

Justice in the Philosophy of Amartya Sen

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Abstract

The study aimed at addressing the issue of justice in the Philosophy of Amartya Sen, which specialized in the subject of justice, and was intended to solve several problems faced by man in his daily life. The study dealt with aspects of Amartya Sen's personality, then Amartya Sen's theory of justice, and then what transitional justice is, and the direction and concept of Amartya Sen through his theory of transitional justice. He has developed the capacity approach adopted by the Development Organization and several countries for the development of countries. The study recommended further studies on the theory of Amartya Sen to keep a close eye on its various creations.

Keywords: Justice, Philosophy of Amartya Sen, Transitional justice

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Introduction

The Indian philosopher Amartya Sen emerged as one of the philosophers who had an important view on the concepts of justice and development, distinguished as one of the distinguished contemporary economic thinkers who had outstanding efforts in this regard, and his central question in his theory was about justice, this philosopher laid the foundations of his theory of fairness, which has received the attention of many symbols of contemporary philosophy such as Ricoeur, Sandel and others where they considered the question of the concept of justice is a pivotal question specific to human Being. For example, Shamsuddin's study (2016) examined Amartya Sen's theory of justice and the consequences of applying it to Iraqi federal legislation. The researcher showed that this theory is based on the justice of society, far from the so-called institutional justice, he also explained that this philosopher belonged to the school of the so-called comparative justice school, as well as the extent to which Amartya Sen is interested in development and human development.

Through this philosopher reached one of his creations in the so-called theory of (motor development), through which he was awarded a distinguished international prize, the Nobel Prize in Economics, the researcher also showed that Amartya Sen concluded that the relationship between Amartya Sen's theory of justice and his relationship to development is an integral relationship, and there are two aspects to the theory: Capacity approach, social choice. And from that theory, the researcher designed a model for the Iraqi economy based on five axes: Education, health, economic freedom, income and political freedom¹, thus, this study deals with the concept of justice in the philosophy of philosopher Amartya Sen.

The study problem

The problem of the study is the lack of clarity and overlapping of terms used by Indian philosopher Amartya Sen, with other terms used by other philosophers, which is often not possible to reach what is meant by those terms, the problem of the study is the lack of specialized studies on the philosophy of Amartya Sen with regard to justice, although it is one of the most important economic theories in the modern era, which is an important justification for conducting such a study.

More specifically, the study's problem is to answer the following key question: What is the view of the philosopher Amartya Sen for justice?

The study Questions

This study comes to answer the following questions:

1. To what extent can Amartya Sen's theory be guided to the essence of the problem in transitional justice?
2. To what extent can the theory of Amartya Sen be applied to different legislation and laws?
3. How can this theory be the basis for a legal study related to transitional justice?

The importance of the study

The importance of the study is demonstrated in theory and practice.

¹ Shams al-Din, Tahseen (2016) Amartya Sen's Theory of Justice and its Application to Federal Iraqi Financial Legislation, Unpublished Master Thesis, Mansoura University, Cairo, Egypt, p. 1

First: the importance of the study in theory:

The importance of the study in theory highlights the importance of the information to be obtained from its sources concerning the theory of Amartya Sen regarding the concepts of justice and development. It also highlights the importance of the study that this study is one of the first and specialized studies that examine the theory of Amartya Sen with regard to justice and development, which is an addition to the Arab Library.

Second: The importance of the study in terms of practice:

The importance of the study, in practice, highlights the possibility of benefiting from the following categories:

1. The researchers, by making the study the nucleus of other similar studies.
2. Interested in issues of justice and development in a philosophical framework.

The study limits

1. Time limits: The study will be conducted in 2019.
2. Spatial boundaries: countries of the world.
3. Objective limits: The study deals with the concepts of justice in the philosophy of Amartya Sen.

Amartya Sen's Theory of Justice

Justice is a moral virtue whose value is determined in its practical and subjective applications, justice is also the focus of sustainable social development. Justice is therefore an integral part of the concepts of sustainable development, social justice and the rights of children, youth and women, as well as between generations of the past and the future.

Amartya Sen is one of the most renowned political philosophers who has spent more than 50 years trying to uncover the truth of the concept of justice. Where his theory of justice is the last theory of justice, and his theory has received great attention in the field of political and economic philosophy, his theory is a coup d'état and a revolution on John Rolls' theory of justice¹.

John Rolls and his theory of distributive justice which he put forward in its first version in 1971, one of the first theories that provide a foundation for the reference of justice, it returns the moral subject to philosophy, from which it withdrew from the impact of the (Radical Criticism) of moral perceptions and the exclusion of normative files from the circle of meaning. In analytical philosophies that were dominant in the American context², Sen focused on the idea of providing the individual with the ability to choose, and the idea of giving the individual freedom rather than focusing on institutional justice as Rolls focused, Sen has also focused on development and human development, believing that development and justice are interrelated to each other. As one cannot be separated from one another, he explained that the administration of justice is not limited to the role of government political institutions in the state, because the limitation of this will lead to injustice, and increase the gap between the beneficiary and disadvantaged category.

Sen does not underestimate the role of government political institutions in the administration of justice, In particular, financial legislative institutions, and believes that money plays an important role in achieving development, and justice in society.³

The concept of justice has many different philosophical connotations that make it a point of interest for many philosophers in different times, justice is a fundamental social base for the continuation of human life with each other, justice is central to ethics and rights in social philosophy. It is the basis from which research starts to find ethical and legal standards⁴, Shamsuddin believes that justice indicators include both social, economic and political indicators. And it is not possible to rely on one of them to measure justice from his point of view, where economic indicators are income and the amount of gross national product, social indicators are education and health, as for political indicators are the extent to which individuals are given the freedom to make social choice, provide opportunities for individuals under the umbrella of equality and provide freedom of expression.

The application of justice has several aspects, one of which is the achievement of justice in relation to education, health and income, one aspect is to give people the freedom of social choice, to enable them to participate in the development process, and to show respect for their views and choices⁵.

¹ Shams al-Din, Tahseen (2016), Amartya Sen's Theory of Justice and its Implications for Transitional Justice, University of Human Development, Vol. 1, No. 4, p. 181

² Tataat, Ali & Balazouki Mohammed (2013), Intergenerational Justice in John Rolls Theory of Justice, Al-Najah University Journal for Research, Vol. 28, No. 5, p. 1227.

³ Shamsuddin, Tahseen (2016), op

⁴ Tattiat, Ali and Balazouki Mohammed (2013), op. Cit., P. 1230

⁵ Sen, Amartya, (2010) The Idea of Justice, Translation: Mazen Jandali, Arab Science House, Bin Rashid Al Maktoum Foundation, First edition, p. 25.

The idea of social choice

Shamsuddin also explained that Sen focused on the ability approach, the idea of social choice, the capacity approach is defined as the ability of individuals to live their lives, which they have a role in its estimation and selection, and freedom is the cornerstone of Sen's theory. In the light of the ability approach, and that an individual must be free to determine, decide and appreciate what he or she wants, and to grab what he wants from the opportunities, the ability approach is to live a life that has a role in its selection and appreciation. He also sees the social option as an alternative to the concept of social justice to which Rolls referred, the idea of social choice seeks to make decisions related to collective distribution, in a way that takes into account individual preferences and individual interests, and that the capacity index is an alternative to the GDP and average income index to measure the state of development in a country, and it is considered one of the most efficient indicators, and there are other indicators to measure development, they are: education, health, life expectancy, income level, percentage of individuals who are literate, and per capita GDP¹.

The way to achieve development it is concerned with education and all other means of human development, for example, the secret to development in India, China and Japan is not interest in manufacturing but with attention to human development, including education, increasing per capita income, which is one of the ways of human development, in the view of Sen, it is incumbent upon the individual to participate in decisions and processes relating to him, and in political life to achieve the principles of democracy, this will contribute to development. That is, Sen focused on development indicators related to health, income and education, in his view, attention to these areas will bring justice. He believes that development cannot occur and continue without economic, social and political rules and regulations, and which is a mandatory force, that there is a separation of powers, And that the legislature be independent, and reform of state institutions, Sen believes that the development model should encompass all areas of political, economic and social life, the Sen model for development is flexible so that it can be adapted to be applied in any country².

Rolls' justice is conditional on the infrastructure of society as its theme, unlike Amartya Sen, the institutions are given the role of assistant in upholding justice where Rolls' standardized perception of justice is necessarily linked to the institutional framework that accommodates it, and it acts as a distributor for all duties, rights, good deeds, etc. Justice by Sen is achieved through human development, human development is achieved by expanding the range of options and opportunities for the individual, and that the most important of these options should include providing health services for an individual to live a long life free of diseases, these opportunities must include providing adequate education and resources to the individual to ensure a good standard of living and a decent life, and the most important of these options must include the enjoyment of one's human rights and political freedoms³.

Therefore, the elements of development, such as Ben Boussouha, include:

- Develop institutions that provide health and education services, in order to develop human capacities.
- An individual must have an income that enables him to live a good standard of living, and there must be a fair distribution of wealth, and that production processes continue, and that production processes occur in a manner that ensures development and equitable distribution.
- Man has a choice, and has the freedom to think. Therefore, the provision of health services, education, employment, income and food for him is not enough. They must also be given freedom of choice, their choices must be respected, ensure that he is free to participate in public life, including participation in political life⁴.

From the perspective of Sen, economists must learn from ethics scientists, and vice versa⁵, there is a direct relationship between economic development and human freedom. Because of his belief, he named one of his books as Development as Freedom⁶.

In light of this, Sen believes that famine never occurs in democratic countries, even if the state is not considered rich and lacks natural resources⁷ That economic growth is one of many ways to provide individuals

¹ Shamsuddin, Tahseen (2016) Amartya Sen's Theory of Justice and the consequences of its application to transitional justice. Ibid., P. 192.

² Shamsuddin, Tahseen (2016), p. 193 and beyond.

³ Ibid., 194.

⁴ Bin Sousha, Riyadh (2005). Human development and economic growth. Case Study. Master study. Algeria University. Algeria.

⁵ Sen, United Arab Emirates (2009). In ethics and economics. Translated by Nadir Idriss Tal. Modern Book House. Modern Book House. Oman

⁶ Sen, Amartya (1999) Development as Freedom, Oxford, Oxford University Press. 25-22

⁷ Sen, Amartya (1999) Development as Freedom, op cit. p26-28

with the freedoms they want, to live the life they aspire to, Sen sees economic growth as a means to other ends, rather than being seen as an end in itself. After Sen compared development indicators in developing countries, he has reached the following: If a country improves health services to increase the well-being of its people, it would be in vain if it did not increase per capita income, social reforms and direct government interventions¹.

Sen believes that the elements of human resources development are intertwined, namely nutrition, environment, health, political and economic freedom, labor, education as the cornerstone of development, because it enables individuals to improve their living conditions, one of the most important examples of the importance of education in human development is the high levels of illiteracy in developing countries².

Bin Sousha stated that the health of Sen plays an important role in human development, and the evidence is that the average age per capita in developing countries is lower than the average age per capita in developed countries. Many people in developing countries suffer from malnutrition; as for the environment, it is to provide the individual with adequate and healthy housing, and an environment free from pollution, desertification and wars. Work is not only a means of providing a decent living.

Rather, it employs the energies of the individual, develops his talents, and enables the individual to interact with society, and discover his abilities. As regards political and economic freedoms, individuals should have the right to express their views on development plans and their implementation. Giving individuals these freedoms will develop their talents and creativity³.

Talaat believes that increasing opportunities and options for individuals will enable them to participate in the development process, the basis of human development relates to the quality of life that people live, and not with individuals' goods and services⁴.

Sen wrote his book (Poverty and Famine) in 1981, in this book, he explained the causes of famines, which are: A lack of food resources and a lack of resources that enable an individual to access food, a lack of control and management of these resources, inability to access the market, and these causes are also causes of poverty, providing the same means and resources to two communities will not necessarily lead to the same outputs and inaccessibility to the market, and these are also causes of poverty, because consumption behaviors vary from society to society, and it was discovered that Bangladesh's rice crop that year was sufficient. However, the reduction in the amount of food available did not affect all classes. However, they have affected the disadvantaged classes that do not have easy access to food, due to lack of access to markets (due to geographical isolation), and because of the inability of these groups to control their own resources that is, their inability to turn resources into food⁵, in other words, an individual is poor when he lacks the capacity to turn his own resources into achievements⁶, so Bouchoucha believes from Sen's perspective that when studying poverty, consider what individuals can become and accomplish by exploiting their resources. The efficient use of resources by individuals will enable them to achieve well-being, they can be empowered to do so by giving individuals the freedom to accomplish and the freedom to choose the jobs they want. In other words, equal access to resources for individuals is not enough to solve the problem of poverty in pursuit of development. Rather, there must be exploitation and management of resources⁷.

Humphries & Robeunes also paid great attention to improving human abilities, and that economic development should not be seen as an ultimate goal, and it is impossible to achieve economic development without improving human capacity and providing cash income to all individuals, and that capacity must be employed to enable an individual to feel humanly (and to feel the value of himself, his self-confidence, self-esteem and self-respect and enable the individual to choose independently. Only by doing so can the process of human development be achieved, by making people enjoy their freedoms, expanding their freedoms must be the ultimate end, and these are the key to development, and that development is the removal of all obstacles that prevent the individual from playing the role he wants in society and the achievements that he aspires to achieve, these barriers are illiteracy, poor health, lack of access to resources, and failure to enjoy political and / or civil liberties, following Sen's interest in all of the above⁸.

¹ Sen, Amartya (1983). «Development: Which Way Now», Economic Journal, vol. 93, no. 372. p. 745-762

² Bin Sousha, Riyadh (2005). Human development and economic growth. Previous reference.

³ Talaat, Mahmoud Manal (2003). The concept of human resource development and community development. Modern University Office. Alexandria.

⁴ Talaat, Mahmoud Manal (2003). The concept of human resource development and community development. Previous reference

⁵ Bouchoucha, Maryam (2016). A Theoretical Approach to the Evolution of Poverty from Adam Smith to Amartya Sen. Journal of Human Sciences Vol. Number 46.

⁶ Bertin.A & Sirven.N, (2006). Social Capital and The Capability Theory, in Clary, B.J, Dolfma, Ethics and the Market, Insight from social Economics, New york, Editions Routledge

⁷ Bouchoucha, Maryam (2016). A Theoretical Approach to the Evolution of Poverty from Adam Smith to Amartya Sen. Journal of Human Sciences. Previous reference

⁸ Agarwal, B.; Humphries, J. and Robeunes (2005). Amartya Sen's work and ideas. A Gender perspective. Routledge.

As Bou Issa affirms Sen's view that democracy is the embodiment of freedom, and that the concept of development must have political and human dimensions, a society that is economically secure but does not enjoy political freedom or society has been denied the opportunity to participate in the decision-making process concerning life, and this participation will contribute to the achievement of development, including economic development, economic development may negatively affect the nation if it leads to the abolition of the traditions of that nation. And obliterating its own cultural heritage, and denying people the right to participate in decision-making because of political custom or religious principles, it is an omission of the importance of providing people with their fundamental rights and freedoms, and Sen points out that the key to development is to get rid of many forms of deprivation, one form of deprivation is that individuals are deprived of their liberties, leaving them few opportunities, narrow scope and limited choices¹.

Where depriving individuals of liberties will result in their failure to perform their roles in society, and the extent to which they enjoy freedoms affects the entrepreneurship of individuals and their effectiveness in the performance of their social roles, Sen noted that giving individuals more freedoms would enhance their ability to help themselves and influence the world positively, Sen pointed out that it is necessary for the individual to identify the requirements for development, and to remove the constraints and that limit the community enjoyment of the freedoms, it will bring justice to society from Sen's point of view, and that democracy is one of the most important ways to achieve justice, the individual must be able to choose freely what he or she wants to accomplish in the presence of a range of opportunities available to him, and this represents an investigation of justice from the perspective of Amartya Sen².

Bou Issa recalls that the importance of democracy in Amartya Sen's view is as follows:

1. Significance: We should not clarify the importance of providing individuals with their political and civil rights and freedoms by demonstrating the implications for development. Rather, we must realize that individuals must be provided with these freedoms and rights because it is of fundamental importance in its own right.
2. Instrumental importance: Providing individuals with their freedoms and rights will enable them to claim their rights through unions.
3. Structural importance: Providing individuals with their freedoms and rights contributes to the emergence of social values in society, and identifying the priorities of the community through discussion and social consultations.
4. Development is based on human capabilities and competencies. Al-Jaafari pointed out to Sen that achieving development requires improving economic conditions and per capita income. And improve the ability of individuals to manage their lives by removing injustice from them, providing them with adequate living conditions and a range of facilities, such as: health and education services and social protection network³.

It is worth noting that Sen sees justice as enabling community members to make choices with many options available to them. In the cultural, political and economic spheres, Sen believes that individuals should be provided with their freedoms and the right of choice to achieve justice, these freedoms include: freedom to choose religion. Providing individuals with their freedoms and rights will protect them from cultural detention⁴.

The most important problem you face in the real world is injustice, and fighting it requires awareness of its existence and awareness of manifestations of injustice, considering that the realization of manifestations of injustice depends on the nature of customs and values prevailing in society, Sen believes that the first step to achieving justice is to provide individuals with political and public rights, freedoms, opportunities and equality. And providing this is a respect for human humanity, achieving justice requires the exercise of democracy in society, this democracy is embodied by engaging in dialogues. In other words, (No justice without freedom, without democracy, without opportunity) from a Sen perspective.⁵ Many Arab revolutions have been established to establish democratic systems in governance that guarantee social justice in society. And ensure that individuals enjoy civil and political freedoms and achieve democracy⁶.

¹ Bou Issa, Azza (2013) The Problematic Relationship Between Economic Development and Democracy: A Case Study of Algeria. Master Thesis. University of M'Sila. Algeria.

² Ibid.

³ Jafari, Reham (2012). Support to UN-Women, gender equality and women's empowerment of gender development priorities in the Palestinian government sector after Oslo. Institute of Women 's Studies. Master Thesis. Palestine

⁴ Sen, Amartya (2008). Identity and violence: illusion of inevitable destiny, translated by Sahar Tawfik, Knowledge World Series, National Center for Culture, Arts and Literature, Kuwait

⁵ Ibid.

⁶ Ali, Ali (2014). Social Justice and Public Expenditure Policies in the Arab Revolutions. Journal of Imran. Number 9/3.

Society must be based on the principles of justice, and justice is the fair distribution of wealth and goodness, and these wealth and goods are represented by income, basic rights and freedoms, including: the right to stand for office; freedom of movement and equality of social fortunes in a manner that ensures respect for the individual himself, Rolls believes that self-esteem is one of the most important good, because self-esteem increases the self-confidence of the individual, and this enables him to achieve his goals in the light of the constraints he faces, according to Rolls, no one should be excluded from the operation on the basis of race, religion, sect, color or gender. Because this is a form of injustice¹. Sen highlighted issues of justice, especially for women who would have been alive if they were born male, many women have died because of their lack of respect for their human being, because of poor health care, malnutrition, where it is estimated. That more women than men died from wars, and that it is necessary to apply justice in issues related to the differences between the gender by reducing the gap between gender roles. and the protection of women against injustice by empowering them in society and to ensure their independence and their ability to make decisions on their own, and enable them to participate in economic life on an equal footing with men, and this will increase per capita income².

Sen believes that women should be given justice by giving them property rights and employment opportunities, and the empowerment of institutions in the State, based on the principles of neutrality, transparency, accountability and governance. The state institutions play an important role in achieving economic well-being, especially the institutions responsible for formulating and implementing fiscal policies, and institutions responsible for oversight of financial sector institutions; and the way to improve potential is to improve capacity, and the economic empowerment of individuals will contribute to ensuring justice for them. Where the economic empowerment ensures that individuals' freedoms and dignity are guaranteed and that they have sufficient opportunities under the umbrella of equality. In light of these ideas, some have called Sen the nickname "conscience of economics", because it sought to apply justice through the economic empowerment of individuals³. Unlike the Rolls model of justice, Sen's model of justice is flexible, Where it can be adapted in proportion to the time and place concerned⁴.

Government policies are one of the most important causes of injustice in society, and the occurrence of famines, Sen believes that the way to overcome these problems requires the empowerment of disadvantaged and politically disadvantaged groups, Sen noted that there are no famines in countries with high levels of press freedom and individuals' ability to engage with the government.

Any less fortunate individuals suffer from famine due to their inability to express their suffering to their governments. Therefore, the application of justice through the granting of political rights will contribute to the prevention of famine and the guarantee of other rights for the less privileged, Sen stated that justice must be based on rational thinking, impartiality, and equality⁵.

The basis for development is through justice through meeting the food and opportunity needs of the less privileged classes, increasing food production and reducing exports of food products to meet national food needs; the basis for achieving development is the existence of justice in the distribution of income, and the provision of basic needs of the less fortunate groups is a catalyst for them to produce, and this will contribute to the advancement of development, where there is a healthy workforce and enjoy good food services, and able to read and write is the best application of the principles of justice, and this will enable the state to advance development, and achieving economic well-being and happiness, where The workforce will be able to exert a greater amount of material and intellectual efforts than the low-level health, nutrition and educational workforce⁶.

Coldri called to implement media justice in pursuit of development⁷. As Shimi thinks, as Sen explained, one of the ways to implement justice is to ensure democracy. By ensuring the freedom to express opinions and beliefs. As stated in Ayyubi and Isa, ensuring that individuals enjoy their freedoms and rights will make them happier. And enable them to develop themselves and their abilities, and thus, and will enable them to develop society, guaranteeing the freedoms and rights of individuals will make them feel that they are in control of their own lives. And this will increase individuals' sense of self-worth, so individuals should not be seen as means. Rather, they should be seen as ends. The greater the freedom of individuals, the higher the quality of life⁸.

Sen believes that the unfair distribution of wealth will deprive people from living the life they have a role in choosing, and that this distribution will negatively affect the health of individuals⁹. He pointed out that not all

¹ Al-Haj, Rabbani (2012). Justice and Human Values: An Analytical Study of Justice Theory in Contemporary Western Philosophy: John Rolls-Paul Ricoeur. Doctoral dissertation. University of Oran. Algeria

² Sen, Amartya. 1990. "More than 100 Million Women Are Missing." *New York Review of Books* 37, p:20.

³ Sen, Amartya. (1990). "More than 100 Million Women Are Missing. op. cit.

⁴ Brown, Chris (2010) On Amartya Sen and The idea of justice. *Ethics & international affairs*, 24 (3)..

⁵ Brown, Chris (2010) On Amartya Sen and The idea of justice. *Ethics & international affairs*, op cit, p111.

⁶ Ben Sania, Abdellatif (2010). *Studies in economic development*. Al Manhal Publishing House.

⁷ Coldrey, Nick (2040) *Social networking and media practice*. Dar Al - Manhal.

⁸ Al-Ayoubi, Samer & Issa, A. (2017) *Brainwashing: Thought Control*. Obeikan Publishing House

⁹ Sen, Amartya (1999) *Development as Freedom*, op cit, p: 39.

inequalities involve injustices. For example, when an individual is ill because of an uncontrollable biological matter, it is a misfortune, not an injustice to the individual. However, when an individual's health deteriorates because of his or her inability to access health services, it involves injustice and inequality. In other words, the denial of opportunity is unfair from Sen's point of view¹.

Development is achieved through the removal of obstacles that limit the enjoyment of freedoms by individuals, such as injustice and poverty, and deprivation of social opportunities, extremism, lack of economic opportunity, and the neglect of economic facilities. Sen noted that the lack of freedoms is associated with poor economic status of individuals, whereas individuals' lack of freedom of expression will result in their inability to express deteriorating economic conditions, and this will reduce their economic well-being and their ability to meet their basic needs in terms of health, education, employment and income level. In simpler terms, the inability of individuals to enjoy their freedoms will lead to poverty and economic hardship because of their inability to demand better conditions. Sen seeks to liberate individuals from restrictions that restrict their enjoyment of their freedoms, including freedom of choice, independently and individually, where individuals enjoy their freedoms will enable individuals to control their own resources, and making decisions that affect their lives and strategic decisions effectively².

Sen believes that the West has a responsibility to divide the world into two poles, namely: developing countries of the Eastern world, and developed Western world countries, the West made this division in order to justify for themselves the colonization of many of the developing world. This colonization is a persecution of people, and it has left feelings of hatred in the hearts of the people of the Eastern world, and this division by the West has exacerbated conflicts between the people of the Eastern world and the people of the Western world. These conflicts serve the interests of the Western world, partition is a violation of human dignity and humanity and a form of injustice³.

Sen fought the common notion that Western countries are the foundation of democracy and mental and scientific superiority over other nations. The latter pointed out that the Arabs and Asians had made important achievements in the political and scientific field in the centuries that precedes the European Renaissance. But these achievements have been obliterated by historians. And the West has made themselves the center of the world and the leader of the rest of the countries, and this has led to an increase in the feelings of persecution and injustice in the hearts of the people of other countries and the intensification of the war of religions and ethnic war and the desire to take revenge on the West. In Sen's view, it is unfair to associate an individual's identity with a his predisposition to violence, such as the link between religious or national identity and violence. According to Sen, social marginalization is one of the most important forms of injustice that became evident during the third of the last century.

Sen paid tribute to the ideas of Adam Smith mentioned in his book *The Wealth of Nations*⁴, Smith pointed out that the social marginalization of some disadvantaged groups is due they don't have access to the market. Because of the failure to provide them with a sufficient amount of training and education opportunities⁵.

French Minister of State Rene Lunoire pointed out that the disadvantaged groups that are socially marginalized include: Individuals with physical or mental disabilities, individuals addicted to narcotic substances, the elderly, children who are abused, mothers or fathers who raise their children on their own, and people who have a problem with social engagement⁶. An individual may become socially marginalized due to factors beyond his or her control.⁷ From Sen's point of view, social marginalization may be caused by not providing all basic services to all members of society, and lack of access⁸.

What socially marginalized individuals may be denied include: Owning a family, a source of livelihood, steady employment, and earnings (such as property and land), adequate housing, education and participation in democratic life, and an adequate degree of well-being and equality with others under the rule of law; and not feeling some of the moral things, such as social respect and self-fulfillment and sense of his humanity⁹.

¹ Sen, Amartya (1992). "Missing Women." *British Medical Journal* 304: 586 – 7.

² Sen, Amartya (1999) *Development as Freedom*, op cit.

³ Sen, Amartya (2008). *Identity and violence: the illusion of inevitable destiny*, translation: Sahar Tawfiq, the series of the world of knowledge, op

⁴ Muwaffaq, Hussam (2017). *Sustainable Development and Social Justice in Passenger Transport: A case study of social transport across the roads in Batna*. Doctoral dissertation. University of Batna. Algeria.

⁵ Smith, Adam, (1776). *An Inquiry into the Nature and Causes of the Wealth of Nations*. W. Strahan and T. Cadell, UK.

⁶ Muwaffaq, Hussam (2017). *Sustainable Development and Social Justice in Passenger Transport: A case study of social transport across the roads in Batna*. Previous reference

⁷ Brian Barry. (1998) *Social exclusion, social isolation and the distribution of income*. Center for analysis of social exclusion. London school of economics

⁸ Litman, T. (2003). *Social inclusion as a transport planning issue in Canada*. Contribution to the FIA Foundation G7 comparison.

⁹ Brian, Barry (1998).. *Social exclusion, social isolation and the distribution of income*. Center for analysis of social exclusion.

Sen argues that social marginalization – which is a form of injustice - Arises from the inability of an individual to access services (such as health, education, study, etc.), Sen believes that an individual's inability to access a service will have consequences. For example, a socially marginalized individual who has no access to health services His health will deteriorate as a result. Sen considered income from one of the most important means of contributing to the protection of the individual from the social marginalization¹.

Sen's theory of justice is based on the idea that individuals differ from one another in terms of capacity, and this makes it necessary to take these differences into account for the application of justice. and he have discussed this through the theory of capabilities, and that the difference between individuals in capacity leads to differences in the way they move in their daily lives, Sen gave an example to illustrate this: The provision of bicycles to all members of society to achieve equal mobility is unjust, because of the asymmetry of the community, where there are members of the community they cannot use bicycles because of a disability factor, for example. In light of this, state policies play an important role in achieving justice, the policymaker should take into account the difference between the capabilities of individuals².

As we find from the previous ideas of Sen that they are contrary to Islamic law, because it is a violation of the rule does not harm, freedom of the individual must be within constraints, not absolute, as Sen pointed out, because the individual will be held accountable. But, there are similarities between Sen's ideas and Islamic thought, both believe that human humanity must be respected³.

Sen's discussion of Rolls' ideas on justice and equity, the difference between Sen and Rolls begins in the nature of the presence of institutions within the context of thinking about justice; whereas the first focuses on transforming individuals into means and goods into a just way of life, the Rozian theory forms the distribution process, it then identifies possible principles for it to support the key role of the institution in the distribution of goods, the talk about the fundamental paradoxes that put justice in philosophical questioning, and provoke its minds in order to discuss them, in light of the controversial dialogue between Amartya Sen and John Rolls - in justifying the entrance to think about justice⁴.

There is a difference between Amartya Sen and Rolls on more than one issue, but the main thing about the difference is that Amartya Sen offers a perspective of justice while Rolls offers a similar perspective. From Amartya Sen's point of view, we do not need a similar theory of justice. Ultimately, if this theory were to be found, it would not require us to work daily to make the world more just or unjust⁵.

Both Rolls and Sen have left their mark on social justice as a key demand of human societies throughout the ages, Rolls' work on justice is best known for the theoretical poverty on which it is based on the concept of justice. Which gave the community a clear perception of this problem through its concepts and beliefs, who came to fight ignorance and has extensive knowledge of the philosophical perceptions that were presented by great philosophers like (John Jack, Rousseau, Thomas, Aristotle, Plato, etc.).

The Rolls theory came in response to the events witnessed by the world like World War II, which was a notice about the depth of the justice crisis in human life back then, which made his theory of justice attracts the attention of many philosophical thought in the Western and Arab world, Rolls focuses on the unnecessary support for it as it reflects attempts to understand it and dismantle its pillars and criticism and what can be said, however, is that the criticism of his theory does not diminish the scientific and philosophical value of the theory of justice as equity. Rolls declares that his theory of justice differs from many philosophers in that it aims not to establish a political society, but only to the principles of justice⁶.

Hence, the concept of social contract from Rolls' point of view is an appropriate expression of the general character of justice And an effective means of self-motivation to engage in evaluation but from the point of view of other philosophers as partners in the process of establishing the principles of justice that must be binding on all, in order for Rolls to demonstrate justice in fairness, there must be a concept of political culture that encompasses the principles and principles which is possible to be contradictory among themselves. The subject of justice, as Amartya Sen sees it, is to engage in objective thinking in the most just choices for all in the sense that the essential

op cit.

¹ Amartya Sen. (2000). Social exclusion: concept, application and scrutiny. Office of environment and social development, Asian development Bank

² Amartya Sen. (2000) Social exclusion: concept, application and scrutiny. op cit.

³ Al-Ashwah, Zainab (2018) Islamic Economics and its Rooting of Contemporary Theories and Economic Systems. Al Manhal Publishing House

⁴ Yusuf, Ismaili (2018), The Justice Conflict between Amartya Sen and Rolls - Anfas Magazine, published May 28, 2018, available at <https://www.anfasse.org>

⁵ Abdullah Al-Mutairi, 2010 Amartya Sen and what we want from the theory of justice, linking economic development with the values of freedom and Rolls theory is considered ideal, Saturday, November 26, 2013 Issue 12786.

⁶ Sen points to the discussion on this issue by some thinkers such as Bernard William and Ezel Berlan, We can point to both Jaspers and Arendt's approach to this subject as well by emphasizing the second on the need to experience thought as a dialogue within.

role of our understanding of justice, achieved, practically, in conducting general objective comparisons, through which we reach, the plans, laws and policies that are possible and fairest for all.

Not to be a perfect scene drawing of complete justice, in order to deal with famines and environmental disasters, lack of medical care, the deaths of millions of children worldwide, environmental pollution, according to Sen, we do not need a perfect philosophical theory of justice¹.

What we need from Sen's perspective here, realizes that as far as his paradox for Rolls, however, he meets with him in an area perhaps more important and more authentic. At the beginning of his studies "What do we want from a theory of justice?" Sen says: "I start from a general position that Rolls had taken; it is that the interpretation of justice tied to the public debate. Focus as Rolls himself says, it should be on the general framework of ideas, Which provides provisions of an agreement between sensible actors " From what Sen said, we must conclude a fundamental question, which in any theory of justice, what do we want from it? Rolls' answer, as Sen sees it, is that we want to know what a just society is. Sen believes the best answer is that we want justice theory to tell us what is the most just and unjust society.

There is another difference that Sen makes on Rolls theory, and Rolls' theory is "A theory that requires it to be available provides institutions that implement and monitor the principles of justice" Sen Thinks of many countries in the world that suffer from their institutions dramatically. In other words, the institutions that Rolls makes essential to justice are the exact opposite, but in many countries of the world, they are the cause of injustice and violations of justice itself.

Sen is looking for a theory in which an individual can do individual work within a corrupt institution and the goal is to reduce the level of injustice as much as possible or raise the level of justice that institutions urged by Rolls and they are corrupt institutions for years and must be completely abandoned and do not touch their needs in return, we can say: Sen's first critique of the Rolls Theory, an ideal rather than a comparison, can be discussed by two possible understandings of Rolls' theory itself.

The first concept is that the theory of justice offers the purpose that the state of justice must reach.

The second concept: This theory provides criteria for examining the daily situation from the perspective of justice. That is, what Rolls offers is his vision of an ideal society, or he introduces procedural standards through which we monitor and evaluate the state of justice against those standards.

For John Rolls, Sen Came in contrast to Rolls, where Sen does not believe that equity alone is the basis for justice. Rather, the basis of justice is to provide individuals, fundamental rights and freedoms in various spheres of political, economic, social and cultural life, and providing them with opportunities and a democratic basis, ensuring their human dignity, respecting themselves and enabling them to participate in life and make decisions².

The distributive justice theory of John Rawls revealed the principles governing justice within a pluralistic society. In view of the old political philosophies, we find that they attributed the source of laws to the power of virtue in its ontological sense and the religious systems had attributed it to a sacred divine source while the modern legal thought entrusts the state as the whole expression of the national group and the right to issue laws regulating society to justify this transfer, the state is viewed from a legal point of view in terms of the foundation reference and the source of legitimacy as a self-governing moral contract fulfills a common collective will it takes the form of a legal document that protects people's relations among themselves and specifies the form of authority that governs them³.

Rolls asserts that the main objective of his theory is a first-class scientific goal, consequently, it is argued that Rolls presented a political theory and that the theory of justice is a comprehensive one and in his book on the theory of justice, Rawls stated that it is valid for all human societies regardless of anything in terms of culture, civilization, geographic location and political system. The work of Rolls centered on the concept of justice in its foundational nature, which enabled him to raise her question to the level of the theory that NHL, and this is what made everyone entrust himself to the debate to engage the issue of justice in the end, the American philosopher's approach to the question of justice was aimed at showing how the principles that emerge from it emerge. and he coined it, and then Amartya Sen, as follows⁴

- Everyone has the right to equal access to fundamental freedoms as equal with others.
- There are two basic conditions that social inequalities must respond to If it wanted to enjoy a reasonable degree of legitimacy; the first is the need to make every opportunity available to all individuals, the second is to enable the most marginalized groups to benefit from the returns and benefits of those differences.

¹ Abdullah Al-Mutairi, 2010 Amartya Sen and what we want from the theory of justice, linking economic development with the values of freedom and Rolls theory is considered ideal, Saturday, November 26, 2013 Issue 12786

² Al-Haj, Rabbani (2012). Justice and Human Values: An Analytical Study of Justice Theory in Contemporary Western Philosophy: John Rolls-Paul Ricoeur. Doctoral dissertation. University of Oran. Algeria

³ Tattiat, Ali and Balazouki, Mohammed (2014), op. Cit., P. 1238.

⁴ Michael Sandel, Liberalism and the Limits of Justice, translated by Mohammad Hanad, Beirut, Arab Organization for Translation, 2009.

Sen's criticism of institutional criticism touches the core of the truth known to those who work in many parts of the world. In order to make the world fairer, they are constantly facing the obstacle of corrupt institutions. And they are forced to move away from them to achieve any effect in reality. But, on the other hand, institutions seem to be a basic need to form any society. In the sense that societies today, with their huge population, it can only manage its affairs through institutions. These institutions are the backbone of what Rolls calls, social cooperation, which is ultimately a prerequisite for justice for society. Amartya Sen remains one of the most prominent philosophers at the international level, especially in his initiatives in linking economic development with the values of freedom. And remember in conclusion, the famous saying of Sen. Put forward in his book (Poverty and famine): There has never been a famine in a true democracy¹.

The Results of the Study

The study reached the following results:

1. The theory of Indian philosopher Amartya Sen is an important theory of justice in an attempt to clarify its concept and how it contributes in solving the problems facing human.
2. Amartya Sen's theory is innovative on the one hand and developed on the other. The first aspect concerns the capacity approach, and the second aspect is the theory of social choice, which is the mechanism of linking decision, social choice and individual preferences using a mathematical approach.
3. To apply the theory of Amartya Sen there are two aspects, one of which relates to the education, health and income of the individual, another concerns the individual's choice of what evidence to do through the participation of man in the development process and respect for his opinions.
4. One of the characteristics of Amartya Sen's theory of justice is that it does not give a single model to be followed in all countries because it has diversity and nurturing the status and specificities of every society and state.
5. The transitional justice paradigm must be interwoven accommodates economic, political and social fields.

Recommendations

In light of the findings, the study recommends the following:

1. Direct the efforts of economists, politicians and sociologists to take advantage of the approaches of Amartya Sen theory to deepen understanding of the features of his theory of justice.
2. Further studies to clarify the features of the theory of Amartya Sen so as to identify the main axes of that theory.
3. Officials in developing countries should make a comprehensive reading of Amartya Sen's theory, so that the contents of his theory can be used to bring about comprehensive development.

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