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► **To cite this version:**

Muriel Gilardone. Amartya K. Sen: The idea of justice. The Belknap Press of Harvard University Press, Cambridge, Massachusetts, 2009, 468 pp. Social Choice and Welfare, 2010, pp.709-720. 10.1007/s00355-010-0456-7 . halshs-00496277

HAL Id: halshs-00496277

<https://shs.hal.science/halshs-00496277>

Submitted on 7 Dec 2018

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Amartya K. Sen: *The idea of justice*.
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ISSN 0176-1714, *Social Choice and Welfare*, Volume 35, Number 4, pp. 709-720

Received: 11 April 2010 / Accepted: 15 April 2010 / Published online: 13 May 2010

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Amartya Sen's readers were expecting the second volume of a series of two devoted to rationality, freedom and justice. Indeed, it is the program announced by Sen (2002) in the preface of *Rationality and Freedom*. The first volume was more particularly addressed to economists, tackling social choice theory conceptual issues. We could find in it Sen's contributions to normative economics since the middle of the 1980's, most of them already published in famous reviews of this field. So the expectation was a book entitled *Freedom and Justice*, completing this inventory on the philosophical side of his work and disclosing his immense debt toward John Rawls.

Surprisingly *The Idea of Justice* is not exactly the book announced seven years earlier². Whereas the aggregation of articles in the first volume did not offer a clear global representation of what was at stake in Sen's work, the second is more likely to propose a unified view of Sen's aim and perspective. Beyond the technical and specific issues discussed by Sen in various domains, he seems to define here the intellectual operation he's been pursuing for nearly half a century now either in normative economics, in development economics, or in moral philosophy. He advocates a comparative approach of justice that is a radical departure from a theory of justice in its accepted meaning. It is thus a radical departure from John Rawls' theory of justice.

Straight from the introduction, Sen's ambition is spelled out: his approach competes against Rawls' theory of justice as equity (1971). This is quite a striking statement: he does not propose a complementary approach to Rawls' one as is generally understood from Sen's own and well-known presentation of his capability approach (1980, pp. 218-219, underlined by us):

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² In fact it seems that Sen followed what Rawls advised him, that is to write a veritable book to clarify what would be a theory of justice for him, instead of a mere collection of articles. That is why it took him several years. Nevertheless, *Freedom and Justice* announced in 2002 will probably be published later.

The focus on basic capabilities can be seen as a *natural extension of Rawls's concern with primary goods*, shifting attention from goods to what goods do to human beings. [...] There are, of course, many difficulties with the notion of "basic capability equality." In particular, the problem of indexing the basic capability bundles is a serious one. It is, in many ways, a problem comparable with the indexing of primary good bundles in the context of Rawlsian equality. [...] Indeed, *basic capability equality can be seen as essentially an extension of the Rawlsian approach in a non-fetishist direction*.

However, there was a difficulty to understand why Sen deliberately left his approach incomplete, and thus never proposed a real replacement for Rawls' theory of justice as many commentators expected. A new theory of justice would suppose aggregative or prescriptive principles, which Sen has always refused to specify. In contrast, Martha Nussbaum has developed what could be seen as an alternative theory of justice in terms of capabilities, defining a universal list of capabilities, and it has become current to interpret their differences with regard to their respective specialty domains. Nussbaum's capability approach finds its roots in Aristotelian philosophy and the research of what a "good life" is, whereas Sen's work is rooted in normative economics, and more precisely in social choice theory. It was considered as the explanation of his focus on the right procedure to draw up a list of capabilities, rather than on the list itself. Sen's ambition was above all supposed to be an attempt to make evolve orthodox economic theory in redefining its concepts, broadening its methods and shifting its object from utility to capability, in no case as an attempt to replace Rawls' theory of justice as equity.

The Idea of justice comes to offer a new perspective and a very different interpretation of Sen's enterprise. His aim is not only to break the deadlock in which economists are since Arrow's monograph (1951). Sen clarifies here that he also speaks to philosophers. His approach intends to renew normative economics, but political philosophy as well, proposing another way than the Rawlsian way to apprehend justice³. Calling economic orthodoxy into question is not enough; Sen envisages calling philosophical orthodoxy into question too.

In this review essay, we will focus on four salient points of the book:

1. The partition of the different approaches of justice in two traditions
2. The concept of "positional objectivity" to serve impartiality
3. The will to reconcile reason and sentiments
4. The capability approach as important but not exclusive

And we will conclude by some remarks on the link between Sen's idea of justice and his conception of social choice theory, and by some regrets on missing references.

1. The partition of the different approaches of justice in two traditions

³ We notice that Sen still hesitates to clearly call his approach a "theory of justice" and present in the book a "particular understanding of the theory of justice" (p. 5). Unsurprisingly, he chose to title the book *The Idea of Justice*, confirming his refusal to identify his proposition with a conventional theory of justice: complete, prescriptive and directly applicable. For Sen, the requirements of a theory of justice are precisely to bring reason into play in the diagnosis of justice and injustice, and reason differs accordingly to circumstances, places and people involved.

His introduction is unequivocal: Rawls belongs to a tradition Sen calls “transcendental institutionalism” (as well as R. Dworkin, R. Nozick, D. Gautier); Sen belongs to a tradition of “realization-focused comparative approaches”. Both traditions have emerged in the Enlightenment period, but radically differ in their way of reasoning and in their object of reasoning. The first one was led by Hobbes and particularly developed by Locke, Rousseau and Kant; the other was pursued in various ways by Smith, Condorcet, Wollstonecraft, Bentham, Marx and Mill, among others. The first examines the nature of “the just” in order to find the perfect institutions; the other compares different social realizations and tries to find some criteria for an alternative being ‘less unjust’ than another. The first one is pure abstraction; the other is grounded on experience and observation. While comparative approaches to which Sen refers to are considerably more modest, they are thought as more efficient to reduce injustice.

The distinction between the two approaches is, for Sen, very deep. He identifies two problematic aspects of *transcendentalism*: *feasibility* and *redundancy* (p. 9). This means that it is neither possible (*feasibility* aspect), nor desirable (*redundancy* aspect⁴) to reach a reasonable agreement on the nature of a “just society”. It is more relevant to choose among the feasible alternatives, on the basis of practical reason. Moreover *institutionalism* is also problematic; arrangement-focused view of justice is neither necessary nor sufficient to ensure justice⁵. What is important is the impact of arrangements on individual behaviors and capabilities, on the lives people can lead. His proposition is thus a radical departure from the Rawlsian formulation of the theory of justice.

What is needed for the comparative approach as Sen promotes is a comprehensive search for social agreements, based on public reasoning constantly renewed, on rankings of alternatives that can be realized. This way of thinking is at the heart of social choice theory which Sen traces back to Condorcet, while the formal discipline has emerged with Arrow (1951). Social choice theory is certainly “an active field of investigation, exploring ways and means of basing comparative assessments of social alternatives on the values and priorities of the people involved” (p. 17), but its results and methods are hardly accessible to non-specialists. However the underlying reasoning is very close to the one of political philosophers who develop a comparative approach for justice. Sen does not disavow his background in social choice theory and acknowledges that his experience in that field has played a critical part in his way of considering social decisions. However he reasserts an ethics of democracy that goes far beyond a mere possibility for vote and refers to J. S. Mill’s idea of “a government by discussion” – according to which democracy’s success depends of the extent to which people’s voices can be heard.

2. The concept of “positional objectivity” to serve impartiality

This ethics of democracy is crucial in Sen’s understanding of scientific attitude and evaluator’s “impartiality”. It is important to notice that he prefers the expression

⁴ *Redundancy* refers for Sen to the idea of usefulness or waste of time of “an identification of a possibly unavailable perfect situation that could not be transcended” (p. 9).

⁵ The importance of institutions is not denied by Sen, but their role is only instrumental: (1) they can directly contribute to develop people’s capability to do and to be according to what they have reasons to value; (2) they can facilitate our capacity to examine values and priorities in creating opportunities for public debate.

“transpositional objectivity”⁶ to “impartiality”, which refers to a “reasoned scrutiny from different perspectives” (p. 45). On this respect, there are two major disagreements with Rawls. First, Sen refuses the Rawlsian idea of “veil of ignorance” aiming to allow individual judgements regardless of individual position. Second, Sen is skeptical towards the assumption that there will be a unanimous choice of a unique set of ‘two principles of justice’ in a hypothetical situation of primordial equality. These sticking points are linked to the “feasibility critic”. Nevertheless, Sen (p. 42) admits that “The reasoning that is sought in analysing the requirements of justice will incorporate some basic demands of impartiality, which are integral parts of the idea of justice and injustice. At this point there is some merit in summoning the ideas of John Rawls and his analysis of moral and political objectivity”.

Thus, he draws inspiration from Rawls on one point – one among the five proposed by Rawls (1996, pp. 146-148) – : “a conception of objectivity must establish a public framework of thought sufficient for the concept of judgement to apply and for conclusions to be reached on the basis of reasons and evidence after discussion and due reflection.” This point cannot but strengthen Sen’s idea since the 1960’s according to which value judgments not only can be discussed, but can evolve through discussion. Sen (*Ibid.*) adds another important quotation of Rawls: “To say that a political conviction is objective is to say that there are reasons, specified by a reasonable and mutually recognizable political conception (satisfying those essentials), sufficient to convince all reasonable persons that it is reasonable.”

However, Sen does not define what “reasonable” means for the philosopher. It would have been interesting to remind that “reasonable persons”, for Rawls (1996, p. 49), “are not moved by the general good as such [altruism] but desire for its own sake a social world in which they, as free and equal, can cooperate with others on terms all can accept. They insist that reciprocity should hold within that world so that each benefits along with others.” The reasonable is consequently “public” – as opposed to “private” – in the sense that “we enter on an equal footing the public world of others and [...] we think we are ready to offer or to accept [...] equitable terms of collaboration with them” (*Ibid.*, p. 53). Actually Sen (p. 43) considers “all of us are capable of being reasonable through being openminded about welcoming information and through reflecting on arguments coming from different quarters, along with undertaking interactive deliberations and debates on how the underlying issues should be seen”. It is not necessary for him to insist on this category of “reasonable persons” which leads to exclude straightaway those who would not be. Rather, he prefers envisaging objectivity, and therefore what would emanate from reasonable persons for Rawls, as what tends to survive opened and informed public debate.

In fact Sen shares with Jürgen Habermas the idea of a procedural approach, but since it imposes also a lot of precise requirements as for public deliberation, he thinks that it does not differ from the strategy of reasoning offered by Rawls – ignoring thus all debates which have opposed these two authors. It is also quite surprising to read (p. 42) that in this work Sen draws “both on Putnam’s and Rawls’s analyses, but do not explore further the specific issues on which their differences rest”. This difference concerns the recourse to universal principles, which the pragmatist tradition rejects while Rawls does not hesitate to use it while linking them to an inquiry into the peculiarities of every particular ethical problem. In this respect, Sen is closer to Putnam than to Rawls given his determination since the end of the 1960s to

⁶ The notion of « transpositional objectivity » appeared in his writings in the early 1990’s.

show that alleged universal principles, whether in normative economics or in moral philosophy, can very well not receive a general approbation in all contexts. And the distance with Rawls is all the more firm that Sen (pp. 44-45) associates him to a notion of “closed impartiality”, contrasting with another called “opened impartiality” associated to Smith way of thinking: “While Rawls’s primary focus seems to be on variations of personal interests and personal priorities, Adam Smith was also concerned with the need to broaden the discussion to avoid local parochialism of values, which might have the effect of ignoring some pertinent arguments, unfamiliar in a particular culture.”

What Sen holds from all these authors is the necessity of a reasoned scrutiny from different perspectives to give an objective character in ethical and political convictions. He considers nevertheless that the principles which survive such scrutiny cannot be a unique set. In other words, Sen admits the simultaneous co-survival of rival principles.

This reflection on the notion of impartiality allows Sen to dwell on a conception of objectivity which underlies his whole work and which is very different from the classical conception which he qualifies as “positional independence” (p. 157). He considers indeed that “the reality of position dependence of observations may have to be taken into account in explaining the difficulty of achieving a positionally unbiased comprehension » (P. 161). Here he opposes to Thomas Nagel (1986) who defines objectivity as “a view from nowhere” that is not resting on the characters and the specific individual positions in the world. For Sen, the notion of “positional objectivity” is more useful and realistic for the ethical and political questions. It allows in particular bringing to light a triple entanglement which we inevitably have to deal with in any evaluation and which must be distinguished from subjectivity: the entanglement of facts, conventions and values underlined by Putnam (2002). To recognize it is a first step towards objective understanding and communication within the framework of deliberation. The language of justice itself leans on conventions which it is advisable to make explicit, in particular if one wants to discuss new ideas that do not correspond to the usual proposals. In Sen’s opinion (p. 160), “there would therefore be something of a lacuna in thinking of ethical objectivity only in terms of ‘the view from nowhere’, rather than ‘from a delineated somewhere’”.

Positional objectivity as it is envisaged by Sen distinguishes itself from subjectivity whether it is understood as having its source in the mind, or as peculiar to an individual subject. Indeed, positional objectivity requires interpersonal invariance of the observation when the position of observation is fixed. On the contrary, when the position of observation changes (that the observer changes or not), the observation can vary. It is important to specify here how Sen defines positional parameters. Beyond the place of observation, it is a question of “any general, particularly non-mental, condition that may both influence observation, and that can systematically apply to different observers and observations” (p. 158). Sen refers, as an example, to the fact of knowing or not a specific language, of being capable or not of counting, of having good eyesight or of being colour-blind. What we see is not independent from these positional parameters, nor from what we try to see. Bringing to light the positional character of observations, faiths and choices is significant both for advancing knowledge and for practical reason in order to reach a trans-positional understanding allowing fighting against persistent deprivations.

Interestingly, Sen (pp. 161-167) gets a hold of the Marxian concept of “objective illusion”. For Marx, the point was to show that the common belief about the fairness of exchange in the labour market was illusory, but objectively accepted by people, even by the

exploited workers. As for Sen, he especially uses this concept to analyse gender inequality, by showing that women are often the first ones to accept the cultural standard attributing them a position of inferiority, participating thus in the perpetuation of gender discriminations. It is an “objective illusion” since the belief is positionally objective but erroneous if we examine it in a trans-positional way. For example, the knowledge of other societies in which women have more opportunities would show that they have as much capacities as men do and would so allow overcoming local beliefs and positional prejudices.

While Sen brings to light the concept of “positional objectivity”, he tries above all to underline the crucial role played by position for interpreting systematic and persistent illusions which influence the social understanding and the evaluation of public affairs. His idea is not to remain cantoned to positional objectivity, but to go beyond it by widening the informative base, that is the parameters of position. He recognizes that opened impartiality can help significantly in this way, but considers that we can never proceed from positional views to a trans-positional view which would be equivalent to a view from nowhere.

3. The will to reconcile reason and sentiments

It is right to say that Sen emphasizes the importance of reason and public debate in contrast to faith and unreasoned convictions – stressing that the value of reason is not quintessentially European or Western. Nevertheless, he does not ignore the role played by emotions, psychology or instincts in decision making. Furthermore he considers necessary to take them into consideration in our evaluations of justice or injustice, quoting the pragmatist philosopher Hilary Putnam for whom ‘real ethical questions are a species of practical question, and practical questions don’t only involve valuings, they involve a complex mixture of philosophical beliefs, religious beliefs, and factual beliefs as well’ (p. 41)⁷. Here it can be recognized as a recurrent critique addressed by Sen to his peers. In his precedent volume, *Rationality and Freedom* (Sen, 2002, p. 329), he considers indeed that economists and political theorists need more social psychology than they are disposed to admit: “social influences can induce that a person does not make choices in the way she would like to”. This phenomenon he qualifies “choice inhibition” can have a significant impact in social decisions built on individual choices. It is particularly “the concrete scope of social choice theory [that] is considerably reduced by its tendency to ignore value formation through social interactions (*Ibid.*, p. 230).

To strengthen his view of sentiments, Sen finds a fundamental support in Adam Smith’s writings. However, it is not from his *Inquiry into the Nature and Causes of the Wealth of Nations* (Smith, 1776) that Sen draws his arguments, but in his major work in moral philosophy. Indeed, Sen sees in the *Theory of Moral Sentiments* (Smith, 1959) a proof that sentiments are important, and that it is possible to examine them in order to make evolve local prejudices and preconceptions at their source. Smith has shown that instinctive reactions toward a specific conduct rely, more often implicitly, on our understanding of what leads to this conduct. First perceptions may indeed change “in response to critical examination, for

⁷ On this point, Sen brings to mind that objectivity should not be indentified to ethical neutrality, as description and evaluation (thus judgment) are often intermingled. This acknowledgment leads to a better clarification of value judgments.

example on the basis of causal empirical investigation that may show, Smith notes, that a certain ‘object is the means of obtaining some other’” (Sen quoting Smith, p. 50). One can recognize here the important thesis of Smith ([1790] 1976, Part I, Section III, Chap. III) according to which the great objects of ambition and emulation are to deserve, to acquire, and to enjoy the respect and admiration of mankind:

Two different roads are presented to us, equally leading to the attainment of this so much desired object; the one, by the study of wisdom and the practice of virtue; the other, by the acquisition of wealth and greatness. [...] the one of proud ambition and ostentatious avidity, the other of humble modesty and equitable justice. [...] the one more gaudy and glittering in its colouring; the other more correct and more exquisitely beautiful in its outline: the one forcing itself upon the notice of every wandering eye; the other, attracting the attention of scarce any body but the most studious and careful observer. [...] The great mob of mankind are the admirers and worshippers, and, what may seem more extraordinary, most frequently the disinterested admirers and worshippers, of wealth and greatness.

Smith aimed at revealing the hypocrisy of the « good moral », or simply the absence of thinking about our sentiments, highlighting that wealth and greatness, abstracted from merit and virtue, almost constantly obtain our respect. « Self-love » takes then the form of « self-interest », economic motivation, materialist desires, but not without serious social cost. Bringing to light this fool’s bargain concerning the virtues attributed to fortune was for Smith the means to make evolve mentalities, and thereof behaviors.

In Sen’s work, there is no particular theory regarding moral sentiments, but a will to examine their influence on our reasoning, and conversely to examine the influence – often implicit – of our reasoning on them. There is no “sentimentalism” here, but the idea of a reasoning that is not synonym of “cold calculation”, which is an indirect critic to decision theories that see rationality as a mere maximization of utility. In other words, Sen urges us to acknowledge the complex relationship between reason and emotions, particularly in giving an important role to the Smithian notion of “sympathy”. In contrast to his common image, Smith was not a defender of selfishness, as was Bernard Mandeville at that time. Like Francis Hutcheson, he considered sentiment as the principle of moral, but disagreed with his mentor on the nature of sentiment, thinking about sympathy rather than benevolence. Far from what we now call “methodological individualism” (which tends to see individuals as *homo oeconomicus*), the Smithian subject desperately needs other people to forge his identity, given his desire to be approved in the sentiments and passions that motivate his acts. For Smith, sympathy is defined by a fellow-feeling between an actor and a spectator with any passion whatever. According to this logic, the actor is to approve his behavior only if the spectator approves it. However, a real spectator is not necessary as the spectator’s figure is always in the actor’s mind. By an imaginary split, he watches himself like would do an “impartial spectator” – “the man within the breast, the great judge and arbiter of [his] conduct” (*Ibid.*, Part III, Chap. II).

For Sen (p. 188), “Sympathy (including antipathy when it is negative) refers to ‘one person’s welfare being affected by the position of others’ (for example, a person can feel depressed at the sight of misery of others)”. In this way, nothing prevents sympathy to be associated to a self-interested behavior as there is no break line between well-being and choice. To prove that this view is compatible with Smith’s one, Sen (p. 185) quotes what he wrote more than 250 years ago : ‘the most humane actions require no self-denial, no self-

command, no great exertion of the sense of priority', and 'consist only in doing what this exquisite sympathy would of its own accord prompt us to do'.

However, we can remark a reversal point of view in Sen's writings. For both authors, sympathy refers to a concord of sentiments between an actor and a spectator. But, in the one hand, Smith seemed to consider that *individual well-being increases if other people sympathize with him in view of his situation – whether this sympathy concerns a disagreeable or agreeable passion*. In the other hand, for Sen, *individual well-being increases if he sympathizes with other people's (supposed) happiness, in view of their agreeable situation*. In the one hand, it is to obtain others' sympathy and respect that an individual sometimes behaves selflessly, without sacrificing self-love. In the other hand, it is because an individual sympathizes with other people that he can behave selflessly, without sacrificing his own well-being. For Smith, the actor wants to obtain the spectator's sympathy and therefore adapts what he shows; for Sen, the actor is a spectator who changes his acting according to what he sees and the way it affects him. In fact Sen above all refers to the shared tendency to sympathize with other people, *i.e.* to take an interest in others' joys and grieves; whereas Smith referred to a shared tendency to will that other people sympathize with us. Here are two starting points quite different that are worth noticing.

Anyway, Sen's definition is not conflicting with Smith's conception, as he has written ([1790] 1976, Part I, Section III, Chap. I): "It is agreeable to sympathize with joy; and wherever envy does not oppose it, our heart abandons itself with satisfaction to the highest transports of that delightful sentiment. But it is painful to go along with grief, and we always enter into it with reluctance". He simply did not emphasize this aspect.

Moreover, Sen sees in the "impartial spectator" imagined by Smith the means for each one to think about his own sentiments and actions' motives, by removing himself from his own natural station and endeavouring to view them as at a certain distance from him. Longer is the distance, more "the most complete lesson of self-command" (Sen quoting Smith, p. 125) will be learnt. But longer is the distance, more it is difficult to put oneself in position of other people and imagine how they are likely to view our sentiments and motives. Here comes the decisive part of discussion and point of view's confrontation. In a chapter titled "Closed and opened impartiality", Sen (pp. 108-109) goes even as far as considering that the Smithian reasoning requires taking interest in outsiders' point of view in order to go beyond the constraint of local conventions: "in the approach advanced by Adam Smith, invoking 'impartial spectators', distant voices may be given a very important place for their enlightenment relevance, for example to avoid parochialism of local perspectives". It is not sure that Smith would have envisaged the necessary distance in such a radical way, but this interpretation is nevertheless plausible in our present globalized world. At least, this is a useful argument for Sen to consider global justice, including issues like stopping terrorism across borders or thinking about human rights. In his opinion, sympathy can have significant scope and power in such debates forcing to think seriously about what can be done, rather than proceeding as if societies did not owe anything to each other (pp. 172-173). Here is a good starting point for a more comprehensive ethical reasoning – creating above all a moral obligation for thinking – but sympathy alone cannot replace practical reasoning.

Consequently Sen belongs to a tradition of economists largely described by Emma Rothschild, his wife, in *Economic Sentiments*⁸, including particularly Adam Smith and Condorcet. For Rothschild (2002, p. 9), the indefinite idea of a sentiment – as a feeling of which one is conscious and on which one reflects – was at the heart of Smith's and Condorcet's political and moral theory. For these authors, sentiments were “events that connected the individual to the larger relationships in which he or she lived (the society, or the family, or the state)” (*Ibid.*). While Sen keeps away from David Hume for whom passion was probably more powerful than reason, he nonetheless criticizes the authors who based their theories exclusively on reason among whom he seems to put Kant and Diderot, addressing without doubt indirectly his contemporaries.

Within the framework of an approach of justice that does not confine to institutions, but gives an equally important role to behavioral characteristics and social interactions, it is thus necessary to take interest in emotions because these are often at the source of behaviors. Sen reminds at the beginning of the book, quoting Charles Dickens (p. vii), “there is nothing so finely perceived and finely felt, as injustice”. Instinctive reactions have something to say, while it is crucial that they do not have the last word. The importance of emotions can be appreciated within the reach of reason, in particular by deliberating on the motives which make that we have to take them seriously.

4. The capability approach as important but not exclusive

The capability approach represents Sen's important theoretical proposition of the last decades and he has not stop promoting and refining it. It is thus interesting to examine which role he gives it in this work which seems to be a synthesis of his idea of justice after more than 50 years of reflection. Let us remind that this approach tries to estimate social situations with respect to individual life potentialities, rather than incomes or resources. The idea is to estimate what individuals can do or be in society rather than what they have. So important is his capability approach to focus evaluations on the freedom of each one to choose the life he or she has reasons to value, Sen (pp. 225-252) underlines here that it has some limits for the evaluation of justice.

First, he considers that capability defines only one aspect of freedom and does not reveal in an adequate way the “process aspect” of freedom. Indeed, the evaluation of capabilities remains an evaluation of results, because capabilities represent the opportunities that citizens enjoy – their freedom of life at various levels (having enough to eat, being able to participate in the social and economic life or to appear in public without shame, etc.). Consequently, it must be completed with an evaluation of the justice of the procedures which can be used by the citizens. An adequate theory of justice has to take into account both the equity of the processes and the equity of the essential opportunities which the persons can enjoy. Sen illustrates this first point by giving the example of the generally better longevity of women, in other words their relatively bigger capability to live longer. This statement could lead to pay more medical attention on men, but it would violate the requirement of equity in the procedures. Sen considers in this respect that priority must be given to the equality of

⁸ Unsurprisingly, her book is dedicated “to Amartya”. And Sen do not hesitate to use many ideas developed by Emma Rothschild, giving thus a large audience to her contribution as an historian of the economic thought.

access to healthcare and not to the equality of opportunity to live long, and thus brings to light the tensions which can arise between the process aspect of freedom and capability.

Secondly, the classification of the social alternatives in terms of capabilities can never be complete because of the plurality of aspects and tensions which can exist. For example, there can be tension between two aspects of freedom: the freedom of well-being and the freedom of action. And Sen (p. 316) insists that “[w]e have to consider both the freedom of action and the nature of the consequences and outcomes to have an adequate understanding of liberty”. Even if one decides to focus the evaluation on one of these two aspects, he points out that it will be difficult to reach an agreement on the weighting of the various capabilities identified as important: is it more relevant to evaluate the freedom of action, or the ability to read and write or to show itself in public without shame? In some cases, the approach’s inherent incompleteness and ambiguities will not be a problem for distinguishing situations of obvious inequality, but sometimes it will be impossible to end in a clear evaluation. For that reason, it will sometimes be necessary to introduce other criteria.

Finally, some rival reasonings can have a role to play for ethical reasons in the evaluation of social situations, in particular those which relate to the distributional choices. Sen refers in this respect to the discussions about the status of efforts and the rewards that should be associated with labour. It can be very relevant for Sen to consider seriously these issues, and the underlying one of exploitation, in normative theory and practice.

Some remarks to conclude

The book shows that social choice theory can be useful for political and moral philosophy. But it cannot produce a theory of justice, or a mere idea of justice. It just allows exploring procedures, seeing incompatibility between rules of decision, determining in which conditions a decision procedure can lead to a consistent choice – nothing more. Sen’s references to his analysis of famines and gender inequality remind us that empirical analysis helped him to develop a new conception of individual advantage and shifting attention towards capabilities instead of utility or preferences. Individual preferences still have some interest – unsurprisingly given Sen’s attachment to democracy – but the only preferences to count are those which take in consideration the other people and are built with the other people, through deliberation. However he refuses the “disengaged tolerance” that has dominated normative economics in the twentieth century and has permitted avoiding reasoning and discussion about conflictive positions.

As there is no ideal social choice system, *i.e.* *one* social choice theory, for Sen there is no perfect theory of justice. We know that he often replaces his capability approach in a very large perspective of social choice, and we understand here that his “idea of justice” accounts for a theory of justice in a broad sense. Procedures are as always crucial in Sen’s thought. Indeed, what is particularly under scrutiny in this book is the reasoning on which an ethical proposition is based and the acceptability of that way of reasoning. It relates closely to the issue of objectivity that, for Sen, refers to the ability to stand up to open public reasoning, as it will reflect the impartial nature of the proposed positions and the arguments in their support.

Since Sen acknowledges the central role of public reasoning and debates in the pursuit of justice, we guess he identifies his intellectual engagement as a dual task: “using language and imagery that communicate efficiently and well through the use of conformist rules, while trying to make this language express nonconformist proposals” (p. 122). This is what he learnt

from his reading of Gramsci's *Prison Notebook*. Like this political radical whom Sen considers as the "most innovative Marxist philosopher of the twentieth century" (p. 119), Sen wants to change people's thinking and priorities. But he has understood that it requires "an engagement with the shared mode of thinking and acting, since for our communication we have to be, as Gramsci was quoted earlier as saying, 'conformists of some conformism or other, always man-in-the-mass or collective man'" (*Ibid.*). That way of formulating and discussing ideas that are significantly new but nevertheless articulated in terms of old rules of expression is quite usual in Sen's work, particularly in economics.

Lastly, we shall make some comments on filiations or possible correspondence we would have liked to see discussed by Sen. While he readily compares his contribution with the contemporary Anglo-Saxon philosophers' writings, we can regret the absence of reference to the continental philosophy (phenomenology) rooted in the sensitive experience of men, avoiding any reference to an absolute knowledge. Not only, we can find considerable echoes of Merleau Ponty's perspective (2000), for whom "to the test of events, we acquaint ourselves with what is for us unacceptable and it is this interpreted experience which becomes thesis and policy". But Paul Ricœur pays an important tribute to Sen in his book published in 2004, *Parcours de la reconnaissance*, for the conceptual revolution brought by the association between individual liberty and collective responsibility, as well as by the will to avoid the alternative between consequentialism and deontology⁹. As Sen, phenomenologists highlight the original asymmetry between the persons – and the necessity to acknowledge it –, without mining the possibility of reaching to reasoned agreements.

Also, it seems that Sen is rather close to the American institutionalism of the beginning of the XXth century to which however he never refers. There is indeed some closeness between Sen's conception of ethics and the social philosophy of Commons, described by Laure Bazzoli (1999) as a « philosophy of the reasonable value ». For instance, Commons has defended an ethics of democracy according to which knowledge in social sciences must take into account the concerned controversial interests. As Sen, Commons (1939, p. 32) has stressed the idea that researchers in social sciences « cannot be disinterested as researchers in the sciences of nature. They approve or disapprove, tacitly or openly, [the objects] which they study ». This institutionalism is definitely far from « transcendental institutionalism » Sen criticizes.

Finally, references to pragmatist philosophy are also missing in spite of several quotations of one of his contemporary supporters. Hilary Putnam has indeed broadly commented on Sen's work and its possible integration into a pragmatist approach. Sen acknowledges the validity of Putman's comments on many occasions, but does not really try to appear as belonging to the pragmatist tradition. There would be however interesting footbridges between his idea of justice and the philosophy developed by Dewey, for whom the research of an absolute truth is unjustified because truth must be in essential connection with human interests and particular contexts of its research.

⁹ Here again, Sen (p. 216) writes: "There is nothing to prevent a general deontological approach from taking considerable note of consequences, even if the approach begins with the importance of independently identified duties".

In spite of these last remarks, we would recommend that those who want to understand the meaning and scope of Sen's work, or those who are interested in a rethinking of political philosophy, read *The Idea of Justice*.

References :

- Bazzoli Laure (1999), *L'économie politique de J.R. Commons*, Paris, L'Harmattan.
- Commons John R., (1939), « Twentieth Century Economics », *Journal of Social Philosophy*, Vol. 5, n° 2, pp. 29-41.
- Merleau-Ponty Maurice (2000), *Les Aventures de la dialectique*, Gallimard, Folio Essais.
- Nagel Thomas (1986), *The View from Nowhere*, New York: Oxford University Press.
- Putnam Hilary (2002), *The Collapse of the Fact/Value Dichotomy and Other Essays*, Cambridge, MA, Harvard University Press.
- Rawls John (1993), *Political liberalism*, New York: Colombia University Press.
- Ricoeur Paul (2004), *Parcours de la reconnaissance, Trois études*, Editions Stocks, Les essais.
- Rothschild Emma (2001), *Economic Sentiments. Adam Smith, Condorcet and the Enlightenment*, Cambridge, Massachusetts, and London, England: Harvard University Press, 2nd ed, 2002.
- Sen Amartya (2002), *Rationality and Liberty*, The Belknap Press of Harvard University Press.
- Smith Adam (1790), *The Theory of Moral Sentiments*, London: T. Cadell, 7th edition (1759), republished Oxford: Clarendon Press, 1976.