

Two Approaches to address Inequality: Amartya Sen's Approach and John Rawls' Theory

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Abstract

In contrast to the utility and welfare approaches that focus on maximization of pleasure/welfare, Sen and Rawls present their approach as a solution to address the issue of inequality more substantively. In his needs-based approach, Sen argues that exercising capability is an adequate metric of equality whereas Rawls relying on his procedural principles argues that obeying the difference principle will result in the minimization of inequalities. These two approaches are not in opposition to each other rather the capability-approach of Amartya Sen is an extension of the Rawlsian theory of primary goods. This is because the realization of goods by exercising one's capability requires that an individual first possesses those goods. In order to ensure the basic minimum to all individuals and to prevent them from the hedonistic principle of maximizing utility, Rawls recommends the provision of primary goods. He gives a list of five primary goods. However, Sen argues that it is still not enough to accommodate the culturally diverse needs of people and their disadvantages and inequalities with a simple provision of goods. The paper shall attempt to briefly explain the perspectives of the two thinkers and then take into consideration some of the criticisms levelled against them. Clarifications concerning some unfounded criticisms are also mentioned very briefly.

Keywords: *Capability, Inequality, Least-Advantaged, Primary Goods, Functionings, Diversity, Midfare*

Introduction

Sen and Rawls share the concern to eliminate inequalities and ensure equality along with other utilitarians and egalitarians like Bentham, Dworkin, etcetera; however, the way they propose to do it is markedly different from others. Rawls presents his two principles of justice-the basic equality and the difference principle-which if followed in a lexical priority would result in ensuring equality to a large extent. Sen, on the other hand, presents a “capability-based approach” in order to address the issue of inequality. This, he says, is because ameliorating inequality needs not just an income-based redressal (as Rawls proposed) but rather a more in-depth solution, exercising capability. The paper is divided into three sections. The first section presents a definition of the basic terms that Sen and Rawls use in their theorisation such as capability, well-being, functionings, veil of ignorance, primary goods, difference principle, etc. The second section highlights the points of similarity and difference between Rawls’ theory and Sen’s approach thereby giving a sense of their engagement with issues of equality and inequality. The third section argues to explain how the capability approach provides a more substantive conception of equality over the Rawlsian principles and is therefore more appealing and relevant. The last section is subdivided into two sections highlighting some of the critiques offered by scholars like Cohen and Sandel to the approaches presented by Sen and Rawls respectively with a brief evaluation of some other scholarly criticisms.

Defining the basic terms

Let me begin by explaining the various terms that have been employed by the two theorists- John Rawls and Amartya Sen- and which shall also be used throughout the paper. “A functioning is an achievement of a person: what he or she manages to do or be” (Sen 1982, 7). They are said to be achieved when one is able to realize the

goods. Functionings are different from the goods that are used to achieve the functioning. For example, in the case of education as a good, the student's literacy levels will be their functioning, but the books, school infrastructure, etc., are the equally essential means required to achieve that functioning. Functioning is also different from utility. Utility is something that one may derive post the attainment of that functioning. Functioning is not to be confused with capability. Capability is the ability to convert the characteristics of the commodities into individual achievements of functionings. A proper exercise of capability leads to the achievement of functioning. This exercise leads to an enhancement of a person's life or what Sen calls- an achievement of well-being. Thus, in the case of education as a good, the ability to read and write would count as capability. One may derive happiness when one is able to read a novel. It is thus a result of the exercise of one's functioning. Sen advocates that the goal should be the attainment of capability and not utility if one wants to eliminate inequalities.

The ability to convert goods into capabilities is a contingent process that involves both personal and societal conversion factors. For example, the capability to play cricket is influenced by personal factors—age, agility, money to pay for the cricket academy, etc. and also by societal factors—conventions that govern who “should” play cricket, presence of training academies, family's orientation towards sports as a viable career option, etc. It is a mix of personal and societal conversion factors that determine the extent to which a person can exercise their capability and the differences in the exercise of capability equals the ensuing inequalities. The human agency to convert them, however, changes the impact that these conversion factors will have on the individuals in future. Humans, thus, are capable of changing the inhibitors to their advantage through the exercise of their agency. It is, therefore, a dynamic process.

John Rawls, on the other hand, proposes that any rational individual in the original position would choose the two principles of justice behind the veil of ignorance. This veil is a hypothetical construct under which the individuals do not know of their own class or other social positions but have a basic sense of economy and psychology. Rawls says that since one is unaware of one's position, he/she would be unbiased behind the veil and would want to secure primary goods to all individuals. These primary goods—rights and liberties, opportunities, income and wealth, and the social bases of self-respect are basic and intrinsic to human existence and therefore must be guaranteed to all individuals. Inequality resulting after the provision of primary goods is justified according to Rawls since it acts as an incentive for people to enlarge the pie meaning that it helps in the increase of society's resources. The two principles of justice which form the heart of Rawls' theory of justice are basic liberty principle and difference principle. The former means that each person is equally entitled to claim basic liberties and rights and the second principle is further sub-divided into two. The first sub-principle (mentioned in order of lexical priority) states that all individuals should have a fair and equal opportunity to hold and maintain office and positions and the second principle—the difference principle—states that only those inequalities must be permitted which are in the interest of the worse-off. These two main principles must be obeyed in any well-ordered and stable society according to Rawls.

A comparison

There are many similarities in Sen's and Rawlsian approaches for reducing inequalities and ensuring justice for individuals while simultaneously distancing themselves from the utilitarian argument; however there still exist differences between the two. I shall attempt to discuss some of them ahead.

Ideal Vs Real theory- Firstly, Rawls (2001) gives us an *ideal theory* that pertains to ensuring and maintaining the free and equal status of citizens as cooperating members in a well-ordered society. The theory gives us the two principles that the reflective individuals would choose in a hypothetical situation behind the veil of ignorance. Those principles, says Rawls, are supposed to be equally valid in real-life situations. Sen (1992) reiterates that the two features of Rawlsian theory-the subject matter of his theory-is a part of the basic structure along with the socio-political institutions designed in accordance with them. Rawls, says that, it is toleration along with an overlapping consensus of a political conception of justice with other comprehensive doctrines that makes possible the formation and stability of a society as well as ensures that it holds a certain political conception of justice and equality. He takes into consideration the needs of ‘citizens’ as equivalent to the needs of ‘persons’ for the purpose of political justice only. On the other hand, Sen takes into consideration *real-life problems* and devises an approach that can help eradicate them. He factors in the structural, societal, and personal constraints into his approach which he believes contributes to inequality and therefore are to be eradicated in order to achieve an equal and just society. He accounts for the particularities of individuals and does not homogenize individual problems as the problems of ‘citizens’ that have to be explained in terms of the limited boundaries of the political only.

Scope- Secondly, even while considering inequality, Rawls defines it as only the least advantaged groups who lack the primary goods required to maintain their citizen status. These groups are defined based on their income alone, and even if there are structural inequalities in society, they have to be expressed in terms of lower incomes only. Therefore, a lower-caste women will be considered disadvantaged because she is poor and not because she belongs to the lower-caste group and therefore might have faced discrimination.

This is in contrast to Sen's approach, which additionally includes other non-economic factors responsible for the inequalities in society. For example, in his book *'Development as Freedom'*, Sen argues that access to health care, education, political dissent, economic markets and non-management of famines by governments are some other factors that lead to the creation of economic inequalities amongst people. The Rawlsian approach is therefore narrow in its scope as it reduces itself to a political conception of justice while the capability approach is all-encompassing because it recognizes the fact that even if individuals are economically well-off, there are other factors (e.g. gender, caste, etc.) that prevent the realization of goods, money, etc. and consequently the extent of freedom that one enjoys. He clears the "confusion of 'well-being' with 'being well-off' and a confounding of the state of a person with the extent of his or her possessions." (Sen 1999, 16). Sen advocates the goal of "well-being" of an individual as the state which characterizes an end of inequality and injustice.

Individual responsibility and needs- Thirdly, Rawls's theory believes in the assumption that individuals are free and equal. It therefore automatically follows that "variations in preferences and tastes are seen as our responsibility" (Rawls 1993, 185). Hence if individuals have 'expensive tastes' they are not to be compensated by extra income because they can also mold their choices just like they can change their conceptions of the good. Rawls (2001) implicates this argument in the language of capabilities and in doing so reduces its scope. He says that it is because of the capability of citizens to be free and equal that they are to be held responsible for the decisions that they make. This argument for responsibility also leads to another direction. Rawls says that the "extreme cases of persons with grave difficulties" persons "who can never be normal contributing members of social cooperation" must be kept aside (Rawls 2001, 170). Rawls calls them "hard cases" and does not allow the difference principle to

give them any more or less of a support or sympathy. Thus because of his focus on the “normal range”, Rawls ignores the special needs of people with disability and other similar cases. This inadequacy is rectified in the capability approach of Amartya Sen because he takes into account diverse factors that could inhibit capability-realisation as mentioned above. However, in his reply to Sen, Rawls says that he does not ignore the importance of need altogether but says that the needs are to be considered at a later legislative stage when information about the specific needs and circumstances is available. He defends himself by saying that in the original position, only the very important and general principles and provisions are formulated. If this is the case, Sen concedes, then a large part of the problem is solved.

Means-end conundrum- Lastly, Rawls focuses solely upon the equality of opportunity of individuals to achieve welfare, and it therefore follows that he focuses on the means and not the outcomes. Rawls, himself says that his theory of justice is purely procedural and that if the two principles are followed it will lead to the realization of justice and other substantive freedoms. Rawls says that equal and adequate means, which are the five primary goods of “basic rights and liberties”, “freedom of movement and occupation”, “positions of authority”, “income and wealth” and “social basis of self-respect” must be ensured. If these primary goods are provided for, it follows that individuals have freedom and can maintain themselves as well. Sen interrogates this claim and asks- Is it so? He does not deny the importance of means but questions the ability of means to convert themselves into ends. This denial is because of two reasons- a *partial* physical condition neglect and a valuation neglect in the basic needs approach. Rawls believes that the primary goods ensures the bare minimum, and the subsequent inequalities are a consequence of individual choice. In his reply to Sen, Rawls argues that primary goods are flexible because they can accommodate and are necessary for any conception of the good and are therefore not narrow in their

scope. Sen, on the other hand, believes that capabilities are distinct from both the means and ends. It is an intermediate stage between them— possible only after suitable means are ensured and placed before the ends that individuals and society hold valuable. The capability approach thus refines—and does not reject—the basic-needs approach, thereby entrenching justice and abolishing inequalities among individuals.

Similarities- Rawls and Sen (1979) both share the claim that aggregate theories such as utilitarianism which focus on summation as the combining characteristic are unjust since they do not consider the descriptive features and only objectively choose the utility-maximizing set. Utilitarians “suffer from the twin defects of ‘physical-condition neglect’ and ‘valuation neglect’” (Sen 1987, 15) i.e. they neglect the hitherto physical condition of the parties and also do not pay heed to the choices that the parties regard as valuable. Any distribution that results in greatest happiness is considered good without any consideration of the resulting inequalities. The welfare theories or the Total Equality theorists disregard the loss of ‘how much’ and ‘how many’ is sacrificed while making provisions for the benefit for the least advantaged. These are equally important questions that, both Sen and Rawls argue, cannot be ignored. In order to correct the inadequacy, Rawls offers primary goods to all individuals such that nobody is left behind in having the basic goods necessary for human life. It is Sen who takes the cause of inequality and differences even further than Rawls when he says that even after the equal provision of primary goods, it may still result in an unequal society as people lack the capability to exercise them equally. Rawls therefore advocates a possession concept of equality and Sen argues for an exercise concept of equality. However, both of them are united in their aim to have a more substantive version of equality over and above the shallow conception of equality of the utilitarians like Bentham.

The Capability approach: An improvement over Rawlsian distribution

Sen, in his works (*Equality of What?*), proposes a “capability approach”, which highlights the relationship between goods and persons such that people are able to realize the goods and not simply own them. Sen believes, a mere possession of goods does not mean an effective realization and actualization of those goods. Even in the case of Rawlsian primary goods “that every rational man is presumed to want” (Rawls, 2001), Sen argues that the goods can provide freedom only when people exercise the ability to actualize/realize the characteristics of the good (functioning). There is thus a relationship between goods and persons and the persons considered in his approach are not homogenous. They differ due to internal and external factors. It is the inability to actualize those goods which gives rise to inequality according to Sen. This does not mean that the goods in themselves are useless but that they lack a means for their actualization. If we solely depend on commodities as an ends believing that they have an inherent capability of being realized, then we “fall into the trap of what Marx calls ‘commodity fetishism’- to regard goods as valuable in themselves and not for (and to the extent that) they help the person” (Sen 1999, 19). The same amount of goods to different individuals can still result in continuing inequalities and unequal freedoms. For example, giving a novel to an illiterate person may not be of much use to him/her as much as giving it to a literate person is. Therefore, providing equal goods does not adequately ensure that they are equally used or exercised by the people.

Furthermore, Sen argues, individuals can also choose the capabilities they desire from a capability set. It is not a one-size-fits-all, universally valuable capability. Capabilities can be good or bad. The ability to rob would also count as a capability. Thus, there is nothing

valuable in a capability as such, but the values and activities that a society holds in good esteem are the ones that make individuals decide which capabilities they want to choose from the capability set. Therefore, the capability approach is culture-dependent as it acknowledges that our surrounding culture influences the diverse conversion factors and our decision to choose relevant capabilities. When we say that capabilities are culture-dependent, we do not mean that we are relativistic. In his earlier works, e.g., “Equality of What?” Sen conflated basic capabilities with other capabilities. He later reformulates that “Basic capabilities refer to the freedom to do some basic things considered necessary for survival and to avoid or escape poverty or other such deprivations.” (cited in Robeyns 2017, 94). Thus, there is some grounding as to the minimally required capabilities necessary for survival and well-being. There are particular objective needs that every human must fulfil before taking up other quality of life capabilities.

Critiques

Criticisms of Sen’s approach:

While the capability approach based on empirical studies by Sen and others has achieved much acclaim and validation, there are some scholars who have criticized it. However, it must be understood that many criticisms levied against him are unfounded as Sen has been explicitly clear about them in his writings and has also provided counter-criticisms in his subsequent works to provide a clarification for the same. The critique of Cohen however demands special attention as it does not delve on criticizing Sen’s theory as narrow or rigid rather correctly points towards the confusion resulting from a slight ambiguity in definitions. I shall elaborate on both of these points below.

Cohen (1990) points out that Sen has used the term “capability” ambiguously in two different senses in his works. The first use is capability- as the ability to do certain basic things. The second sense is in how goods confer capability on persons when individuals realize those goods. This second meaning is made while abstracting the sole importance of utility from goods, and Cohen says this is the point where the capability approach falters. This is because there is a lot more to goods in the non-utility spectrum apart from capabilities. Cohen calls it the “midfare states”. It is “heterogeneous collocation” wherein goods are seen to do three things- endow individuals with capabilities which they may or may not realize, contribute to achievements or desirable states if individuals exercise their capabilities and bring desirable states even if individuals do not exercise their capability. The third aspect draws our attention as capabilities can be acquired even without agency and will on the part of the individuals. For example, when the parents of a newborn baby dress them up, the baby puts in no effort but still receives warmth and protection. Similar is the case with benefits derived from sun-rays. Thus “what goods do to people is identical neither with what people are able to do with them nor with what they actually do with them” (Cohen 1990, 370). Thus, there is a distinction between what goods do to people and what people do with the goods; Cohen accuses Sen of conflating both these categories.

Some of the other criticisms made against Sen is that he is vague as he does not provide a systematic answer to the hierarchy of capabilities in terms of their importance in the lives of human beings. In her theory of social justice, Nussbaum presents a list of ten central capabilities, which answers her question, “Which capabilities are the most important?” (Nussbaum 2011, 27). The capability list of Nussbaum includes Life, Bodily Health, Bodily Integrity, Senses, Imagination and Thought, Emotion, Practical Reason, Affiliation, Other Species, Play and Control over one's Environment. However, it

must be remembered that Sen provides an ‘approach’ and not a ‘theory’. It is because it is underspecified and open-ended that the approach serves multiple purposes. Sen gives his counter-criticism and in his defense argues that “the importance (he attaches) to agency, the process of choice, and the freedom to reason with respect to the selection of relevant capabilities” (Robeyns 2017, 173) prevents him from choosing some specific capabilities. He further argues that these capabilities should be chosen by a democratic processes and social choice procedures must be followed by giving the individuals embedded in a society the right to decide the capability set they deem most appropriate.

Criticisms of Rawlsian framework

Rawls, situated in the liberal tradition, has been criticized by communitarian thinkers like Michael Sandel, Alasdair MacIntyre as well as feminist thinkers like Susan Moller Okin and Carole Pateman. In this section, in order to present the argument in slight detail, I shall limit myself to the critique from Michael Sandel representing the communitarian school of thought. The two Harvard scholars differ fundamentally in their understanding of the self and its distantiation from the community. Sandel in his book “*Liberalism and the Limits of Justice*”, argues that Rawlsian conception of individuals taking decisions behind the veil of ignorance is based on “deontological liberalism”. This idea of autonomous and rational individuals, he says, is in line with thinkers like Kant who argued for placing “the right” above “the good”. In opposition to disembodied individuals Sandel situates individuals within the communities they belong to. He argues that the Rawlsian framework "rules out the possibility that common purposes and ends could inspire more or less expansive self-understandings and so define a community in the constitutive sense, a community describing the subject and not just the objects of shared aspirations” (Sandel 1982, 62) meaning that community ties are

important not simply because they help in understanding one's ties and relations with other members of the community to which they belong but also help in understanding one's understanding of oneself. He argues that to the extent the community holds value in determining and constituting the individuals, to that extent the concept of justice is limited. He is therefore not arguing for a plural conception of justice rather he is more interested in highlighting the conceptual flaw in the universal conception of justice arrived at by "pure", "unadulterated", independent and autonomous individuals behind the veil of ignorance. Sandel does not offer an alternative conception of justice or amendments resulting in the two principles of justice if we take into consideration a communitarian understanding of the individual, neither does he speak on the issue of inequalities resulting from this renewed conception of the self.

Another Harvard scholar, Robert Nozick in his book "*Anarchy, State and Utopia*", criticizes Rawls for advocating end-state principles and constraining individual liberty via his two principles of justice. However, his criticism does not demand our immediate attention because he argues that if a just acquisition and transfer has been made, the resulting inequalities no matter how stark are always justified. He belongs to libertarian school and as such does not concern himself with addressing the issue of inequality and therefore is not immediately important for this paper.

I have, in this paper, tried to argue that Sen is not concerned with rejecting either of the three theories (Utilitarian, Total Equality, Rawlsian) in their totality. He acknowledges that there is deep diversity in human beings and is therefore bound to make a case for their diverse needs and accommodate those needs in policies that actually enhance the individual's capability and well-being while simultaneously avoiding the fetishist handicap of Rawls' theory with the primary goods. He recapitulates the same concern of eliminating

inequality but in terms that actually make them functional and manifest themselves in reality. Being situated in the action-orientated domain of abolishing inequality, he wants his approach to not remain a mere formal commitment to equality in words but materialize itself in deeds. The empirical groundings of Sen's work make his approach all the more valid in the present times and help us design social policies that take into account the intersectionalities of identities, cultural and personal constraints that perpetuate inequality and taking measures in order to alleviate them.

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