

# A CRITICAL ASSESSMENT OF AMARTYA SEN'S COMPARATIVE MODEL OF GLOBAL CAPITALIST ECONOMIC JUSTICE

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## Abstract

*This paper investigates Amartya Kuman Sen's comparative model of justice and assesses the prospects for the provision of distributive/economic justice at the global level. Sen proposes his non-transcendental view of justice in the context of his proposed 'global democracy'. This work argues that Sen's model of global non-contractarian distributive/economic justice does not seem to have chances of success in a world divided into various nation-states. Sen does not endorse the possibility or desirability of a world capitalist state, and renounces the idea of replication of nation-state mechanisms and apparatuses at the global level.*

**Keywords:** Injustice, Comparative Justice, Human Rights, Democracy.

**JEL Classification:** G010

## Introduction

The UNO and the national leaders of various nation-states are well-aware that across the globe, almost three billion people are deprived of at least one basic human need: lack of access to food, drinking water, shelter, basic health services, not to mention education and dignity (Hulme, 2016). In 'our' world that is rich in resources and technology, "more than 800 million people go hungry each night, 19,000 children die each day from easily preventable health problems and more than 58 million primary school-age children do not attend school (Hulme, 2015: 1). One avoidable child death, caused by preventable diseases, is taking place every five seconds all day every day (Hulme, 2016). Most of these deaths are caused by diseases such as diarrhea, pneumonia, or malaria (Singer, 2016). With advanced technology and organization, contemporary agricultural systems produce enough food to feed all 7 billion people on the planet but some 800 million people went to sleep hungry last night, and one billion experience the indignity of having to defecate in the open (Hulme, 2016). A 10 percent reduction combined with a 1 percent reduction in military spending respectively

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in the developing and the developed world “would be sufficient not only to feed all those currently going without enough food, but would also make a significant contribution to ensuring that everyone has a basic education” (Brock, 2009: 92). According to MPI (Multidimensional Poverty Index), 2014 that covered “108 countries, which are home to 78 percent of the world’s population...1.6 billion people are identified as multi-dimensionally poor” (Hulme, 2015: 140). Data collected by various global agencies on poverty is not free of loopholes. Shelterless people and populations such as prisoners, soldiers, as well as students and workers who live in dormitories are among the global poor, but are not included in counting (Milanovic, 2016). There are almost 250 million homeless people who are often missed in data collection sample frames (Sumner, 2016: 43). The above-mentioned facts offer some glimpses of the state of global justice.

In the absence of a world government the provision of distributive justice appears to be no one’s responsibility. Amartya Sen’s comparative model of justice is one of the most significant approaches to the problem of global economic justice. Sen draws on contractarian approaches such as that of John Rawls and comparative approaches such as that of Adam Smith to formulate his own theory of justice. Sen proposes a capability-oriented framework of justice integrated with his theory of human rights that demands ‘global democracy’ for its functioning. However, Sen renounces the idea of establishing a world capitalist democratic state to replicate the mechanisms and instruments of the nation-state at the world level.

### **Amartya Sen’s Comparative Theory of Justice**

#### *Justice in the Context of the Nation State*

Sen classifies diverse approaches to distributive justice in two broad categories: ‘social contract’/contractarian (or transcendental) approach concerned basically with identifying social arrangements that are perfectly just, and the ‘comparative’ approach that mainly accentuates the removal of injustices (Sen, 2009). Amartya Sen’s comparative view of justice draws on the works of Rawls in the contractarian approach and on the works of Adam Smith as well as Kenneth Arrow in what Sen calls comparative approach to justice. A main element that is common in both these approaches is that they are rooted in the Enlightenment tradition (Sen, 2009). It is Sen’s contention that John Rawls’s magnum opus *A Theory of Justice* provides us with the most thorough articulation of the transcendental approach to justice. However, Sen views Rawls’s theory of justice as lacking in not being directly concerned with actual lives of people. He dubs Rawls’s approach as ‘transcendental institutionalism’ whereas Sen’s “concern is more practical, guided by realities of people’s lives and capabilities” (Chatterjee, 2011:989). Whereas the contractarian approaches, such as that of Rawls’s, focus on perfect institutional arrangements, Sen’s theory emphasizes the need to identify and remove cases of injustice, comprehensible by public deliberation among reasonable people (Sen, 2012). However, in neglecting the need for an understanding of a perfect view of justice Sen appears to

underestimate the fact that justice is the other side of injustice, and therefore, injustice cannot be defined as independent of justice. Sen contends that consensus-building on the idea of perfect justice is improbable even among reasonable people whereas it is relatively far more probable for such people to agree on the cases of injustice.

Sen argues that clear cases of injustice need to be identified for the purpose of consensus-building “on the basis of public reasoning” (Sen, 2012). Sen argues that the identification of perfect justice is neither sufficient nor necessary because, for example, three persons are faced with three different choices, say, X, Y, and Z. Suppose that Z happens to be the best choice but it may be so that it is not available (Sen, 2012). The three persons may not have agreement on the primacy between X and Y. Thus, according to Sen, there is no use formulating Z (perfect institutions). What is needed is to choose between X and Y and to eradicate injustice on such ranking (Sen, 2012). Sen in his above example appears to be oblivious of the fact that injustice can only be defined with reference to Z whose existence is at least conceptually indispensable.

Sen’s line of reasoning appears to denote that if an elector has to make a choice between two contenders (both undesirable), then, to imagine the prospects of a third contender with better moral attributes is not necessary because the two accessible (but undesirable) contenders are considered satisfactory. It is by having the idea of the most desirable contender that an elector can reasonably decide as to which one of the two available contenders is more desirable. Thus, it seems that Sen’s conception of comparative justice is ambiguous because the significance of advancement of justice cannot be comprehended without having at least some level of comprehension of the idea of ‘ideal justice’ (Hinsch, 2011:372).

Sen formulates the idea of capabilities in lieu of Rawls’s primary social goods<sup>2</sup>. Sen (1999a) holds that heterogeneity of people is not given due consideration by the contractarian approaches. Sen problematizes the question of equal distribution. Sen proposes a framework for the development of a social minimum through his idea of the equality of ‘basic capabilities’ (Sen, 2008). Basic capabilities constitute a subset of all capabilities. Equality of basic capabilities implies a person being able to do certain basic things (Sen, 2008). Sen defines ‘basic capability’ as “the ability to satisfy certain elementary and crucially important functionings up to certain levels” (in Robeyns, 2013:417). Although the notion of capabilities incorporates “a very broad range of opportunities, basic capabilities refer to real opportunity to avoid poverty or to meet or exceed a threshold of well-being” (Crocker & Robeyns, 2010:69). In “analyzing social justice,” Sen contends, “there is a strong case for judging individual advantage in terms of the capabilities that a person has” (Sen, 1999a:87). The concept of capability can more broadly be grasped as consisting of the components of ability to do things and potentiality of being as one wishes; potentiality further implies endowments (Dubors & Rousseau, 2008). Endowments include physical capital such as land and durable equipment, financial

<sup>2</sup> Primary social goods include liberty and opportunity, income and wealth, and the bases of self-respect.

capital such as savings, human capital such as education and health, and social capital such as stable relationships (Dubors & Rousseau, 2008). The presence or absence of ‘social opportunities’ also plays a crucial role along with a person’s ability and potentiality. Thus, individual capacity, endowments, and social opportunities are together given weightage in order to assess people’s capability and development policies based on capability (Dubors & Rousseau, 2008:426).

### *Sen’s View of Relationship between Justice and Human Rights*

Sen’s endorsement of human rights is one of the areas where his comparative approach is analogous to the social contract approach. Three significant and relevant points found in Sen’s (2004) outline of human rights are as follows:

1. An appreciation of obligations engendered by human rights demands
2. Avenues and actions essential for the advancement of human rights, for instance, popular agitation
3. Emphasizing the incorporation of economic and social rights along with liberal rights among human rights (Sen, 2004:318-9).

Sen (2004) argues that both liberal rights such as freedom of thought and expression, as well as social and economic rights such as right to education and healthcare are to be understood as obligatory, and, should, therefore, be reflected in the constitution. Sen (2004) holds the view that legislation, though significant, but is not the only path for the promotion of rights. He enumerates three ‘routes’ playing substantial role in the enforcement of human rights, namely, public recognition, active agitation (including the monitoring of violations) as well as legislation (Sen, 2004). Public recognition and active agitation are imperfect obligations in the scheme of human rights proposed by Sen. These two obligations are parasitic on the tools of public reasoning, appraisal, and social advocacy. Sen cherishes the hope that agitation and recognition routes would ultimately lead to legislation in the context of nation-state. However, the human rights, whether liberal or economic and social, cannot be constitutionalized at the global level without a world state.

Sen’s advocacy of the legitimacy of social and economic rights depicts Sen’s renouncement of contemporarily prevailing neoliberal/libertarian approach to justice. Sen (2004; 2009) understands that the nonexistence of institutional framework for the economic and social rights does not imply that these rights are unenforceable but rather their importance signifies that they ought to be constitutionalized. Sen thus contends that the “institutional expansion or reform can be a part of the obligations generated by the recognition of these rights” (Sen, 2004:320). However, the constitutionalization of economic and social rights remains parasitic on the Non-Governmental Organizations, mass media, and the agitation by the citizens of a nation-state.

### *Structure of the Capitalist State*

Justice, whether it is distributive, retributive, or civil is established through the institutions and apparatuses of the state. An essential attribute of the state is that it possesses the monopoly of legitimate coercion/violence within its territory (Weber, 1948). Its legitimacy is established as a result of its acceptance by the significant groups in the given society within the given territory. It has the ability to collect taxes (Schumpeter, 1954). It regulates “societal activities by means of a legal apparatus, and government activities by means of a constitution” (Dunleavy, 2007). Weber specifies the functions of the capitalist state: “the establishment of law (legislature), the protection of personal security and public order (police), the maintenance of established law (judiciary), the pursuit of hygienic, pedagogic, social policy, and other cultural interests (the various branches of administration), finally of course also organized external defense (military administration)” (in Anter, 2014:23). Goran Therborn (1978) identifies four essential functions of the national state that it performs through four corresponding apparatuses. Four principal functions of the state are: (i) coercive defense, (ii) political governance (by supreme rule-making), (iii) administrative management, and (iv) judicial regulation of a given social formulation; corresponding to four principal functions, four types of apparatus can be distinguished by: (i) the repressive apparatus (police, military etc.), (ii) the governmental apparatus (i.e. the rule-making legislative and executive bodies, both central & local), (iii) the administration, (iv) the judiciary. These apparatuses and mechanisms of the state mentioned above do not exist beyond the nation state. Sen does not advocate the replication of these mechanisms and apparatuses in the form of a world state or global government for the provision of global justice.

### *Critical Appraisal of Sen's Conception of Global Distributive Justice*

Sen is convinced that “it is really impossible to have a global state” (Sen, 2009:408). Thus, contrary to the contractarian (or the ‘social contract’) approach Sen disapproves the idea of requirement of a world state for providing justice at the global level. Sen integrates his view of human rights with his conception of a ‘global democracy’, which provides grounds to his idea of global distributive justice. Whereas Sen’s view of democracy is integrated with a nation-state at the local level his conception of ‘global democracy’ is independent of a world government. Sen’s ‘global democracy’ does not require ‘global elections’ and ‘world democratic government’. Sen’s ‘global democracy’ is global in that it “is seen in terms of public reasoning” across the globe (Sen, 2009:408). Thus, global democracy does not require coercive institutions and state policies at the global level. Sen is hopeful that articulations and exchanges across borders in the form of “plurality of sources enriches the reach of global democracy” (Sen, 2009:408). Sen’s conception of global justice through ‘global democracy’ implies the pursuit of ‘global democracy’ as an instrument for the promotion and enforcement of human rights in all nation-states.

For Sen (2009) democracy, when conceived of in the context of nation-state, is government

by public discussion whereas ‘global democracy’ is supposed to emerge as discussion across borders at a planetary scale. It is Sen’s contention that justice cannot be provided without the matrix of democracy, for which public reasoning is a basic tool (Sen, 2009). Sen holds that in “today’s world, global dialogue is vitally important for global justice” (Sen, 2009:151). Sen also regrets the “neglect of the global roots of public reasoning” (Sen, 2003:33). Though a world state is a chimera for Sen, he is hopeful about the fruitfulness of ‘borderless public reasoning’ for the provision of global distributive justice. In the face of absence of a world state, Sen proposes the tools of free news-reporting, uncensored public criticism, a free system of news distribution, and open pluralist discussion for the formation of a ‘global democracy’ (Sen, 2009).

Sen tends to rely exaggeratedly on the media and news commentary with little overt recognition that the media spectators are subjected to “a hyperreality of communication and of meaning, more real than the real. Hence the real is abolished” (Baudrillard, 2007:99). The three constituents of the sign, i.e., signifier, referent, and signified have been disrupted in that the media spectacle and reality have both been subjected to implosion. Thus, referent is not signified by the sign any more. Rather than becoming more rational and autonomous the public opinion gets muddled and stupefied by the mass media (Chomsky, 2014). Taylor and Harris (2008) argue that in the “mass-media capitalism of the contemporary mediascape, our conception of an underlying reality behind media representations has become increasingly distorted. This has created a semi-autonomous realm of pseudo-events and the hyperreal” (Taylor & Harris, 2008:45). “Television talk shows,” Abt and Mustazza argue, “represent a new pornography... Pornography generally involves turning people into objects and making public what is private” (Abt & Mustazza, 1997:21). In this scenario, it is ambiguous as to how the mediatized public reasoning (recommended by Sen) would lead to the promotion even of equality of basic capabilities across the world, in a world where the mechanisms and apparatuses of the state that exist at the national level do not exist in the global context.

#### *Relationship between Sen’s View of Human Rights and Global Distributive Justice*

Sen advocates the idea of promoting basic rights for everyone throughout the world regardless of national boundaries (Sen, 2004). Rather than recommending the establishment of a world capitalist state. Sen (2004) proposes three avenues for the promotion of human rights: agitation, recognition, and legislation (mentioned above). In order to remove injustices across borders Sen (2009) proposes, in the scenario of UDHR 1948, that people living in different countries should identify each other as human beings and not as citizens of various nation-states. “Nationalism is the constitutive element, or the organizing principle, of modernity” (Greenfeld, 2003:4); it appears that Sen is virtually oblivious of this fact. Moreover, Sen virtually disregards the fact that the human rights specified in the UDHR were not embraced in the backdrop of a process of reasoned global deliberation process that Sen recommends. Moreover, the UDHR is not the outcome of active agitation, or public recognition, nor does it reflect universal democratic legislation. Moreover, there appear to be no signs of the route of active agitation for the materialization of the rights embodied in

the UDHR. A legislative frame analogous to national legislatures does not exist at the global level. Sen also does not take account of the issue that a public sphere does not so far exist even at the level of the European Union (Habermas, 1998). Thus, a global public sphere has taken form neither across the planet nor within the transnational/regional boundaries. It is Habermas's (1993) contention that the public sphere has been structurally transformed even at the national level.

Sen's notion of universality of rights is grounded on his mistaken assertion about 'universal values' (Sen, 2009; Sen, 1999b) which implies the ahistoricity of capitalist values. Michel Foucault (1994), for instance, contends that 'human' is not an ahistorical creature; Marxists renounce the legitimacy of natural right to own property; Jeremy Bentham, discredits the validity of rights as mere nonsense. Thus, the idea of providing global justice through 'global democracy' seems to stand on delicate theoretical grounds. Moreover, in the actual world, global military interventionism, triggered on behalf of American interests, operates with no-human-rights-and-democracy mask (Zizek, 2017).

### *Critical Assessment of Sen's Proposed Global Solution*

#### • Sen's Renunciation of a World Capitalist State

Sen (2009) dismisses the notion of the possibility of a world capitalist state. Sen compares Adam Smith's view of an 'impartial spectator'<sup>3</sup>, with Rawls's notion of 'original position', and prefers the former over the latter for establishing a framework for removing specific injustices. Sen holds that Adam Smith's 'impartial spectator' offers the prospects of open impartiality whereas Rawls's 'original position' presents closed impartiality (Sen, 2009). Sen (2009) integrates the thought experiment of the 'impartial spectator' with his notion of universal human rights. It may be noted here that Smith himself did not invoke the 'impartial spectator' tool for the promotion of distributive justice through the universalization of human rights. In Smithian political economy the promotion of economic and social rights depends on Smith's famous (or infamous) 'invisible hand'<sup>4</sup>, argument. Whether it is the 'invisible hand' or the night-watchman state (derived from the works of Smith), the direct promotion of social and economic rights is not their agenda. Sen's (1999; 2009) views depict the desirability of nation-states. It may be noted that desirability of the nation-states tends to rule out the establishment of a world state. A key point is that Sen nowhere advocates the replication of the nation-state's apparatuses and mechanisms at the global level whereas he deems them necessary for the provision of distributive justice at the national level.

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<sup>3</sup> "The impartial spectator is a person outside me who looks at me in order to evaluate my behavior...It is our capacity for sympathetic insight into others that allows us to take up the role of impartial spectator towards ourselves" (McLean, 2006:55).

<sup>4</sup> Adam Smith contends that the rich "are led by an invisible hand to make nearly the same distribution of the necessities of life, which would have been made, had the earth been divided into equal portions among all its inhabitants" (in McLean, 2006:52-3).



Sen (2009) contends that the contractarian approach to justice necessarily depends on the existence of a sovereign state for providing justice. What Sen does not appear to realize is that the nation-states that legislate because of the pressures of agitation do not get desovereignized. In the same way agitating groups are not transformed into sovereign bodies. It is Sen's contention that selected cases of global distributive injustice can be eliminated by discussion without government. This conceptualization of discussion without coercive and distributive institutions of government is a vision that tends to disregard the significance of power. Max Weber problematized the nexus between democracy and capitalism and does not see necessary relationship between them (Gerth & Mills, 1948:71). In a world where the global corporation has encroached upon citizens' right to elect desired political candidates the probability of the conversion of Sen's vision into the legislation of social and economic rights appears to be unrealistic. An analysis of late capitalism (since the 1970s) reveals the internal tension between democracy and capitalism (Streeck, 2014). The 'marriage' that took place between democracy and capitalism after the World War II is subjected to gradual dissolution (Streeck, 2014). This marriage, paradoxically, arranged by force, did not survive the implosion of Soviet socialism. It was only for this short-lived interregnum, i.e., the Cold War era, that democracy and capitalism were correlated. In this interregnum the United States and the European states promoted democracy at the national level. No connection between democracy and capitalism is seen before the Cold War era; and that momentary strategic connection has been subjected to continual diminution ever since. The transitory strategic advancement of democratic process was not targeting to provide justice but to indirectly overthrow the Soviet socialist regime.

Thus, it was a part of politics as usual that the United States and other Western democracies, during the Cold War era, did not show reluctance to support authoritarian antisocialist governments (Sen, 1999a). Contemporarily, analogous backing is offered to the governments that show willingness to embrace the agenda of privatization etc. provided by neoliberalism, with agreement on relatively small government. In addition, the 'small' state seeks to win the allegiance of common voters while it works to the benefit of the big businesses. Sen's advocacy of the removal of selected cases of distributive injustices gives the impression of being ideal in that it relies on the defective premise of the presence of a global public and the existence of roots of democracy at the global level. Syriza in Greece, for example, acted contrary to the wishes of the citizens in spite of its anti-neoliberal stance because it was forced to act in consonance with the pressures of the troika, and thus surrendered to the austerity measures finally. "Nation-states built over centuries find that they are too small to impose and enforce rules on today's globalized patrimonial capitalism" (Piketty, 2014:522). The power of the nation-state vis-a-vis global capital has been eclipsed with the result that the state has gone out of the hands of the people it has to give priority to the interests of the multinational firm over the interests of its citizens. The massive power of the global corporation is "leading our democracy towards becoming something of an empty shell...Many corporations have become not just mighty pressures on, but major insider participants in the political process" (Crouch, 2011:ix). Thus, Sen's three routes do not appear to have the potential to effectively work because the prospects for the emergence of a global public sphere and global public reasoning are not auspicious.



### Concluding Remarks

Sen's non-transcendental comparative view of justice essentially seeks to promote justice by eradicating clear cases of injustice without the context of a world capitalist state. Sen seeks to promote justice through his proposed agitation, recognition, and constitutionalization of rights without accepting the need for a world constitution backed by the mechanisms and apparatuses of the framework of a world state. He envisions 'global democracy' anchored in the idea of reasoned public debate at the global level without a world state. Sen's framework of justice ultimately depends on the nation-states for the provision of justice and is oblivious of the well-documented post-Soviet degeneration of democracy further triggered by the upswing of the global firm in the framework of neoliberal agenda. A basic contradiction is that Sen disapproves the replication of nation-state's apparatuses and mechanisms at the global level while he finds their existence to be necessary for the provision of justice at the national level.

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