

Amartya Kumar Sen's Theory of Justice in the Perspective of the Philosophy of Law - Summary

The subject of the dissertation is the theory of justice of Indian philosopher and economist Amartya Kumar Sen. According to the assumptions of this theory presented in Introduction, justice as a moral value is closely related to improving the quality of human life by reducing areas of extreme poverty, eliminating gross inequalities and injustices in the society. Actions aimed at expanding life capabilities and freedom of choice of individuals and groups affected by poverty or social exclusion are intended to serve this purpose. According to Sen's fundamental premise, it is not possible to realistically guarantee human rights without overcoming poverty and exclusion by providing individuals with basic life capabilities. These objectives are also served by the law, whose institutions are the tool for the implementation of social justice.

Chapter 1 of the dissertation describes the wider philosophical context of Sen's theory of justice, namely contemporary philosophical debates, focusing on the question of the essence of justice and how justice should be realized in the society. Within the framework of these debates, two main approaches are distinguished which provide different answers to these fundamental questions. First approach, deontological liberalism, is based on the assumption that justice has primacy over other moral and social values. In particular, according to the deontological liberalism, the rights of individuals cannot be violated in the name of social well-being, nor can they be the subject of political bargaining. The opposing approach, which in the dissertation is defined as consequentialism, assumes that justice as a moral value refers to the good, the realization of which it should serve. In the just society the good is realized as widely as possible. The well-being of broad social circles is of particular importance for the consequential approach. The realization of justice is assessed by the overall degree of well-being and the number of people to whom it is available. A particular example of this approach is utilitarianism, which defines justice through the prism of the overarching good, which is the maximization of utility.

Chapter 2 aims to place Amartya Sen's theory of justice within the framework of moral and political philosophy, in the context of the philosophical dispute concerning the essence of justice between deontological and consequential approaches. The dissertation proves that Amartya Sen's theory of justice is a consequential theory. The basic value underlying Sen's

theory of justice, which is at the same time the concept of the good as the determinant and the basis for the evaluation of justice, is the category of "the quality of life" (prosperity, good life). The measure of the quality of life is the range of individual life capabilities, i.e. the essential options available to the individual persons to choose from. Sen assumes that the realization or implementation of justice in the society can only be imperfect and comparative. Sen criticizes theories based upon the deontological approach, describing them as ideal and transcendental theories, detached from the social reality.

Chapter 3 aims to analyze Sen's philosophy of law, including in particular his theory of rights. In this context, the dissertation proves that the part of Sen's theory of justice is the consequential theory of rights including a concept of law, which assumes that the essential function of law is to increase individual and social freedom and to reduce social inequalities and social exclusion. According to Sen's assumptions, legal norms are the part of the broader normative system functioning in the society, of which both institutional norms as well as informal social norms are the part of the realized justice. Rights are of consequential nature, they refer to individual and social goals, the most important of which is to increase freedom measured by the range of individual capabilities and life opportunities.

Chapter 4 presents the summary of the dissertation both in terms of the theory of justice as well as the philosophy of law.

The work ends with Bibliography.

Keywords:

Amartya Sen, theory of justice, philosophy of law, moral philosophy, political philosophy, consequentialism, deontology, utilitarianism, liberalism, capability approach, rights, human rights,