expansion of one's options for achieving a desired lifestyle, and this assessment is

made for a number of reasons. Here, freedom is the primary objective of growth. Sen's approach is based on the fundamental tenet that freedom itself, rather than the results of freedom, better reflects the value to the person.

In your opinion, freedom is significant not just because it enables you to pursue certain goals but also for its inherent significance, which transcends the worth of the condition attained. Thus, freedom requires more than just material wealth, income, and formal privileges; it also requires the ability to take advantage of and expand upon chances for fundamental human action. The complement of freedom is the power to choose and carry out decisions. Achieving a position of choice involves more than just maximizing personal benefit (Insel, 2000:15–17).

Thus, the fundamental tenet of the capacity approach is that the human, who is the decision unit (agency) as an individual with identity, is the decision unit instead of the "self-interested" type of person caused by utilitarianism, which is one of the strong currents of the Enlightenment philosophy. With this broad perspective that he brought to the definition of economic human (*homo economicus*), he "advocated that welfare economics should be methodologically addressed within a broader set of variables (such as famine, hunger, injustice, income distribution, malnutrition, and gender discrimination)" (Seker, 2009:275). Sen's capacity approach, which acknowledges the development of human potential as a fundamental tenet, incorporates "many basic variables pushed out of welfare economics, without compromising scientificity and measurability, are theoretical researches." As opposed to positivist and unethical economics methodology, which excludes such evaluative approaches because they are not measurable variables with the concern of being scientific (Seker, 2009:270).

6. Conclusion

Through the process of realization, Sen's conceptions of *Niti* and *Nyaya* have the power to eradicate social injustice and establish justice. Sen argues that the *Niti* is a concept of a just world, a tool for codification, and a procedural sense of justice. *Nyaya* is a complete plan or vision for justice that is accomplished. It concentrates attention on specific outcomes and embodies the practical and comprehensive concept of justice. *Nyaya's* primary goal is to prevent *matsanyaya*, or the unfair practice of huge fish consuming little fish. 'Justice in the fish world' should not be permitted to infiltrate the human world; its primary function should be to prevent *matsanyaya*.

Sen, fundamental acceptance is based on society's self-reasoning and the accomplishment of justice with Nyaya awareness rather than on evaluating institutions and regulations. To do this, he stresses public reason through human reason by distinguishing between fairness and injustice through a realization process, and he advocates for the replication of genuine democratic possibilities and debate places. Social injustice will be eliminated, and a system of justice and equality will be established.

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