

Finding the Soul in Philippine Regulation: Amartya Sen, Social Justice and the Urban Development and Housing Act of 1992

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This study explores the limitations of the economic theory of regulation and finds that: (i) it fails to explain why some regulations pursue ethical and moral objectives; and (ii) it does not provide much normative guidance on how regulation could be used to bring about desirable social outcomes (e.g., social justice). In this light, the ideas of Amartya Sen on social justice are presented as a complementary, if not an alternative, approach in explaining and evaluating the pursuit of ethical objectives through regulation. A cursory assessment of the regulatory provisions of the Urban Development and Housing Act of 1992 and their implementation was done to demonstrate the feasibility of using Sen's approach in this type of undertaking. In doing so, content analysis of the law, as well as a review of existing studies by other authors on its implementation, was employed in a summary study approach. The conclusion summarizes the insights from the assessment exercise and asserts the practicability of Sen's approach.

Keywords: *Amartya Sen, regulation, social justice, urban development and housing*

Introduction

Another possible title to this article would be “Finding the Heart in Philippine Regulation” but this author decided on using *soul* instead. This is because *heart* connotes acting against reason and objectivity while *soul* makes possible an appeal to rationality without shunning emotions, beliefs and values, which are equally important in calling a person, a community, or a nation to action. The particular action this study is referring to here is regulatory policymaking and implementation. While the role of ethics and morality, i.e., values and belief systems, vis-à-vis economic theory has always been part of normative considerations in regulation, it does not seem to have attracted much scholarly attention.

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