Amartya Sen's Concept of Human Rights: Agency's Vital Role
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Abstract
Agency is used in sociology and philosophy to refer to the capacity of an agent to act in preserving a moral standard of some accepted social norms. In sociology, an agent is an individual, engaged with social structure. In Hegelian and Marxist philosophical tradition, human agency is historical collectivity, rather than arising from individual behavior. In contrast, Anthony Giddens (The Constitution of Society, 1984) argues that rationality allows an agent to respond correctly to reasons that an active agent perceives, not just acting on wants. Amartya Kumar Sen, a Nobel Laureate in developmental economic philosophy, concurs, but adds that agent's direct knowledge of his society informs his action, which reveals social abuses. Most social scientists and many philosophers are engaged in discussions about dichotomies of social structures: agency/structure, subjective/objective and micro/macro perspectives. Instead, at least after 1992, Sen has increasingly supplemented the descriptive account of agency to argue that human agency is both self-regarding and other-regarding with normative motivation. His agency is now participatory agency in contrast with the medieval European "patient," having no freedom of action. His contention is that agency and well-being are two separate issues in human rights, including women's rights as human rights. My current study examines his strategies in projecting agency's role in human rights, improving on the existing literature that deals with human development, not human rights. A prime conclusion is that human agency is both self-regarding and other-regarding with normative and ethical social values.

Introduction
Human rights, which shield people from economic, social, political and religious insecurity, refer to the universal rights of people regardless of jurisdiction or other factors, such as ethnicity, age, nationality, sexual orientation or religion. The Universal Declarations of Human Rights (1948) conceptualized the people's rights as rights with inherent human dignity, thereby providing a framework for the universal application. While the scope of human rights has provoked a sharp controversy, it has nonetheless, become the dominant moral discourse of global politics and a major standard of international legitimacy. His works on human rights, not human development, are particularly challenging to critical scholars because much of it is highly original and cuts across disciplines and schools of thought, making it difficult to stereotype. Many have broadly examined the radical implications that may be drawn from his support for human emancipation, equality, and justice with focus on actual, rather than "perfect justice" and poverty reduction. Sen himself practices "cautious boldness," raising issues dear to the critical left, but retaining his faith in free market for human rights. He is aware of political-economic forces, arguing that famine, a human rights violation, is dependent upon "the exercise of power and authority." One of his students, Ben Fine, suggests that Sen's understanding of power and structures is superimposed, not built, upon micro-foundations.[1] Others take up Sen's argument about the

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[1]. Ben Fine, "Amartya Sen: a Partial and Personal Appreciation," CDPR Discussion Paper 1601 (Centre for Development and Policy Research), SOAS in < www.ac.uk/cdpr/publications/papers/file234315 > Most analyses of Sen's concept of rights have dealt with his human development, not human rights, often making no distinction.

social structure and political embeddedness of entitlement failures. Analyst Alex Sager argues that Sen's broad treatment of human rights is deflationary arguably reducing them to only moral rights that have merely a rhetorical force. One critical Indian political scientist, Giri, calls for a richer conception of Sen's "self" that views human agents as much more than beings seeking to attain capabilities.[2] Eventually, a clearer picture of his human rights discourse comes out of his major work, *The Idea of Justice* (2009), which highlights a rational debate about the agency concept in defense of human rights, while falling short of justice because it fails to ensure all other human rights that a society demands.

His agency aspect refers to the pursuit of goals that human beings have "reason to value and advance," whether or not they are connected with one's own well-being. In his extensive work on human rights, political philosopher James Griffin, like Sen, persuasively argues that the concept of agency determines the content of human rights. Griffin's agency account questions why agency should be the only ground for human rights. Unlike Sen, he narrowly holds that agency is valuable only in the context of a "good and flourishing life."[3] Sen argues that people do not act only as agents, because they can act as tools of other agents and to be patients, to be the recipients of the acts of others.[4] My study discusses several related themes in Sen's concepts of human rights and agency: (a) Sen's capability concept and Indian *karma* (deed) theory in human rights; (b) women's rights as human rights; and (c) environmental rights as human rights, reflecting on his normative values about human rights. Three conclusions are drawn. First, agency's complex actions and motivations are moderated by multilevel systems of control. Second, I would defend Sen's position as he posits that agents and their worlds are in dialectical

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Human development is genus, whereas human right, being species, has a narrower scope. Simon Batterbury and Jude Fernando argue, in a grand essay, that Amartya Sen's entitlements and capability stress human agency, not constraint, and carry "some sense of worth and of real people's lives." See "Amartya Sen: Biographical Details and Theoretical Context," in Phil Hubbard and Rob Kitchen (eds.), *Key Thinkers on Space and Place* (London: Sage) : 359-66. A thrust in Sen's human rights argumentations is that the moral requirements should take over the maximization of utility (mental/philosophical satisfaction). Current welfarism and the utility considerations do not serve the interests of the majority. Will Kymlicka makes an interesting observation by arguing that "the world most likely to maximize utility may be one in which no one believes in utilitarianism." He prefers a less extreme form of indirect utilitarianism in which Williams calls "Government House" utilitarianism (ref: William and Sen: 16; Williams 1973: 138-40). Kymlicka concludes that vast bulk of the population would not be taught to believe in utilitarianism. Human Rights analysts face conflict between two value systems. It is possible to argue that means and occasions are generated whereby individuals and groups in severe deprived conditions are able to effectively challenge and transform the current hierarchal nature of knowledge and social order that create inequality, leading to human rights abuses. Sen, having a negative idea of old-fashioned utilitarianism, presents a renewed version of human agency with an ethical stance, both in a theoretical tool and practical device. This improves the aspects of "Chaos Theory," which identifies the limits of human agency in differing regions of causal pain. What Sen suggests is that there is a need for a new tool, agency power, in advocating human rights in all cultures. See Will Kymlicke, *Contemporary Political*, p.29; Bernard William and A. Sen, "Introduction" in Sen and William (eds.), *Utilitarianism and Beyond* (Cambridge: Cambridge University Press, 1982): 1-21.

[2]. A. K. Giri, "Rethinking human well-being: a dialogue with Amartya Sen," *Journal of International Development*, 12 (2000): 1018. See also, Phil Hubbard and Rob Kitchen, *Key Thinkers*, 359.

[3] James, Griffin, *Well-Being: Its Meaning, Measurement and Moral Importance* (Oxford: Oxford University Press), 1986. Griffin argues that liberalism (Sen's broad option) is motivated by a sense of regret that welafrism has declined in this anti-foundationalist age to the status of a neglect option, see Griffin, Well-Being, part iii.

[4]. Sen, *The Argumentative Indian* (New York: Piscador, 2005), chapter 11; Sen and Jean Dreze, *Hunger and Public Action* (Oxford: Clarendon Press, 1989).

relationship with one another, constructing one another in a continual process. Third, recognizing that social actors' actions are partly self-determined, my question is: Is there any real possibility that an adherence to the empowerment of agents would mean vast differences in the current human rights concepts? Methodologically, his human agency's freedom is both a constituent component of human rights and a contributing factor to its achievement.

Agency's capabilities connote capacity to meet nutritional requirements, to be educated, to be sheltered and to be clothed; all these are needed for human rights at a general level. Defending Sen's "capabilities" in enforcing moral stance in the human rights discourse, a Catholic priest, O'Flaherty, argues that the focus on "being sheltered" is less appropriate than avoiding "homelessness." The argument here is that being homeless implies agent's deprivations that go beyond not being well sheltered.[5] This has nothing to do with Plato's psychic condition of the agent.[6] Nor does the situation merely demand E.P. Thompson's humanistic balance between the immediate and the potential.[7] Sen's contention is that due recognition can be given to the social choice, which is more than the Enlightenment's social contract. The situation demands an evaluation of the situated agency that requires both agency's participation and inclusion.[8] Only in "instrumental agency" success and specific "participatory" variety of agency does agency demand that the individual himself either bring things about his "own" efforts or play an "active part" in some form of collective action. Sen's generic concept of agency allows an individual, or group other than the person or group, whose aims are realized, to control the "levers" of change.[9] An agent is empowered not only by his own efforts, but also when something he values takes place, such as the elimination of famine, including the disastrous Bengal famine of 1943, even when the individual has nothing to do with its occurrence, but he would have chosen it had he the chance and means. In other words, institutions and others also can bring about to the realization of desired goals in human rights. Because there are varieties and complexities, only some of which qualify as agency achievement.[10] Agency power is used by Marx to supplement his emphasis on the means of production and Weber to supplement his emphasis on cultural values. Instead, Sen views power of an agent or agents can be employed to account for the principal structural arrangements within and among social systems that are

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[5]. O'Flaherty (1996), cited in Sen, *On Economic Inequality* (Oxford: Oxford University Press, 2008): 211.

[6]. Ronald Dworkin, *Justice for Hedgehogs* (Cambridge, Mass.: Harvard University press, 20011): 166-170.

[7]. E.P. Thomson, "Agency and Choice," *The New Reasoner*, no. 5, summer 1958: 89-106; United Nations Development Programme, *Human Development Report for 1990* (New York: Oxford University Press, 1990); Bina Agarwala, Jane Humphries and Ingrid Robeyns (eds.), *Amartya Sen's Work and Ideas: A Gender Perspective* (London: Routledge, 2005): 302-320.

[8]. Amartya Sen, "Evaluator Relativity and Consequential Evaluation," *Philosophy and Public Affairs*, 12 (1983): 113-32; Fabienne Peter, "Gender and the Foundations of Social Choice: The Role of Situated Agency," in Bina Agarwal et al. (eds.), *Amartya Sen's Work and Ideas: A Gender Perspective* (London: Routledge, 2005): 28-29.

[9] Sen, *Inequality Reexamined* (Cambridge, MA: Harvard University Press, 1992), 57. A sound treatment of Sen's "normative ideal of agency" can be found in David A. Crocker and Ingrid Robeyns, "Capability and Agency," in Christopher W. Morris (ed.), *Amartya Sen* (Cambridge: Cambridge University Pres2010), 76-79.

[10] Sen, *Development as Freedom* (New York: Anchor Books, 1999), xi. See also, Crocker and Robeyns, "Capability and Agency," 79.

riddled with evils of discrimination and abuses. Like a sociologist, Sen follows deductive systems to avoid an ideal type in analysis. What he insists is that if an analyst makes certain assumptions about agency power in relation to social reality, he sets limits upon other kinds of assumptions he can make. This contrast well with the positivists who tend to view social reality in mechanistic terms.

Sen argues that an agent with responsibility and capability will be a free self, so far as agency has the capacity for free action, the capacity to exercise rational control in action. The presence of the capacity ensures that the agent's relationship to his own psychology, his interpersonal constitution, will allow the agent to think in the first person of what he thinks and does, and will allow the people to hold agency responsible for his actions. However, the theory faces some analytical issues. First, the agent's psychology is only of certain types; it may not be marked by influences of various pathologies. Second, how to know that an agent may not have any problem in identifying with he thinks to be good? Third, can an agent take responsibility for his actions to which he leads? As A.J. Ayer responds, an agent is free in doing something when the action is done is caused by beliefs in a rational way but not when it is caused by "constraining" facts, such as pathologies.[11] In our presence instance, Sen's focus is on the power of rational will. Immanuel Kant's idea that will as a capacity moves to action by means of agent's conception of law. Kant's principle is based on the moral law and he seems to suggest that in willing an action, an agent is moved by a perceived connection of an action to a representation of a principle of the best reasons. This creates a connection problem. On Frankfurter's view the reason has values on which to rely. Is there any direct bridge from action or agency to morality at all?[12] It can be argued that Sen observes a psychological fact that tells that his agency's prime concern is choices and argentic values. He argues that an agent's rating of alternatives is determined by how he would choose between any given pair of options, or by determining for each pair which is and which is not admissible for the agent. If one is admissible and the other not, the agent's strict preference for the admissible option has been revealed.[13] Revealed preferences are of two types: treating the notion of preference ordering as the primitive concept, whereas the second is a choice-based approach being abstract idea. Sen writes, "The idea is that an agent does know his mind by revealed preferences"[14] Given the hierarchical ordered system in agency's value structures, it possible to determine a set of acceptable options for a set. In way, then, Sen's account offers a criteria for rational choice under unresolved differences. He argues that it is convenient to restrict choices of values relative to the hierarchy

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[11] A.J. Ayer, "Freedom and Neccessity, " in G. Watson (ed.), *Free Will* (Oxford; Oxford University Press, 182), p. 21. A sound theoretical version of agency in, Philip Pettit, *A Theory of Freedom* (Oxford: Oxford University Press2001), chapter one.

[12] Barbara Herman, "Bootstrapping," in Sarah Buss and Lee Overton (eds.), *The Contours of Agency: Essays on Themes from Harry Frankfurt (*Cambridge: The MIT Press, 2002), pp. 252-269.

[13] Edward F. McClennen, *Rationality And Dynamic Choice : Foundational Explorations* (Cambridge: Cambridge University Press1990), chapter two; Isaac Levi, *Hard Choices: Decision Making Under Unresolved Conflict* (Cambridge: Cambridge University Press, 1986), pp.83-89.

[14] Sen, *Collective Choice and Social Welfare* (San Francisco: Holden Day, 1970), p. 3.

of value structures to which one is committed. Actors, equipped with knowledge of facts, demand David Hume's "experimental reasoning," that is critical agency.

HUMAN RIGHTS IN INDIAN KARMA DUTY ETHICS

In his *via per mezzo*, An-na'im establishes a cross-cultural foundation for human rights, identifying areas of conflict and seeking reconciliation.[15] Arguing that this globalization in human rights creates a sense of universalization of particularism for the mutual benefit of human rights in various cultures, Sen invokes the Indian religio-cultural *karma* (duty ethic) to advocate a cosmopolitan vision. Most cultural traditions of Emperor Asoka (3rd century B.C.), who established state run inns and shelters, and monetary compensations to women, were entitlements of every human being."[16] Arjuna Appadurai, a culture historian, calls these entitlements "enfranchisements."[17] In the same vein, many Indian cultural phrases have become human rights of some sorts. Claims and entitlements (rights), which are implicit in many *Vedic* injunctions governing ritual and moral behavior (*vidhi*), become human agents' duties and ethical obligations. What is Y to which X has a claim (right) and which Z has an obligation to provide? By founding the rights of persons not on something independent of their relationship to one another but precisely on their mutual obligations, the emphasis is squarely on the common pursuit of justice. Justice cannot be assured so long as each person is solely preoccupied with what is due to him, with his rights, and not with what he owes to others. Sen's capability approach helps to provide such a framework, a framework for normative discourse on human rights in a society. Here, Sen uses the term society to designate complex agents that people do in some sense, join, for instance, a religious organization or a trade union. His capability concept highlights basic needs, not the ocean of duty that Brown fears. Brown does not refer to Sen's detailed applications to particular contexts in India, and has written before the appearance of Sen's *Development as Freedom*.[18] Although Sen prioritizes the democratic public process, he is explicit that it should be complemented and balanced by other criteria of inter-personal equity. Certainly, like human rights thought, his capability requires a complementary theory of obligations. Sen's capability scheme considers also skills in learning, reasoning, valuing, deciding, operating and above all cooperating. He raises this duty ethics in cooperation only periodically, without sustained attention as Anderson states.[19] Yet in his capacity approach, motivation, imagination and morale prevail. His rights are not overwhelmingly in terms of self-interest alone; societies would be more unstable and dysfunctional if they were. Examining "capability," Sen returns to the distinction between Indian *niti* (principle) and *naya* (legitimacy) to emphasize the importance of taking into account actual outcomes, instead of concentrating on just principles. The *naya* moral philosophy plays "a part in bringing more reflections on values

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[15] An-Naim, Abdullahi and Ifi Amadiume (eds.), *The Politics of Memory: Truth, Healing and Social Justice* (London: Zed Books, 200), introduction.

[16] Sen, "The Idea of India," cited in Shasi Tharoor, *Catalysts* (January 18, 2006).

[17] Appadurai, Arjuna, *Modernity at Large* (Minneapolis; University of Minnesota Press, 1996).

[18]. Brown, cited in Des Gasper, The Ethics of Development: From Economism to Human Development (Edinburgh: Edinburgh University Press, 2005): 178-79.

[19] Anderson Perry, *Lineage of Absolute State* (London: Verso, 1979).

and priorities as well as denials, subjugations and humiliations from which human beings suffer across the world." The *Naya* School of logic identifies various types of undesirable arguments (*pariksa* and *nirnya*, or verification) that aid the path of genuine scientific pursuit.[20]

Inherited norms can be dysfunctional because some norms rest on misconceptions. The French Indologist Madeleine Biardeau identifies the conflict between historical and historical approaches. Leaving aside Biardeau's structural analysis of Hindu texts, it is adequate to state that we can emphasis on the text itself to provide criteria for interpretation. Indian philosophical *karma* or deed culture and ethic support the tradition that one is born into a particular station in life because of one's good or ill deeds in past lives. In a purely religious connotation, *karma* includes a spiritual urge for self-improvement, but often it has become a secular and rational choice, as reflected in freeing the social outcaste, the *dalit* for the sake of their human rights; here *karma's* duty ethic is transformed into a secular ideology in Indian political and social rights. In a secular interpretation, *karma* is the force of a person's thoughts, words, and deeds for improving conditions in life. Gods, demons, ghosts, animals, and hell-dwellers do not produce *karma*; they only live out the effects of *karma* produced in the human realm.[21] The most basic meaning of *karma* is action. The noun *karma* comes from the verb *kri* to make, do, or perform a ritual. One can do (*kri*) something, with steadily escalating consequences. One meaning of *karma,* which begins to be operative in the *Upanishads,* is "morally charged action, good or bad," a meter that is always running. The Indian philosopher Ramanuja expands the meaning of *karma* into an agentic power. He deals with *karma's* action, turning the deed of war from being sources of bondage into its being a means of liberation, a kind of internal empowerment.[22]

Karma inspired Buddhist movement for transmigration of soul was initially individualistic. Gradually, collective rather than individual choices needed to be made to start and maintain alternative societies, as well as to engage in the collective enterprise of growing rice. Both *karma* and Buddhist reincarnation addressed many social problems, including human suffering, within the individual heart, as Freud would do, rather than, rather than in a hierarchical society, as Marx would locate. Gradually, the Hindu materialists, the *Charvaks*, who were atheists, began a vigorous public debates for human empowerment and solutions to material problems. The debate resembles Sen's public reasoning for human rights. In this philosophy, Sen. claims, not only rulers and people "emphasized freedom" as a form of life but also "gave it a political content" for direct enhancement of human rights. Asoka's social messages, engraved in many monuments in favor of tolerance and "individual freedom" remained a part of *karmic* state policy supporting various rights of the subjects of his vast empire. The domain of tolerance of various moral and material rights included "everybody without exception," and as such, remained as universal rights. As interpreted by Sen, Confucius did emphasize practical caution and tact, but also insisted on the importance of opposition. "When the [good] Way prevails in the state, speak boldly and act boldly. When the state has lost the Way, act boldly and speak softly,"

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[20]. Shishir Thadani, "Upnishadic Philosophy," < http://www.rationalvedanta.net/node/113 > 10/28/2010.

[21]. H. Byron Earhart (ed.), *Religious Traditions of the World* (San Francisco: Harper Press, 1987): 856-57.

[22]. Wendy Doniger, *The Hindus* (New York: Penguin Press, 2009), p. 107; Katherine K. Young (ed.), *Hermeneutical Paths to the Sacred Worlds of India* (Atlanta: Scholars Press, 1994): 52-53.

Confucius said. Sen interprets this secular message as limited and qualified "defenses of freedom and tolerance," and general arguments against censorship. He further argues that the great Mughal Emperor Akbar (16th century AD) insisted on tolerance at a time when papal "Inquisitions were still in full bloom in Europe."[23] Of course, many of the state-provided rights were partly a strategy for imperial legitimacy. The *Arthashastra* (science of wealth), India's first political science text, reads more like a manual for kings in the same way as Machiavelli's *Prince* in so far it is an amoral analysis of the existence of agency power. Nevertheless, the *karmic* results are for the present life, not next life, contrary to the belief of the classic Hindu or Buddhist doctrines. [24] Bad *karma* will bring bad things in this life. [25] Human happiness for human rights was the ordering of the soul.

Sen.'s discourse has a space for "public reasoning" calling for an acceptable social policy to be determined by a complex set of historical, economic, and institutional factors. The philosophical argumentation is distinguished not by the ideas and events, which it examines but by any kind of relations between events which it seeks to establish. Not a system builder, he argues that cultural differences cannot be invoked to justify refusal to abide by the demands of morality in defending human rights. His notion is similar to the *gunas* (basic elements of things) and ultimately to the *karmic* virtues to induce an agent to virtuous secular action. The *karmic* philosophy reports that the fruits of all actions belong exclusively to the man's *karma* or duty. Ultimately, human agency can be ascribed to man's *karma* and *dharma*. The soul (*atmana*) is never the agent, although it is held accountable for all actions undertaken by human beings. The *karma* duty ethics, like Sen's agency's rational stance, advances the cause of human rights by offering guidelines in human conduct.

"CAPABILITY" AND INDIAN VARIETY OF HUMAN RIGHTS

Sen's "capability" has an equivalent concept in *karmic adhikara* with claims and obligations stipulating that justice mean obligations and not rights, as is the custom today. The term *adhilakara,* derived from *adhikrri*, acquires such meanings as "competence, vocation, obligation, and responsibility."[26] Both *Kumarila* and *Prabhakara* legal systems show the necessity of making explicit sense of ethical element implicit in the *Vedic* injunctions and extending it to the social and natural world occupied by humans. The notion of *adhikara* and other related human rights concepts, as explained by *Jaimini* and further developed in the *Mimamsa* logic in public argumentation, can be interpreted as providing the foundation of human rights using a

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[23]. Sen's Non-Western ideas are examined in "Internal Criticism and Indian Rationalist Traditions," in M. Krausz (ed.), *Relativism: Interpretation and Confrontation* (Notre Dame, IN: University of Notre Dame Press, 1989): 299-325.

[24]. Bruce Rich, *To Uphold the World* (Boston: Beacon Press, 2010): 20, 37.

[25]. Jonathan Haidt, "The Passion behind the Populist Insurgency is Less about Liberty than a Particularly American idea of Karma," *The Wall Street Journal,* October 16, 2010: 1-3.

[26]. Wilheim Halbass, *Tradition and Reflection: Explorations in Indian Thought* (Albany, New York: State University of New York Press, 1991: 67.

contemporary legal and ethical idiom of India.[27] They can then serve to institutionalize and protect human rights and to sanction the punishment to be meted out for their abuse and violation.[28] Just as Sen's capability recognizes the limits of negative human rights, so also *karma* duty prevails on human agents not to harm others' rights and responsibilities. Both Sen's capability and *karmic adhikara* inform that social obligation must not be confused with the role of the state alone, because the solicitations apply to all institutions and agencies that can help promote human rights and reduce human insecurity. The demands are moral and social, not legal or bureaucratic. Agency does not have to bear interference from the state or fellow human beings. As in Sen's capability, moral *karma* does not provide a list of capabilities. If a person wants to do things about the plight of underprivileged or oppressed groups in society, then, it is no good just waiting for economic development to do the work?

Sen's faith in *karmic* duty for human dignity is reflected in his *Gita*, a sacred text, the debate about choices and preferences in times of extreme human distress. Jeremy Bentham and John Stuart Mill criticize the duty ethics for failing to specify which principles should take priority when rights and duties conflict, an ethical dilemma that Sen faces in his discussion about Lord Krishna's arguments with the greatest archer, Arjuna in the *Mahabharata* Great War. Sen's agent-sensitive evaluation is in contrast to the usual "utilitarian" formula that evaluation of rights and duties must be independent of the evaluator.[29] Believing that moral responsibility demands what Sen calls "situated evaluation" by agents, he claims that warrior Arjuna, in many ways, is a better model of ethical deliberation than Lord (God) Krishna, the supreme adviser of warrior Arjuna. Here, Arjuna (not *he Krishna*, but *Arjuna*), in Sen's words, takes responsibility for the consequences of his cruel action in war. Arjuna then has to deliberate between choices, which have rational and moral components.[30] His ideal agent, Arjuna, presents a cognitive process in which individuals' perceptions of their efficacy influence the types of anticipatory scenarios they reconstruct and reiterate. This social-cognitive theory offers a significant "agentic perspective" in which the individual is a self-organizing proactive, self-reflecting and self-regulating entity.[31] Sen's arguments, which are contrary to traditional Hindu explanations of Arjuna's duty and responsibility in the *Mahabharata Great War*, have bearing on the human rights discourse. In his defense of Arjuna, not Lord Krishna, Sen departs from the standard theories of justice, including John Rawls's argument that there are ideal just institutions. In Arjuna's case, Sen endorses the

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[27] Classical Indian philosophies are characterized as philosophies of life. If something is to be achived, man in general thinks that it can be achieved only through action that means by working for it. But such action implies a pluralistic universe, the nature of which is to be explained in terms of action and in the philosophy of which action becomes the supreme principle. Such a philosophy is *Mimansa,* P.T. Raju, *The Philosophical Traditions of India* (London: George Allen & Unwin, 1971), 16.

[28]. Julian Woods, "Karma in the Bhagavat Gita," in Katherine K. King (ed.), *Hermeneutical Paths to the Sacred Worlds on India* (Atlanta: Scholars Press, 1994): 40-62.

[29] Gurucharan Das, *The Difficulty of Being Good: On the Subtitle Art of Dharama* (New Delhi: Penguin Books, 2009), 151-82.

[30]. Sen, "Consequential Evaluation and Practical Reason," *The Journal of Philosophy*, XCVI 9, September 2000: 485.

[31]. A. Bandura., E. Wood, "Effect of Perceived Controllability and Performance Standards in Self-regulation of Complex Decision-Making," *Journal of Personality and Social Psychology*, 56 (1989): 805-14.

spirit of Adam Smith's "impartial observer" test, which recommends the decisions that an ideal and impartial judge would reach. However, Ronald Dworkin argues that Sen does not offer some overall scheme to suggest how different factors should be weighed in a practical decision about a controversial issue.[32] In that sense, stances taken by Arjuna and now Sen remain morally controversial.

Although the *karmic* rules are moral ideals, not laws for a society, these stipulations have the force of law in a society where people are obliged to abide by norms. Hindu *karmic* duty ethics, Buddhist religious concepts and Sen's capabilities, all testify that the existing world is inescapably a moral structure, whereby noble intentions and his reasonable "functionings" are invariably followed by contentment, and ignoble intentions are invariably followed by discontents.

There is now an increasing emphasis attached to an all-Indian common *dharma,* known as *sadaran dharma,* in contrast with the specialized *dharma* of the traditional caste rules and duties. This impulse of the common religion, as opposed to brahmanical canons, provides human rights with cultural embeddedness and local legitimacy. The outcome of a *dharma* (virtue) and *karma* (deed) is a culturally hybrid claim for human dignity, a *mestiza* conception of human rights.[33] Rejecting an unrealistic idea of happy coexistence of this one and the "other one," the social philosopher Glissant offers the notion of radical "otherness," which requires change through the "cognitive process." Whereas such a requirement of deep transformation proceeding from antagonism forms the basis of a Marxian view of historical change, for Glissant, the encounter with "otherness" itself transforms people into "agents" for revision by their experience of this otherness.[34] An action, Weber argues, may be rational when it is deliberately and logically performed as a means to secure some consciousness end in the light of information and understanding of relevant facts. Clarifying the rational action, Watkins shows that in the fixed situations, the actions performed by different agents with similar or different dispositions produce results intended by none, because *karma* advocates freedom to act in a morally responsible way toward human misery in all forms.[35] Consequently, it means something different when introduced without modifications. In Ricoeur's psychological analysis, social action can also be interpreted as a text.[36] He argues that once an author has released his work to the public

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[32]. Ronald Dworkin, *Justice for Hedgehogs,* 477.

[33]. R.S. Khare, "Elusive Social Justice, Distant Human Right: Untouchable Women's Struggles and Dilemmas in Changing India," in Michael Anderson and Sumit Guha (eds.), *Changing Concepts of Rights and Justice in South Asia*: 198, 204. Nussbaum claims that moral emotions are intelligent responses to the perception of value; they are not irrational. In contrast, Kant and others felt that emotions are dangerous, and they have to be subordinated to reason to get a rational grasp of moral principles.

[34]. Edouard Glissant, *Caribbean Discourse*. Trans. J. Michael Das. Charlottesville: University of Virginia Press, 1989: 24, 26; Anjali Prabhu, *Hybridity: Limits, Transformations, Prospects* (Albany, NY: State University of New York Press, 2007): 116-117, 161-162.

[35] Citing J. Watkins (1974), Sen argues that in a situation like "Prisoners' Dilemma," there is a classic problem in locating the space between private behavior and public rationality. However, Sen adds that the structure of formal game theory builds into some limiting assumptions that restrict the class of value system that can be admitted. See Sen, *Rationality and Freedom* (Cambridge, MA: Harvard University Press, 2002, 207.

[36]. Charles E. Reagon and David Stewart (eds.), *The Philosophy of Paul Ricoeur: An Anthology of His Work* (Boston: Beacon Press, 1978).

he has no more authority than anyone else does over what that work should be understood to mean. Critics may call it the "intentional fallacy." The German hermeneutist Hans-Georg Gadamer calls this understanding as pre-understanding, and writes, "the meaning of the text surpasses its author not occasionally, but always."[37] The interpretation of social practices is "essentially concerned with purposes rather than mere causes." The social and spiritual norms and practices become "various economic or psychological or physiological determinants" of people's "convergent behavior."[38] In this sense, "creative interpretation, on the constructive view," is a matter "between purpose and object," argues Ronald Dworkin.[39]

WOMEN'S RIGHTS AS HUMAN RIGHTS

The resurgence of the worldwide women's movement has legitimized the investigation of women as a distinct category. It has documented how these inequalities persist across class, cultural, and ethnic lines and how they vary in form and intensity.[40] Sen regards the neglect of women's nutrition and health (not least among poor African-Americans in the US) and sex-selective abortion in some developing countries as "criminal."[41] There are two distinct aspects in Sen's analysis of women's rights as human rights. First, he finds that the social background of their inferior status and conditions are real and sustained, and class bias, regional bias, urban bias, racial and ethnic bias, are all contributory factors in lower status. Forming differential, these biases are linked with one another. Not all women face the same kind and same degree of bias and discrimination, but their lower status remains real and the eventual cause is the presence of a variety of the patriarchal order in many parts of the world. Second, he offers his agency concept as a vital tool in women's empowerment.

Sen largely identifies the causes of the women's inferior socio-economic identity as evidence of a patriarchal order. Simone De Beauvoir claims, "One is not born, but rather becomes, a woman." It is civilization as a culture that produces this creature, intermediate between male and eunuch, which is projected as "feminine."[42] In a different mode, and with a Hegelian approach, Judith Butler, in *Gender Troubles*, describes the woman as a subject-in-process that is constructed in discourse by the acts it performs.[43] Butler's subject (woman) is an actor that simply gets up and "performs" her identity not on her own choosing. Currently, despite great political and economic gains all over the world, women still have good reasons to be sensitive to how cultures affect them. In the Western version of patriarchy, man-made language

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[37]. Gadamer cited in Katherine K. Young (ed.), *Hermeneutical Paths to the Sacred Worlds of India* (Atlanta: Scholars Press1994): 60.

[38]. For an authoritative analysis of Indian heremeneutics and human action, see Srinivas Tilak, *Understanding Karma:* 5-9; Gananath Obeyeskere, "The Rebirth Eschatology and its Transformations," in Wendy O'Flaherty, *Karma and Rebirth in Classical Indian Traditions* (Berkeley: University of California Press, 1980): 137-64.

[39]. Ronald Dworkin, *Law's Empire* (Cambridge, A.: Harvard University Press, 1986): 53.

[40]. Irene Tinker (ed.), *Persistent inequalities: Women and World Development* (Oxford: Oxford University Press, 1990): 10-11.

[41]. Sen, "More than 100 million are Missing," *New York Book Review* (December 20, 1990): 61-66; Sen, "Autography," Swedish Academy of Sciences Nobel-prize website, <www.nobel.se/economics/laureates/1998>.

[42]. Simon de Beauvoir, *The Second Sex* (1949), trans. H.M. Parshley (London: Everyman, 1993).

[43]. Sara Salih, *Judith Butler* (London: Routledge, 2002): 50-52.

comes from the statement, "Nature," in which animals and women are objectified, hunted, invaded, colonized, owned, consumed and forced to yield."[44] There are thus severe problems with accepting the patriarchal conflation with women and nature. Putting sex into "Nature" and gender into "Culture," feminists retain the idea of experience based on anatomy, while questioning socially ascribed gender roles. We argue that agent's biological dichotomy cannot serve the basis for commonality in the face of tremendous cultural diversity.

Sen argues that despite the myriad approaches, in the contemporary societies there still exists patriarchy in some forms. From 1990, when he published an article about the "missing women" he drew attention to the declining ratio of women to men (sex ratio in India, males per 100 females as 106) in large parts of Asia and Africa, attributing this unwelcome development to a combination of factors that included male bias, female literacy and above all patriarchy. Bina Agarwal and others also argue that Sen's "missing women" testifies to the presence of patriarchy in various regions of the world. Sen himself laments that in the 1960s the leftist scholars failed to do justice by finding all the root causes of women's deprivation in economic causes only, thereby ignoring social and psychological factors that resembled a patriarchal domination. Not a subaltern in the Gramscian sense, but a post-modern "master synthesizer," Sen argues that "feudal attitudes" continue to exist, though in different forms.[45] Sen's argument in patriarchy is that modernization has not undermined patriarchy; instead, by raising the costs of having a girl it has reinforced it. Advances in medical technology and access to abortion facilities have helped the continuation of a patriarchal order, which translate into dependence, powerlessness and servitude.

Judith Butler (*Bodies That Matter*)[46] states and Sen concurs, in the current condition, "women are living within the law or within a given culture in which there is no "free choice." Butler adds, the range of cloths available to women is determined by factors such as culture, job, and income and above all, social background and status, an idea reinforcing a social order called, patriarchy. Utilizing existing studies, with considerable theoretically original study, Ester Boserup (1970) illustrates how the division of labor between women and men shifted as economic development proceeded with its gradual change from family production of goods and services to specialized production.[47] Sen modifies a strictly economic interpretation to take into consideration the social and traditional aspects of discrimination, arguing, "There are a variety of influences to be considered" to conclude those women's deprivations are connected with "social anthropology and cultural studies." In addition to family perception about traditional inferior women's status, there are at the national level psychological difficulties to the reforms suggested by the cultural-political integration perspective. When children are taught, "girls need less food than boys", they psychologically learn about the value of a family rule and social expectation. He

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[44] Butler, Judith, *Bodies That Matter: On the Discursive Limits of Sex* (London; Routledge Classics, 1990).

[45]. Irene Tinker (ed.), *Persistent Inequalities*, pp. 210-22, for Christine Obbo, pp. 239-56; Ken Kusterer; Bina Agarwal et al (eds.), *Capabilities, Freedom and Equality*; Chaitanya: Policy Consunltancy, "Keeeping South Asian Children Safe; Sen, "More That 100 Million Women are Missing," *New York Book Review*, 327: 1297-98; M. Kunhaman, "Amartya Sen's Development Perspective," *Samylta*, vol. 1b, May 2009.

[46]. Judith Butler cited in Sara Salih, *Judith Butler* (London: Routledge, 2002): 43-51.

[47] Ester Boserup, *Women's Role in economic Development* (New York: Free Press, 1970.

enumerates many occurrences of the discriminatory social order in various occupations[48] and observes the unequal order, inherent in a variety of patriarchal systems. Because patriarchy colors family, work, individual identity and religion, he continues, patriarchy must be viewed as one of the underlying causes of violence against women. He implies that people must first understand sexual hierarchy as a product of culturally created social ideology, claiming women's "perceptions of obligations and legitimate behavior" arise from a pervasive patriarchal system.[49]

India-Specific: Patriarchy

Sen observes that a controlling patriarchal order is very much reflected in at least six cases, placing women in lower status: survival inequality, natality inequality, unequal facilities, ownership inequality, unequal sharing of household benefits, and domestic violence, each having an element of discriminating patriarchy. These cases, he maintains, testify to an entrenched tradition of the division of work in housework (women's job), sex-selective abortions (at familiy's directions), female illiteracy (preferring boys as work force), and high incidence of underweight birth, girl child labor (boys for education), etc. Sen suggests that where men's dignity and functioning are staked in their power to neglect the concerns of women's household labor, the un-explicit basis of gift exchange in marriage leaves women performing labor indispensable to men's economic productivity, yet undervalued in the scheme of heterosexual reciprocity. This, in turn, puts women in a perpetual debt. This is an absolute submission to a patriarchal order,[50] depicting women's life as a pre-set web rather than a succession of relationships. Sen's critique of China's one-child policy is interesting. The female: male ratio is 0.94 and falling, points, he argues, to the oppressive effect of the one-child policy and more importantly the continuance of the underlying patriarchal prejudices, but he ignores that the communist government's fiat was based on economic imperatives, and not in defense of the patriarchal unchanging traditions. His depiction of women as an inferior social category resembles the model of Chandra Mohanty, who claims that the assumption of women "as an already constituted, coherent group with identical desires," regardless of ethnic location, or contradictions, "implies a notion of gender or sexual difference or even patriarchy," which can be applied universally.[51] In all cases, Sen argues from a narrower to larger moral concerns. He approaches paternalism by treating face-to-face personal interactions and then generalizing to social level principles as if the latter followed in a straightforward way, without consideration of

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[48]. Sen, "Gender and Conflicts," World Institute of Development Economics Research, Helisinki, 1987.

[49]. Sen, Gender and cooperative Conflicts," in Irene Tinker (ed.), *Women and World Development* (New York: Oxford University Press, 190): 123-49; Sen, "The Many Faces of Gender Inequality," *The New Republic,* September 17, 2001: 35-40.

[50]. Sen, "Gender and Cooperative Conflicts," in Irene Tinker (ed.), *Persistent Inequalities* : 123-49.

[51]. Some scholars argue that the importance of control over the means of production in influencing the direction of the process of emerging patriarchy should not be underestimated. As the politically dominant groups emerged in India, the patriarchal forms triumphed over matriarchal ones. Sen gracefully adds that the importance of gender as a crucial parameter in social and economic analysis is complimentary to, rather than competitive with, the variables of class, ownership, occupations and family status. Vina Mazumder and Kumud Sharma, "Sexual Division of Labor," in Irene Tinker (ed.), *Persistent Inequalities:* 185-98; Sen, "Gender and Cooperative Conflicts," in Irene Tinker (ed.), *Persistent Inequalities*: 12-49.

any additional complications of limits of reason. No doubt, both narrower and larger concerns are relevant to moral philosophy, but we must understand how they differ, often on grounds of variant grounds of limits of reason and other socio-economic complications.

Sen (in collaboration with Dreze) depicts women's inequality in the sharing of education in several Indian states and demonstrates instances of woman's lower status in most developing countries. Conditions have not improved because of the continuation of rigid social and family norms,[52] arising out of patriarchy. More examples are given: selective childbirth in Asia, adding that there "appears to be something of a social divide" across India, "splitting the country into two halves," to the extent of anti-female bias in "natality and post-natality mortality."[53] Considerable direct evidence exists of the neglect of female children in terms of health care, admission to hospitals, and even in feeding, Sen maintains.[54] His example of patriarchal injustice relating to natality, for instance, appears to him as "received values," derived from the patriarchal control system in traditional India. When anti-female prejudice in behavior reflects "the hold of traditional masculinist values" from which mothers themselves are not immune, Sen pleads that the analysts need to scrutinize "the inherited beliefs and traditional priorities."[55] The existing assumptions, Sen suggests, are reflections of prior dogmatism.[56] Other analysts also cite cases of sexual harassment in India, and the subsequent women's demand for relief as a protest against "a patriarchal state" and "legal patriarchy."[57] In the recent politically motivated Hindu revivalist movements, "patriarchy" emerges from the right wing Hindu discourse, which projects women, "saint and potential sinner at one and the same time," and demands that, women have not only to be protected but also "segregated and controlled."[58] Dyson and Moore find that there are significant variations in patriarchy within the Indian subcontinent that have different implications for women.[59] Sarah Loza, in examining a version of Egyptian patriarchy as a benevolent system, hypothesizes that different systems of production and kinship represent distinct kinds of "patriarchal bargains," which act as a powerful determinant of women's potential for adaptation or resistance in the face of change.[60]

As "tenacious patriarchy," is modernized; the concept confounds the liberals, Marxists feminists and development practitioners. Sheila Collins (1974) argues that there are four interconnected pillars in support of the male-dominated culture or patriarchy: sexism, racism, class exploitation, and ecological destruction. Women's debilitating agency is a fragmentation of the concepts of sex and class that deny the pertinence of overreaching theories of patriarchy and

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[52]. Jeane Dreze and Amartya Sen, *Hunger and Public Action:* 11.

[53]. Sen, *The Argumentative Indian*: 228.

[54]. Sen, "Missiong Women: Social Inequality Outweighs Women's Survival Advantage in Asia and North America," *British Medical Journal* (March 7, 1992).

[55]. Sen, "Many Faces of Gender Inequality," *New Republic,* vol. 225, issue 12, 2001: 35-40.

[56]. "Uses of Value Judgments in Feminist Social Science: A Case Study of Research on Divorce," *Hypatia*, vol. 19 (2004): 1-24.

[57]. Purna Sen, Book Reviews, S*igns* (Autumn 2008).

[58]. Gyanendra Pandey, *Routine Violence* (Stanford, CA: Stanford University Press, 2006): 206.

[59] T. Dyson and M. Moore, "Our Kinship Structures, Female Autonomy and Demographic Behaviour," vol. 9, 1983: 35-60.

[60]. Cited in Sarah Salih, *Judith Butler.*

capitalism.[61] Now in gender politics, patriarchy refers to any form of gender discrimination, higher social power for men, reinforcements of traditions, and the disproportionate political power to men, perhaps to the satisfaction of a large section of society, and in this respect, as Brown states, patriarchy becomes a "human universal," providing an "essence."[62]

In essence, Sen refutes the Western concept of dualism in men-women identities. The dualisms of de Beauvoir observe women's lower position as Sartrean existentialism, which distinguishes between the transcendence of masculine superior agents struggling to achieve constant success, and the feminine "subject" trapped by patriarchal traditions. Women's freedom, de Beauvoir argues, would come when they escape from the constraints of their bodily immanence to become like men. In the Western discourse, women's bodies, representing the softer side, always represent the bodily. The West views the difference as the opposition between mind and body. The concept does not seem to be emancipatory, because it stands for extreme feminism, critical of maculinist bodily geography. A solution lies in discarding the dualism of the other and us. Neither side can speak of the other with rationalism. Last, Sen's emancipatory women's agency insists on mobility to avoid entrapment by the options offered by masculinst discourse, or feminist deliberate tactics. To move to a new third space, he tries to remove the paradox of occupying both the center and the margin to reach the multiple social spaces, the agents.

WOMEN AS AGENTS WITH CAPABILITIES

Collingwood argues that agents claiming empowerment have different arrangements from the different standpoints of different agents with different purposes.[63] This gender approach has more flexibility than liberal international model in "women-in-development." For Sen, women's projected power can be defined as ability, whether, physical, mental or moral, to act, the faculty of doing something for control. The words "control" and "domination" do not appear as synonymous. This concept of agency's power in contemporary social science has not been important as an idea of power and domination.[64] An agency freedom means participation, and if consensus reached, to act according to views expressed. Sen and Dreze argue that participation, as an expression of agency, can have intrinsic value. Where there are more decision-makers, there is a need for exercising sociability or consolidating a sense of community to achieve rights. At bottom, Sen suggests, feminism is a mode of analysis, a method of approaching their life and politics, rather than a set of political conclusions. Application of Sen's feminist method means that in the current world's socio-political institutions, the patriarchy is not simply an abstraction.

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[61]. S. Walby, "East Asia's Economic Success: Conflicting Paradigms, Partial Insights, Shaky Evidence," *World Politics* 44, January1997: 270-320.

[62]. Cited in Sam Harris, *The Moral Landscape* (New York: Simon and Schuster, 2010). Harris argues that human minds do not merely conform to the logic of natural selection. While the possibilities of human experience must be realized in the brains that evolution has built for us, our brains were not designed with a view to our ultimate: 12-13.

[63]. R.G. Collingwood, *An Essay on Philosophical Method* (Oxford: Clarendon Press, 1939): 49-51.

[64]. Nancy C.M. Hartsock, *The Feminist Standpoint: Other Essays* (New York: The Haworth Press, 1997): 2021; Robert White, "Motivation Reconsidered: The Concept of Competence," *Psychological Review*, vol. 1959: 297, 310.

Thus, agency power can be a solution, but agency power, he reports, is not always socially constructed.[65] Because discrimination is "societal impairment," women's enhanced agency and voice should reflect in "nearly every field of social life," Sen maintains.[66]

First, agencies' perspectives differ because of unequal economic conditions. Though rich and poor women both face rape in public places in darkness, poor women have more of an interest in improvements than do rich women.[67] Second, overcoming male bias does not mean the disintegration of pooling and sharing of resources between men and women. Women, once educated, will have "her knowledge of the world, and her decisional power" in the patriarchal family. Here women's agency can be both an inner and outer strength.[68] The cultivation of women's "empowerment" through education and employment has proved effective in the state of Kerala, his most celebrated reference, in India, he claims. Because current entitlement systems, governing who can have use of what, women are allowed to think in terms of the welfare of their families, an emphasis on women's rights has to be supplemented by an emphasis on socially conferred capabilities, including education, conscious-raising and politicization. Sen's contributions to the gender-aware liberatory study of economic development are of enormous value in women's human rights. He reminds us, through his rational choice theory, that despite practical preoccupations, human rights activists have reason enough to pay attention to the skepticism that the idea of human rights generates among many legal and political theorists.[69] Third, the political agency of women may be particularly important in encountering the biases that contributes to the neglect of women's claims. Socially, getting better education, being free to work outside the home and finding jobs that are more productive for women's well-being. The newly acquired skill may lead to a better "breakdown position for the future." It has been calculated that the winners of a household "co-operative conflict" in one round have enhanced bargaining power in the future. Sen observes that the transmission from "a locked in position" can also work inter-generationally, perpetuating symmetry over time. The biological link between women and children is obvious, but the socially determined lack of entitlement creates a lower status for women. The assumption is that if women's agency role is increased and productivity enhanced, the male bias in political field will be reduced. Education and outside work give women more "bargaining power." [70] The issue is: does the male bias constitute patriarchy? It is argued that conscious and unconscious male bias in thought and action is often supported by economic and social structures, which make such practices seem rational, even to those who are disadvantaged by them. Sen argues that the constraints on individuals need to be changed through some collective processes. In the absence of such a process, individual women

[65]. Sen, "Family and Food…," in Sen, *Resources, Values and Development*: 346-68.
[66]. Sen, *The Argumentative Indian*, ch. 11; Sen, "Population: Delusion and Reality," *New York Review of Books* (September 22, 1994); Sen, "Well-Being, Agency and Freedom: The Dewey Lecture 1984," *Journal of Philosophy* 83 (April 1983); Sen, "Missing Women," *British Medical Journal:* 587.
[67]. Diane Elson (ed.), *Male Bias in the Development Process* (New York: Manchester University Press, 1991): 10.
[68]. Sen, "Missing Women:" 487-588.
[69]. Sen, "Elements of A Theory of Human Rights," *Philosophy and Public Affairs*, Fall 2003: 356.
[70]. Sen, "Gender and Co-operative Conflict conflicts," *Helsinki: World Institute Development Economics*, 1987.

would certainly find it rational to do things that perpetuate male bias. Sen writes, "Deprived groups… may be unaware of possibilities of social change." Individual women's "social choice and well-being" can be served by their own agency.[71]

Sen reports that equality is desired, but he does not adequately resolve the dilemmas of choice that arises in life. Recognizing the dual contexts of justice and care, women realize that judgment depends on the way in which the problem is framed. McClelland reports men and women may relate to the world in a different style, which does not reflect any status. "Women are more concerned than men with both sides on an independent relationship" and "are quicker to recognize their [desired] interdependence."[72] Sen presents a contrast between male and female voices to highlight a distinction between two modes of thought, focusing on the problem of interpretation.

ASSESSMENT OF SEN'S PATRIARCHY

In social sciences, the word patriarchy is over-used. In ancient Greece, the *patria*, being the father, and endowed with *arche* (rule) exercised autocratic authority over an extended family system, creating a social norm for cohesion. In ancient India, Manu's Law gave extensive socio-political power to men by a religious norm, supportive of social division. Anthropologists have defined the system as a society in which men were the "dominant element" in public life as well as in family. It is unclear whether Sen's gendered position is better thought of as epistemological or as a ground of identity condition in the form of the patriarchal order.[73]

Sen's frame of patriarchy contradicts current conditions because patriarchy has lost its steam in many parts of the world. Projecting the men's helpless situations, a recent premier newspaper article in Calcutta, *The Telegraph*, provides some insights about the men's dilemma. The Reporter's headline tells the readers everything about the sad and pathetic situation husbands face among the high and middle classes, recently reaching an affluent economic order in India. The headline is "Help, my wife beats me." A reporter Varuna Verma writes that the Delhi-based counseling center has on file about 350 cases of "abused" men in abusive marriages every year. The problems range from "soft abuse" to serious physical assault by economically "'empowered" women. In 2006, an organization found that 98 percent of the men asked reported that there were considerable abuses against husbands. One estimates that about 57, 593 married men committed suicide in 2007 for wives' "revealed abuses of husbands" as well as family complications. In conclusion, the paper writes, "Today men are comfortable about not being macho." A survey conducted by Orissa's State Women Commission found that women were increasingly using dowry-related laws and the Domestic Violence Act to harass husbands. Mayanak Gupta, of Calicut, insisted that men "are often at the receiving end of marital violence."

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[71]. Sen, "Gender and Co-Operative Conflicts," 5.
[72]. David C. McClelland, Power: *The Inner Experience* (New York: Irvington, 1975).
[73]. "Sen, Ethics, and Democracy," *Feminist Economics* 9 (2003): 239-261.

[74] No doubt, Mamdani observes, "neither social forces, such as women's movements, nor social movements," such as the women's liberation, can be presumed to have "an internal consistency," or "be the agent of realizing a trans-historical agenda."[75] In logical term, the "warrant is an assumption, a belief or principle that is taken for granted." Warrants may be unseated depending on the line of argumentation.[76] The term patriarchy may not be a "claim" but only a "warrant," an inference.

Indeed, the classical patriarchy enters a crisis as women in many cultures use all the pressure they can assemble to make men live up to their obligations and may not compromise the basis for their claims by coming out of the line and losing their respectability. Their passive resistance takes the form of claiming their dues of the patriarchal bargain (protection in exchange for submission).[77] Gordon's study in 1980 of changing feminist attitudes to birth control describes the strategy of voluntary motherhood as part of a broader calculation to improve women's own condition.[78] Saha (1980) finds that in Liberia, rural women, especially the Troh wives, were given plots of land to work and income from the farms remained in their possession. Of course, the percentage of economically independent and active females was lower, at 15.3 percent, compared to the percentage of males at 41.5 percent.[79] However, emerging forms of consciousness and struggle in modern times require sympathetic and open-minded examination, instead of generalization. Saha (1998), in his examination of the Liberian Supreme Court's handling of marital disputes, finds that the court, acting as a sociological agent working for the therapists, settled disputes to save women's status and plight. The idea is that "some heat be taken off"' to provide remedy to suffering wives, who could not be harmed by family patriarchy. The court's "third party" role was against the usual patriarchal governance.[80] Saha (1999) observes that "Limba Women' group in Congo (Zaire)" decide not only what they grow but also what to consume. They set aside "choice food items" and sauces for their own need as well as for their children's consumption before feeding their men, because, they believe, "women's rights should get preference."[81] Conventional rules in patriarchy do not adversely affect West African women's informal status. Within their lineages, West African women have rights and responsibilities toward their kinsmen and kinswomen that are independent of males. As mothers, sisters, and daughters within the matrilineages, some women hold leadership positions and

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[74]. *The Telegraph* (Calcutta, India), dated July 12, 2009, p. 14. One reports find that "a huge number of Indian men are mentally, verbally, physically and sexually abused by their wives," says Pandurang Katti, who founded the Save India Family Foundation (Siff) to deal with harassed husbands.

[75]. M. Mamdani, *Subject and Citizen* (Princeton: Princeton University Press, 1996).

[76]. Annette T. Rottenberg, *Elements of Arguments* (New York: St. Martin's Press, 1985): 25.

[77]. Deniz Kandiyoti, "Bargaining with Patriarchy," *Gender and Society*, 2, 3, September 1988: 274-290.

[78]. L. Gordon, "Why Nineteenth Century did not Support and Twentieth Century Feminists Do," B. Thorne and M. Yalom (eds.), (New York: Longman, 1980): 40-53.

[79] Santosh Saha, "Roles and Statuses of Women in a Traditional African Setting: A Study of Women in Liberia," *Africa Quarterly*, vol. 22, no. 1 (1984): 25-33.

[80]. Santosh C. Saha, *Culture in Liberia* (New York: Mellen Press, 1998): 34-35.

[81]. Santosh C. Saha, *Dictionary of Human Rights Advocacy Organizations in Africa* (Westport, CT.: Greenwood Press, 1999): 102.

exercise authority equivalent to that of men.'[82] A "neutral" complimentarity, rather than a super ordination/subordination, more accurately describes the relationship between many female and male roles in various African societies. There is no preconceived notion of a unitary status for female and male based on patriarchy. In short, gendered virtue, independent of any other norms or traditions, was a subject of active debate in both Greece and China, though the bases of the debate were very different.[83]

ENVIRONMENTAL RIGHTS AS HUMAN RIGHTS: SEN'S MEASUREMENTS

Social assessment methods in environmental policies have been made by the World Bank for beneficiary assessments,[84] participatory poverty assessments,[85] and social assessments.[86] All of these evaluations have a dominant theme in keeping human welfare first, and then environmental conservation. Yet, current concern about a deteriorating environment caused by human activities pervades the conservation movement in the world, but yet, much of the environmental management literature frame the difficulties within the environmental policy-making in terms of the necessity to balance competing social interests.[87] Postmodern ecologists argue that the Western idea of the "sustainable development" has a certain modern flavor to it, as it aims at the unified destiny of man in the positivist mode and gives preference to the First World's industrial culture.[88] Whereas a dismal picture of rapid ecological degradation is widely presented and traditional means seriously questioned, there is a powerful counter thrust in African argumentation, which criticizes the NGO backed official policy and mostly identifies conflicts between environmental preservation and local interest groups.[89]

Sen observes a direct link between sustainability of nature and enhancement of human rights. The significance of sustainable development is that, by showing how environmental problems are inextricably linked to economic and social inequalities, it has brought development issues to the forefront of the ethical debate, with emphasis on equity. Scholars have drawn out some successful indicators for sustainable development. In particular, it is important to have effective monitoring and measurement systems in place; without them, it is difficult to include

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[82]. Niara Sudarkasa, "An Exposition on the Value Premise Underlying Black Family Studies," *Journal of the National Medical Association,* vol. 67, March 1975: 235-39.

[83]. Lisa Raphals, "Gender and Virtue in Greece and China," *Journal of Chinese Philosophy*, vol. 29, no. 3, September 2002: 415-437.

[84]. L.F. Salmen, "Beneficiary Assessment Manual for Social Funds," *Social Protection Discussion Paper no 9930* (Washington, D.C.: The World Bank, 2007).

[85]. Andrew Norton and Thomas Stephens, "Participation in Poverty Assessments," *Environment Department Papers Participation Series,* no. 20 (Washington, D.C.: The World Bank, 1995).

[86]. World Bank, "Social Assessments," *The World Bank Report* (Washington, D.C., 1998).

[87]. Santosh C. Saha, "Voices of the Subaltern and Indigenous Natural Resource Managements in Africa," *Australian Journal of Environmental Education* (December 2008).

[88]. David Arnold, *The Problem of Nature: Environment, Culture and European Expansion* (London: Blackwell, 1996): 148-153; 182-185.

[89]. Saha, "Indigenous Environmental Principles and Resource Management Systems in Sub-Saharan Africa," *Journal of Australian Association for Environmental Education*, July 2008.

meaningful targets in plans or to evaluate progress in achieving sustainable development.[90] Sen's target is an evaluation process, as part of conservation practices, claiming that technical interventions may raise the productivity as well as regulate the interaction between animals and plants but confining villagers to limited spaces may not reduce the spatial scale of exploitation.[91] Interestingly, Sen agrees with Regan and others in affirming that the ethics of maximizing ecological welfare may lead to violation of human rights in order to serve "environmental welfare."[92] Different disciplines ask different questions and to look for answers from other species is difficult. What is needed is people's "ability to comprehend their relationships with the world around them and consequently manipulate" that relationship to a balanced and "conscious purpose."[93] Bryan Norton introduces the notion of "weak anthropocentrism" in the ecological ethics, and writes, "I see no reason to think that, if it is distinctive, its distinctiveness arises from the necessity of the appeals to the intrinsic value of nonhuman objects."[94] However, he urges the analysts to turn toward more philosophically sound and useful consideration of a liberal "pluralistic anthropocentrism," which is an improvement on the earlier assumption that man's first classification of his environment was into edibles and inedibles.[95] In the same vein, Sen is supportive of an environmental value that considers a more integrated approach to changing the dynamics in environmental ethics.

What kinds of human impacts may create the irreversible changes? Focusing on this issue is likely to broaden our understanding of the resilience of ecosystems and human communities and of the basic features that determine their structure and "functioning," and, thus, Sen argues that some methodological assessments of possible damages to nature are the basic components of our argumentation. A thoughtful assessment is also necessary for using the results of research for managing semi-natural ecosystems that are connected with the rights of people. Conservation for him is a form of development with the goal of protecting or at least recapturing the good qualities of nature, which, in turn, may contribute to human well-being. In a bold mode, he claims that it is not necessary to regard all human activities in preservation as negative. By becoming aware of how our culturally conditioned attitudes are and have been, we can begin to understand their effects and integrate them into ecological studies.

Sen's environmental evaluation incorporates several values for both social justice and conservation of nature. In an essay about the preservation of the "spotted owl," he argues that to achieve sustainable use requires efficient "institutions," which can devise equitable access to the

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[90]. Connelly and smith examines individual preferences and environmental values to defends Sen by arguing that Sen's assessment of valuation is significant because it does not seek results merely in terms of a monetary value, James Connelly and Graham Smith, *Politics and the Environment: From Theory to Practice* (London: Routledge, 1999): 138-139.

[91]. Discussing "environmental diversities," Sen argues that variations in environmental conditions, such as climatic circumstances like rainfall can influence what a person gets out of a certain condition. Sen, *Development as Freedom,* 70.

[92]. Donald Regan, "Authority and Value: Reflections on Raz's Morality of Freedom," *Southern California Law* 62, 1989, pp. 995-1085; Shrader-Frechette, *Environmental Justice* (Oxford; Oxford University Press, 2002): 5.

[93]. Emily Russell, *People and the Land through Time* (London: Yale University Press1997): 17.

[94]. Bryan Norton, *Towards Unity amongst Environmentalists* (Oxford: Oxford University Press, 1991.

[95]. Stanley Gdlovitch cited in A.T. Rottenberg, *Argument,* 29.

use of ecosystem services.[96] In cases of conflicting priorities, ignoring mainly the economic approach to understand the logic of human interaction is also bad for the environment.[97] His point is that there is hardly any good means of distributed benefit-cost analysis. The econo-environmental system can operate along a continuum of equilibrium positions and move freely back and forth between these positions.[98] Ethical problems arise from questionable aggregations (economic assumptions) of data, as inner-city air pollution samples are compared with those from rural areas. In short, information deficit and the sense of what is possible are two aspects in environmental discourse that raises new questions about economic analysis as well as social benefits.[99] It is worth to restate that property values often decrease in areas of high pollution.[100]

HUMAN RIGHTS AND ENVIRONMENTAL JUSTICE[101]

Sen argues that human choice reflects a compromise among many considerations of which personal welfare may be just one.[102] Revealed preference (Paul Samuelson, 1938) is influenced by our commitments, goals and values, many of which are associated with the non-human world. This affects results in two ways: first, commitments reduce utility functions, and second, behavioral analysis overlooks commitments and other values. If a person prefers environmental protection to a new road scheme, his choice for road construction becomes irrelevant. As Sen writes, that commitment drives a wedge between personal choice and personal welfare.[103] The value of this assessment is that it enables comparisons in relative change between different activities. One information becomes meaningful for analysis when combined with other information. For example, it is difficult to know how important the impact is to participants. The goal is for participants to indentify all valued benefits/dis-benefits by engaging with the chains of practical reasoning.[104] If revealed preference is not well grounded, contingent valuation also is not helpful. Sen's position is that plurality of values that we associate with the environment cannot be represented by a single measure, money. A monetary standard does not view that there can be a single standard against which relative worth of all other values can be judged. The issue is: Who are the losers and the gainers. To resolve the issue, Goodwin introduces the green theory

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96. Sen, "Rational Fools: A Critique of the Behavioral Foundations of Economic Theory," *Philosophy and Public Affairs*, 6, 1977: 317-44.

97. Robert Costanza And Herman E. Daly, "Toward an Ecological Economics," 38 (1987): 1-7.

98. Richard B. Norgaard, "Environmental Economics: An evolutionary Critique and A Plea for Pluralism," *Journal of Environmental Economics and Management,* 12, 1985: 382-394.

99. James Connelly and Graham Smith, *Politics and the Environment: From Theory to Practice* (London: Routledge, 1999): 138-139.

100. M.W. Jones-Lee, *The Value of Life: An Economic Analysis* (Chicago: University of Chicago Press, 1976).

101. Shrader-Frechette argues that in order achieve participative justice in environmental decision-making, there is a need for "scientific proceduralism" that should encourage rational public debate. Kristin Shrader-Frechette, *Environmental Justice* (Oxford: Oxford University Press, 2002), introduction. Other scholars claim that environmental justice should include life support (enhanced life) as well as the development of scientific inquiry. James Connelly, *Politics and the Environment*, 21. Others lament that environmental justice has become a practical political expression of both the social justice principle of ecologism and the socialist critique of environmentalists as middle-class elitists. Neil Carter, *The Politics of the Environment*, 48-49.

102. Sen, "Rational Fools," 324.

103. Sen, "Rational Fools," 329.

104. Ronald Inglehart, *Modenization and Post Modernization* (Princeton: Princeton University Press, 1997): 117.

of agency, which, he adds, should be subordinate to the green theory of value. Clarifying the argument, Eckersley argues that the green theory of value should be expanded to incorporate the value of agency's autonomy – the freedom of human and non-human beings to unfold in their own ways. [105]This again appears to, for Sen, self-consciously anthropocentric.

Sen's approach to environmental evaluation has similarity with that of Marx, who captures the essence of the contemporary notion of sustainable development, defined most famously by the Brbrundtland Commission as "development which meets the needs of the present without compromising the ability of the future generations to meet their needs."[106] For Marx, the "consciousness and rational treatment of the land as permanent communal property" are "the inalienable condition for the existence and reproduction of the chain of human generations."[107] Marx's pronouncement insists that even an entire society or all societies together cannot be the owners of the earth, they are simply its possessors, and have to bequeath it in an improved state to successive generations.[108] In the same mode but with a twist, Sen's dominant paradigm advocates the use of natural resources to "cover public good" so that the consumption of a particular person "does not reduce the consumption of another," and offers his "capability" approach as relevant to the existing resource allocation in all cultures. He reaffirms that distributional decisions of an "un-crowded public park," involve conflict between one agent and another,[109] raising a moral dilemma in human rights choices in conservation. The human agents in Sen's conservation theory remain pre- social, for the theory is the sustained conversation with mainstream economics and retains some of the same limitations. Economics is an insufficient basis for thinking about conservation.

The relevance of his evaluation methodology is recognized by some international organizations[110] that develop a subsidiary concept in rural "livelihood thinking" in which villagers resort to risks as well as safety in managing resources. This livelihood concept, unrelated to Sen's human rights discourse, was earlier well exemplified in the Karsar region on Northern Nigerian region. There the lack of a tax on owners of firewood and fuel wood production was supposed to reduce pressure on the poor to exploit vegetation resources. The Muslim sultans exempted the poor firewood tree owners from taxation apparently to preserve nature and help the poor to have their rights in subsistence livelihood, but, in reality, the liberal taxation policy helped the rulers to maintain political and social control.[111]

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[105]. Kristin Sharder-Frechette, *Environmental Justice*, pp. 4-8; Michael Walzer, *Spheres of Justice* (New York: Basic Books, 1983): 10-13.

[106]. Karl Marx, *Theories of Surplus Value,* part 3 (Moscow: Progress Publishers, 1971), p. 754; World Commission on Environment and Development, *Burundtland Report: Our Common Future* (New York; Oxford University Press, 1987), p. 43.

[107]. Karl Marx, *Theories of Surplus Value*: 948-49.

[108]. John Belleamy Foster, *The Ecological Revolution: Making Peace with the Planet* (New York: Monthly Review Press, 2009): 181-82.

[109]. Sen, *On Ethics and Economics* (New York: Blackwell, 1988), 37.

[110]. M. Leach and M. Means (eds.), *The Life of the Land: Challenging Received Wisdom on the African Environment* (Oxford: Oxford University Press, 1996).

[111]. Michael Mortimer, et al. (eds.), *Roots in African Dust: Sustaining the Sub-Saharan Dry Land* (Cambridge: Cambridge University Press, 1998), 52.

The main thrust in Sen's environmental policy is the evaluation of the controversial contingency evaluation system, which was applied in the case of Exxon Valdez oil spill in Alaska. Arguing that the process lacks an empowering factor, he claims that "contingent valuation" is indeed best seen as an extension of market valuation through willingness to pay for things that they are bought and sold in the market. "The required price that might be maximally paid by a person for the value of the object" comprises "existence-value plus use-value, if any." The contingent valuation procedure, he adds, poses hypothetical questions "about how much people would be willing to pay to prevent the loss of some particular natural object." He argues that the philosophy behind the compensation, paid by the oil giant, is erroneous for both environment and human rights, because the idea suggests, "an environmental good can be seen in essentially the same way as a normal private commodity." There is no guarantee that, he argues, the total money collected by the company can meet the cost of preventing the environmental damage, or doing equivalent good for people,[112] and thus, the monetary compensatory conditions within potential Pareto optimality "are either unconvincing or redundant." It is unconvincing if compensation is not paid, because it will be ethically questionable. Can the "most miserable in society be fully compensated" for the costs incurred. Pareto economic allocation may have efficiency, but human rights are more than that. Sen is concerned with equity in sustainable development and, as such, makes it a central feature in his environmental policy.[113] The Exxon's compensation deals with those harmed by environmental injustice as well as stakeholders and the public, who have neither information about the risks nor the opportunities to exercise free informed consent. Sen affirms, "Treating the prevention of an environmental damage just like buying a private good is itself quite absurd." The contextual calculation and discourse are fundamentally concerned with the issues of overall coherence. Logically related concepts and assessments are employed to draw to it the idiosyncratic up into language and give it a place in its schema of the real.[114] Attfield also argues that environmental ethics need not to be confined to what has already happened, but what can produce reasoned accounts of goals that should be global as well good for humans and wild life.[115] In a novel way, Sen, a moral environmentalist, argues that greater female education and women's employment can help to reduce fertility rates." This, in turn, can reduce the pressure on global warming and the "increasing destruction of natural habitats." Likewise, the spread of school education can make people more environmentally conscious.[116]

DISTRIBUTIVE JUSTICE

Distributive justice refers to the morally proper apportionment of benefits and burdens, such as toxic waste dumps, dirty air, etc, among society's members. Ethical theorists define justice

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[112]. Sen, *Rationality and Freedom,* 538-539.

[113]. Sen, "Rational Fools," 324.

[114]. Jim Cheny, "Postmodern Environmental Ethics: Ethics as Bioregional Narrative," *Environmental Ethics*, vol. 11, 1989,: 117-134.

[115]. Robin Attfield, "Environment Ethics, Environmental Problems and the Ethics of Science," *Ethics*, March 2003.

[116]. Sen, *The Idea of Justice* (Cambridge, MA: Harvard University Press, 2009): 249.

mostly in terms of distribution, either of moral goods such as wealth or of nonmaterial goods such as equal opportunity. John Rawls defines justice as providing a standard by means of which society can assess the distributive aspects of its basic structure.[117] Bruce Ackerman tries to determine the initial entitlements of a scarce resource, which is convertible into any social good.[118] The policy of convergence that Norton perceives between ecocentric and future generation's anthropocentric perspectives on biodiversity provides a good example of value "eclecticism" in environmental justice. Sen's basic premise is the view that human beings are not necessarily seated at the top of the ethical hierarchy because ethical calculation demands a value system that calls for sustainability in both nature and society. [119] The primary difference between social justice and capital justice lies in their principles of distribution. For instance, the "African Initiated Church" (Christian) in Zimbabwe has a program to "cloth the earth" with new trees to cover human-induced nakedness. It is a new "green" program ushering an ecological program for action to integrate an environmental ethic with the heartbeat of church praxis, the practical application of a theory. Religious belief becomes an environmental ethic to become a tool for conservation as well as human rights.[120]

On the other end, the sociological model goes too far to suggest that environmental justice is irrelevant to well-being of human beings.[121] A prominent environmentalist writes that for sociologists, nature does not matter in the equation.[122] Such marginalization of the physical environment was made possible, in part, through the enormous economic and technological successes of the industrial revolution. However, there are "objective" and "subjective" truths. The first sense relates to how we know (epistemology), the second to what there is to know (ontology). Speaking objectively means that we are free of obvious bias, open to counter-argument, and cognizant of the relevant facts. There is no impediment to our studying subjective (first-person) facts objectively. When we speak about moral justice, or about objective causes of human well-being, we do not necessarily deny subject and experimental components of the facts under discussion. There are right and wrong answers to moral justice, whether or not we can always answer these questions. The real issue in the paradigm in environmental justice is the point of difference between the "deep ecology" (dark green) and shallow ecology (light green). In both cases, the nature of the distinction is the same: between the anthropocentric perspective versus a more econo-centric one, although such distinction is difficult to define.

Conscious of Attfield's warning that the "environmental ethic" can become an ideological tool for community solidarity,[123] Sen pragmatically observes that climate change,

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[117]. Thomas Nagel, *Justice as Fairness: A Restatement* (Cambridge, MA.: Harvard University Press, 2001).

[118]. Bruce Ackerman, *Social Injustice and the Liberal States* (New Haven: Yale University Press, 1980): 25.

[119]. Sen, *The Idea of Justice* (Cambridge, MA.: Harvard University Press, 2009), p. 268; Sen, "Rational Fools," 317-44; Connelly and Smith, *Politics and Environment*: 138.

[120]. Saha, "Indigenous Environmental Principles."

[121]. W.D. Casbeer, *Natural Ethical Facts: Evolution, Connectionism, and Moral Cognition* (Cambridge, MA.: MIT Press, 2003.

[122]. P. Singer, *The Life You Can Save Save* (New York: Random House, 2009).

[123]. Attfield, "Environment Ethics, Environmental Problems."

"can have a serious impact on our ability to construct functioning lives," thereby directly linking human rights and "welfare of the natural world."[124] Providing another example of his ethical norm, Sen writes that the analysis of the "problem of global warming in a broad social-choice context" deserves attention to "status of affairs' in which environmentalists should pay attention" to global warming's "consequences for health and morbidity that are associated with changing environments and temperatures, and altered patterns of habitation and epidemiology."[125] He reaffirms this social welfare idea in his essay about "environmental evaluation" in the *Japanese Economic Review* (1995), and in his conversation with Bina Agarwal and others. In that conversation, Sen adds that although we need to pay attention to Gautama Buddha's *Sutta Nipata*, requiring that human beings, being more powerful than nature, must pay adequate attention to conservation of nature, but also to "the quality of human lives," to balance the "asymmetry of power." His environmental ethics in sustainability conforms, he admits, to Brundtland Report (1987) [126] that views "human being as agents whose freedoms matter."[127]

Critical of Sen's environmental principles, some analysts argue that Sen's ecological choices are mostly market-oriented, lacking a mystic emotional attachment to helpful Mother Nature. Professor Ratan Lal Basu of Calcutta, in an essay, argues that that whereas Nobel Laureate Bengali poet Rabindranath Tagore's environmental view is based on ancient sacred Indian world-outlook, Cambridge educated Nobel Laureate Sen disproportionately adheres to the Western secular view that regards nature as a ground for human development. Basu laments that Sen narrowly classifies "human deprivation" into three major categories, first, "natural calamities," second, "inherent views of the sufferer," and third, deprivation caused by "bad governance, social injustice and economic exploitation" by the majority of the population. Basu concludes that by treating ecology and sustainable developments as "extraneous elements" amenable to treatment within the framework of the market mechanism, Sen ignores environmental degradation. Basu implicitly holds high anything classic or traditional, indirectly using an overarching theory in an Indian paradigm to address the anxieties of sustainability of the natural world, but ignores that Sen does not pit modern against pre-industrial, or provincial against universal. Indeed, Basu's "conflict" pits conservation-first advocates against human rights advocates, presuming that traditional environment practices, which are allegedly ignored by Sen, seek better alternatives to societies and habitat protection than the modern coercive conservation practices. [128] As nicely argued by the noted Indian social critic Ashis Nandy (1983), the "choice" is not between a traditional technique and a modern technique in a policy, but between different traditions of working on environmental technology. Of course, Basu has a

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[124]. David Scholosberg, "Climate Justice, the Capabilities Approach, and Potential Policy Implications," Conference paper presented at the University of Edinburg (November 2009).

[125]. Sen, *Rationality and Freedom*, 539.

[126]. Neil Carter, *The Politics of the Environment: Ideas, Activism,* Policy (Cambridge: Cambridge University Press, 2001), pp.203-20; UNDP, *Human Development Report* (Oxford: Oxford University Press, 1998); David Pearce, et al (eds.), *Blueprint for a Green Economy* (London: Earthscan, 1989).

[127]. Bina Agarwal, et al. (eds.), *Amartya Sen's Work and Ideas*, 321-33.

[128]. Joanne Bauer, "Commentary on the Conflict between Rights and Environmentalism," *Human Rights Dialogue* (Spring 2004).

point in suggesting that metropolitan intellectuals need to make traditional sustainability practices as allies, as has already been done in area studies of cultural studies in the West.

In sum, too much choice in environmental justice, conclude Sheena Ayenger of Columbia University and Mark Lepper of Stanford, is demotivating.'[129] Living inside "Nature" can also be a problem. The Indian *dalit* (outcaste) leader B.R. Ambedkar and a founding father of Indian republican constitution, views a crowded village in India as "a den of ignorance," whereas for Mahatma Gandhi, it is an "ideal social unit." It is wise to argue that models developed for a particular use are probably better for that use than models developed for very different purposes. The superiority of one model over a significantly different model cannot be determined because the testable hypotheses of and the data defined by and useable with each model have little overlap.

CONCLUSIONS

Hermeneutics is about understanding and interpretation of a concept. Many political philosophers call for angelic societies for distributive justice. In contrast, Sen brings a wealth of Eastern, particularly Indian history and philosophy to the attention of Western readers. His measurements are varied. First, he makes an illuminating linkage between human agency's capabilities and the complex issues in human rights, including women's human rights and environmental justice. This has a defining mode, as he identifies the need for an agentic power and its actual application to the evaluation of "social capital." Neo-Weberian theorists construct social capital as the combination of ties and norms binding individuals within constituent elements of larger organizations, or linking them across different institutional realms. Others regard social capital as a moral resource, or trust. This leaves unresolved whether social capital is the infrastructure, or content of the social relations, or is it both? Sen calculates that social capital, as a public good, is so far under-produced by all cultures. His concept of human rights goes beyond the liberal welfarism, which is intrinsically redistributive on many counts and lacks agentic inherent power, which encompasses a commitment to individual's material well-being with education and health, and the opportunities for citizens to determine their own needs and to influence decisions, which affect them. It takes into account many formulations of preferences, not just in the aggression of those preferences. Thus, he legitimately recommends that we need a system of priority among the different theories in human rights, because under the "Universal Human Rights," the deprived agents have no veto over the existing inequalities, social and economic, and no right to expect to benefit from them. Therefore, Sen's *karmic* values (not religious) may stimulate our thinking about some of the modern claims made in the current discussions of hermeneutics. David Tracy, a Catholic theologian, writes about a "necessary movement in interpretation from otherness," to possibility, "to similarity-in-difference," or

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[129]. Reporter, "You Choose," *The Economist* (December 18, 2010): 124.

analogy.[130] Sen's speculative concept, as opposed to many system-builders' theories, is inextricably connected to earthly freedom and self-knowing.

Second, methodologically, social knowledge must be communicable and compelling. A personal opinion like, "I think that capitalism exploits the poor," may influence friends to think that there is some injustice in our society. However, it probably will not make any waves with others unless we can talk about percentage. Sen's reasoned judgment bears a respectable relationship to direct evidence, as he, an economist, brings in information from diversified sources in the East and West, moral philosophy of various sorts, economics, social history, and even logic in making a linkage between rights and capacities. Third, his women's rights are analyzed profitably from the women's perspectives but he is apparently more concerned, rightly so, with the major sections of women in the world, not women belonging to the "emerging" high and middle classes, who enjoy virtual control over everybody within their family systems. According to Nussbaum, theorizations of power and agency give rise to minor, individualistic acts of protest, such as "doing femaleness" by turning it around and poking fun at it. She adds that women cannot "simply resist as you please" because there "are norms of fairness, decency, and dignity that entail that this is bad behavior."[131] Sen ignores the fact that patriarchy has lost its dynamics. Even in his highly appreciated "cooperative conflict," we find concern that reflects more of economy, and less of patriarchy. Fourth, his conservation policy is far from comprehensive, for obvious reasons, because he has not done much work on the study about nature. Environmental justice could have been richer if he could bring in intimate social psychology, such as Kenyan W. Mathia's "home-grown green" concept, or the very complex nature-loving "tree-hugging" in the Himalayan border of India. His message is: A proper evaluation is a path-finding tool.

In sum, Sen's cognitive device accepts the primacy of analysis rather than the ontological priority of structure, or system, the collective or the individual that constitutes all forms of methodological monism. His agency's identification of the objects of value specifies, for human rights, what may be called an evaluative space. This approach to various issues in human rights resists the utilitarian analysis, for example, the evaluative space consisting of the individual utilities, defined in the usual terms of pleasures and happiness. Of course, he recognizes that there are informational constraints. Last, there remains a tension between Sen's pluralism and "assertive incompleteness" and his account of human rights. Human rights activists ask how Sen's account supplements their work.

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[130] T. Howland Sanks, "David Tracy's Theological Project: An Overview and Some Implications," *Theological Studies*, 54 (1993).
[131]. Martha Nussbaum, "The Professor of Parody," *New Republic* 22, February, 1999.