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Our paper offers a novel reading of Sen's idea of justice, beyond the standard prisms imposed by theories of justice – resting on external normative criteria – and formal welfarism – involving the definition of individual welfare and its aggregation. Instead we take seriously Sen's emphasis on personal agency and focus on his original contribution to the issue of objectivity. Firstly, we demonstrate that Sen's idea of justice, with at its core "positional views", is more respectful of persons' agency than would be a theory based on individual preference or capability. Secondly, we argue that Sen's conception of objectivity considers that both information and sentiments are relative to a position. Such an alternative approach to subjectivity allows the formation of more impartial views through collective deliberation and a better consideration of justice by agents themselves.

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Individual preferences, positional objectivity, sentiments, public reasoning, agency, justice

### JEL codes:

A13, B31, B41, D63, I31

# “POSITIONAL VIEWS” AS THE CORNERSTONE OF SEN’S IDEA OF JUSTICE

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**Antoinette Baujard** – Univ. Lyon, UJM Saint-Etienne, CNRS, GATE Lyon Saint-Etienne UMR 5824, F-42 023 Saint-Etienne, France, [antoinette.baujard@univ-st-etienne.fr](mailto:antoinette.baujard@univ-st-etienne.fr)

**Muriel Gilardone** – Normandie Université, Unicaen, CNRS, CREM UMR 6211, F-14000, France, [muriel.gilardone@unicaen.fr](mailto:muriel.gilardone@unicaen.fr)

## *Abstract*

Our paper offers a novel reading of Sen’s idea of justice, beyond the standard prisms imposed by theories of justice – resting on external normative criteria – and formal welfarism – involving the definition of individual welfare and its aggregation. Instead we take seriously Sen’s emphasis on personal agency and focus on his original contribution to the issue of objectivity. Firstly, we demonstrate that Sen’s idea of justice, with at its core “positional views”, is more respectful of persons’ agency than would be a theory based on individual preference or capability. Secondly, we argue that Sen’s conception of objectivity considers that both information and sentiments are relative to a position. Such an alternative approach to subjectivity allows the formation of more impartial views through collective deliberation and a better consideration of justice by agents themselves.

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## **1. Introduction**

According to a consensual observation, Sen’s idea of justice needs further clarification and articulation<sup>2</sup>. It is fair to say that it is poorly understood.

There is now a wide understanding of what Sen criticizes: he notably rejects the exclusive use of subjective utility for welfare issues, the exclusive focus on aggregative properties to deal with justice issues, and the neglect of democratic values (see in particular Baujard & Gilardone 2017, Martins 2006, 2019). But his constructive proposals are still considered as vague, incomplete or unclear. As a consequence, there are lively debates on several issues: notably on the status of capability in Sen’s account of justice (Pressman & Summerfield 2002, Bénicourt 2007, Gasper 2007, Qizilbash 2007,

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<sup>1</sup> This paper has been presented at the 16th conference of the « l’Association Charles Gide pour l’étude de la pensée économique », April 2016, Strasbourg, France. We wish to thank the participants of the conference and Diogo Carneiro for their supporting remarks.

<sup>2</sup> See in particular the articles by Davis, Peter, Robeyns in the special issue of *the Journal of Economic Methodology* (2012, 19(2)) dedicated to Sen’s *The Idea of Justice* (2009), defending that Sen’s theory has the disadvantage of being not always clear, and chiefly less articulated than the one of Rawls. Sen himself acknowledges that connections “may be easy to miss” or “may not be adequately clear” (Sen 2012: 173).

Bonvin & Farvaque 2008, Brighouse & Robeyns 2010, Baujard & Gilardone 2017, Robeyns 2017, Gilardone 2018a), or on the relevance and meaning of the distinction between comparative vs. transcendental approach (e.g. Kandil 2010, Robeyns 2012, Ege, Igersheim & Le Chapelain 2012, 2016). At the end, we are left with a wide open question: what is primarily valued by Sen, and what is his constructive proposition regarding justice?<sup>3</sup>

This paper intends to provide an account of Sen's idea of justice, and this allegedly cannot be done by just repeating what he says –if this were sufficient, there would be no debate such as those we have just underlined. Hence we need to consider the conditions of the reception of Sen's proposal regarding justice, and at first place, identify the reasons for the mis-reception of his proposal.

The first identified prism is linked to the “formal welfarism” framework. In this framework, a justice theory is understood as properly described in two stages: first the definition of the proper material, then the proper aggregation (or distribution) principles. Baujard (2016) established how this framework, standard in social choice theory, became central in the general way of understanding justice. We have shown elsewhere that Sen's constructive proposal precisely does not fit in this framework (Baujard & Gilardone 2017); and that thinking through this framework is the reason why he is so poorly understood.<sup>4</sup>

The second prism is linked to the Rawlsian influence. Justice is thought as a matter of theory since the publication of *A theory of justice*.<sup>5</sup> Whatever it is, a theory of justice requires that the philosopher who conceives the theory fully elaborates and justifies the theory with *a priori* well-defined principles. There should be either some naturalistic groundings –as in naturalistic theories– or ideal conditions – as in transcendental theories–, from which deriving the proper principles. Sen does not provide either of these elements for a theory; hence to most readers, Sen's proposal stands in need for completion.

Any contention on justice is expected to fit in a picture constrained by these two prisms. In other words, thinking of justice through theories and formal welfarism today frames any reading of assertions on justice. These prisms are also likely to distort the understanding of assertions that do not fit this framework, among which Sen's proposals. We hence propose using a trick; the trick consists in “reading through the prisms”, in order to make the differences and commonalities clearer. At the first

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<sup>3</sup> E.g. Baujard & Gilardone (2017: 16) concluded that “An obvious subsequent step would be the description and analysis of the link between human agency and public reasoning, thus further expounding Sen's actual theory by gaining closer insight into its content and its justificatory procedures. This cannot but be the subject of a distinct paper.”

<sup>4</sup> In particular, this explains the quasi-exclusive interpretation of his writings with the idea that capability is Sen's material and the resulting search for an operational theory of capability. Hence we could show that « Sen is not a capability theorist » (Baujard & Gilardone 2017), after he recalled it himself (Baujard, Gilardone & Salles, forthcoming).

<sup>5</sup> Thinking through formal welfarism requires a theory of justice, but the converse is not true.

place, we define, by hypothesis, what material would better fit Sen's idea of justice, and the well-defined principles underlying his thinking. Then we shall be able to describe, piece by piece, how he makes a gap from the expected framework we usually think through. Our trick is not meant to confirm or reject our hypotheses *per se* – e.g. we do not pretend that Sen effectively claims that positional views are the proper material for justice. But our demonstration based on this trick intends to question the framework in which our hypotheses are involved, and give the opportunity to describe Sen's constructive proposal in the most possible intelligible way.

Our first hypothesis may come as a surprise since we will not take capability as the material that would better fit Sen's idea of justice.<sup>6</sup> We rather claim that Sen's proposal on positional objectivity is more likely to grasp his idea of justice, although it had received little attention so far.<sup>7</sup> Elaborating on this central notion, we draw the concept of “positional view” to implement our project. We define a positional view as an individual judgment towards any social state, considering objectively the context from which she or he is able to assess this social state. Our line of argument is therefore: consider positional view as the cornerstone of Sen's idea of justice as if it were a material<sup>8</sup>, and show how Sen's idea is built from there: this reading is likely to highlight how and why this is not a material in the sense that formal welfarism would require.

Our second hypothesis is that Sen's idea of justice is driven by two main values or principles: human agency and public reasoning, as previously defended (Crocker 2007, Crocker & Robeyns 2009, Alkire 2010, Davis 2012, Baujard & Gilardone 2017, Gilardone 2018b, Bréban & Gilardone 2019). But these

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<sup>6</sup> We do not preclude the relevance of the capability approach; and we do not suggest neither that capabilities have no importance in Sen's approach to justice, far from this. We claim that capability are not the core concept to understand Sen's constructive proposition regarding justice.

<sup>7</sup> Commentators most often undermine the importance of objectivity, focusing generally on his capability approach. Even when they refer to it, they consider it to be only complementary to Sen's capability approach (Bonvin 2005, Zimmermann 2006, Qizilbash 2007, Davis 2012). Nevertheless Davis (2012) considers that Sen's distinctive approach to objectivity is key to explain his “hardly conventional” view of public reasoning – “objectivity [...] is not given from on high, but is the best we can do when we freely and openly engage with one another from our respectively different points of view”. Unfortunately he keeps regarding Sen's “idea of public reasoning” through the prism of a capability approach since he even claims that “individuals for [Sen] should be seen [...] as collections of capabilities. Note however that Peter (2012) underlines the more important role given to public reasoning in Sen's *IJ* comparatively to Rawls' *TJ* which is notably due to Sen's will to replace Rawls' thought experiment of the original position by positional reasoning. Although it is not really developed, we will depart from Peter's analysis regarding the idea that Sen's account of “transpositional objectivity” is “an aggregate of the positional objective statements of all positions in questions”. In addition, Bréban & Gilardone (2019) largely draw on Sen's account of objectivity to demonstrate that Smithian sympathy and Smith's concept of “the man within” can fruitfully be incorporated in his approach to collective and individual deliberation at the core of his so-called comparative theory of justice.

<sup>8</sup> We believe this trick shall help to understand Sen's proposal in spite of, or being aware of our own intellectual positioning, i.e., our understanding of justice through formal welfarism. Conversely, we do not pretend that Sen presents his theory as an organized thinking around such concept: let us say clearly once for all that Sen does not think through positional views. This is not a descriptive, but an assumed reconstructive perspective of his writings.

concepts are hardly defined<sup>9</sup>, and their articulation still needs to be explained. We claim that the material we have identified may help to clarify both of them, as well as the way they are intimately related. According to our reading, public reasoning is the means for Sen to widen the information basis available in each position, as well as to discriminate between relevant sentiments and irrelevant ones to form a view on justice. Since any person is conditioned by her positional views, it is crucial that public reasoning favor the person's reflexivity on her own views, i.e. a possibility of acknowledgement of her positional bias, hence a more enlightened judgment. As shown by Bréban and Gilardone (2019), the procedure of open impartiality promoted by Sen (2009) aims at favoring the change of persons' positional views into transpositional ones, that can be also defined as reasoned agreements on what would be more just. In this paper, we particularly insist on the role granted to sentiments by Sen in the process of public reasoning to evolve positional views. Under certain conditions that we will specify, sentiments allow a connection to others and the awareness of injustice in a way that influences the persons' worldview beyond their own interests or former values or priorities.

The paper is organized as follows.

Firstly, we show how Sen departs from the first prism by highlighting the essential distinction of positional views with formal welfarism. The latter raises some issue regarding agency. The focus on preferences or any material amounts to consider individuals as mere container of some pre-defined material, rather than the actual autonomous persons who decides about their fate. The shift of focus from preferences to positional views results from the primarily importance of respecting agency. In Sen's approach, agents are assigned the responsibility of designing and implementing justice.

Secondly, we show how Sen departs from the second prism by putting forward that he does not propose a theory of justice as such. Positional views may be used as an objective informational basis to think about justice; nevertheless they may actually conflict with impartiality. We highlight that this actual problematic situation is precisely what Sen intends to take seriously. Given his rejection of transcendental solutions, Sen proposes to deal with it by giving a central role to personal agency in the sense that normativity should emerge from agents themselves. We argue that Sen's conception of objectivity seeks to highlight both information and sentiments relative to a position, and we offer some insights on the way Sen suggests that such inputs for public reasoning may result in a more impartial output reliable for normative exercises.

### **1. Positional views for a better account for human agency**

Since 2009, Amartya Sen has been promoting an idea of justice with the declared ambition of challenging Rawls' now standard theory of justice. He opposes a social choice approach, concerned with less unjust social realizations, to a transcendental approach concerned with just institutions. In

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<sup>9</sup> The term "public reasoning" is cited 115 times in *The Idea of justice*, but never explicitly defined anywhere.

this section, we claim that a way of clarification would be to read Sen's contribution as a departure from standard social choice theory, rather than from Rawls's theory of justice. Not only there is in his approach to justice an implicit reference to the Arrovian welfarist framework (1.1), but we here propose to substitute its central concept of individual preferences by the concept of positional views (1.2).

### ***1.1. Sen's implicit reference: the Arrovian welfarist framework***

It is obvious that Sen's huge background in the field of social choice theory has truly been influential in his way of tackling the issue of justice<sup>10</sup>. However we have shown elsewhere that the framework of formal welfarism standard in social choice theory is misleading to understand Sen's constructive contribution (Baujard & Gilardone 2017). Formal welfarism is a framework to assess social states according to some justice principles, embedded in two steps: a material is first defined, whatever it is, and aggregation is debated as a second step. In other words, we have shown we cannot expect Sen's theory of justice to provide a material of justice – i.e. capability – and aggregative principles that would plausibly be accepted by any individual. We now want to show that another mistake would be to miss Sen's departure from the standard preferentialist framework and continue to understand people's voices as individual preferences.

The focus on preferences raises many problems for welfare studies, and even more for democratic issues, as included in the general criticism of welfarism introduced by Sen.

The legitimacy of Sen's positional approach is based on the defense of persons' agency and relative values (Sen 1982) against a certain tendency of consequentialism, often associated to welfarism in normative economics. This may appear paradoxical since welfarism is generally defended on the grounds that favoring individual utility exclusively and above all else amounts to respecting individuals' sovereignty. In Arrow's welfarist framework (1963), such an approach is translated by the condition that each individual is free to have a definite ordering of all conceivable states, in terms of their desirability to him according to a wide range of values. Nevertheless, Arrow concludes that “the doctrine of the voters' sovereignty is incompatible with that of collective rationality” (1963:60), i.e. with a social decision that would respect each individual ordering. In this sense, he shows one possible way to be respectful of individuals' sovereignty is to return to standard individualistic assumptions, according to which individuals' orderings do not reflect individuals' values regarding social states but his utilities in each social state – i.e. “his own consumption-leisure-saving situations” (Arrow 1963: 61).

Sen applies the opposite reasoning, arguing that within welfarist consequentialism, the person is likely to lose her sovereignty, insofar as an external evaluator restricts any individual view to “a special case

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<sup>10</sup> See Sen (2012) for instance.

of consequence-based evaluation in which the outcome morality is evaluator-neutral” (1982: 30)<sup>11</sup>. As a result, there is no room for *deontology* that Sen defines as wanting “not to maltreat others, in dealing with them (e.g. by violating their rights, breaking his promises, etc.)” (1982: 23). Nor there is room for *autonomy*, including “the desires, projects, commitments and personal ties of the individual agent” (Sen 1982: 23), except if it directly affects his personal well-being.<sup>12</sup> In contrast, Sen states that “[a]gency encompasses all the goals a person has reasons to adopt, which can *inter alia* include goals other than the advancement of his or her own well-being” (Sen 2009: 287).

Sen (2009: 281, italics are ours) considers that:

[...] *the informational inputs in a social choice exercise in the form of individual rankings can also be interpreted in ways other than as utility rankings or happiness orderings.* [...] the nature of the debate on the consistency of social choice systems can be – and has been – moved to a broader arena through reinterpreting the variables incorporated in the mathematical model underlying social choice systems [...] and indeed *voice is a very different – and in many ways a more versatile – idea than the concept of happiness.*

Sen challenges the standard and narrow approach to “individual voices” in social choice theory, drawing important lessons from famous results (Arrow 1963, Sen 1970). He particularly questions Arrow’s assumption that social choice theory relies on orderings of individuals considered separately, without any interpersonal comparisons or social interactions. For instance, as soon as equity is a concern, the problem is not anymore the consistency of the voting rule, but the fact that “we are in the wrong territory by concentrating only [on] individual preference orderings” (Sen 2014: 39)<sup>13</sup>. If we add the concern for minority rights and liberty, Sen interprets the result of “the impossibility of the Paretian liberal” (Sen 1970) as highlighting the crucial dependence of democratic social choices on the formation of tolerant values (Sen 2009: 337). This necessarily involves social interactions with a more comprehensive approach of person’s voices and situations.

Sen’s criticism of the standard welfarist interpretation of the informational inputs of social choice exercises may also be related to his view on behavioral approaches. Sen (1973) argues that behavior is an extremely limited source of information, so that the revealed preference theory is not easy to justify in terms of the methodological requirements of our discipline. To him, the thrust in this theory has undermined “thinking as a method of self-knowledge and talking as a method of knowing about

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<sup>11</sup> To be more precise, Sen adds: “It requires not only that each person should judge his control variables (such as acts) ultimately in terms of their effects on the goodness of outcomes, but also that each person must judge the goodness of any given outcome in exactly the same way” (1982: 23).

<sup>12</sup> See Baujard (2010) for arguments supporting a similar claim.

<sup>13</sup> Some of Sen’s first contributions to social choice theory have indeed tried to integrate interpersonal comparisons of well-being in the framework. Then he has provoked an important discussion on the proper way of assessing individual advantage. See Gilardone (2015) on this issue. But his latest work above insists, we will see, on the formation of responsible and other-regarding views on what should be done collectively.



others” (1973: 258). In contrast, the concept of “positional view” opens a path to both introspective and public reasoning.

Like Peter (2012) has underlined, appeals to external authority has become problematic in economics and, more generally in political theory. One important issue with formal welfarism is indeed linked to the empowerment of an external authority. An external person, should she be a philosopher, an expert or a policy maker (let us call them expert for the sake of simplicity), decides upon the proper material and the proper aggregation properties; equivalently, experts may decide upon the axioms, i.e. the desired properties, characterizing the representative aggregation, and the theory of justice associated with the chosen material. These decisions mechanically translate into policy proposals, without being debated by the persons concerned by the implementation of the policy. That the experts intend to favor these individuals' welfare by doing so is not questionable. What Sen forcefully denounces is that this top-down process may conflict with the persons' agency<sup>14</sup>.

Thus, a necessary condition to reestablish persons' agency is primarily to preclude welfarism, and to let agents choose the kind of evaluation they want to bring into the collective process of decision. Sen however offers a way around this moral problem without giving up normative reasoning, which explains he stays close to social choice theory. In our view, what Sen keeps exploring from Arrow's (1963) seminal program are two general ideas: 1) that the diverse individual values or views are the essential basis for a democratic theory and 2) that the comparison of social states is the means to express such views. But, in Sen's idea of justice, these two general ideas are translated in a way that is far less mechanist and easy to grasp than in social choice theory. Sen (2009) offers a positional interpretation of individual views that sharply differs from the concept of individual preferences used in the standard economic literature.

### 1.2. *Sen's implicit alternative: positional views*

The concept of “positional objectivity” is, for us, Sen's central contribution on which his theory of justice is based. As we underlined above however, Sen does not present his theory as an organized thinking around the corresponding concept of positional views, but we fully assume this reconstruction for the purpose of this paper. In *The Idea of justice*, Sen refers explicitly to “positional views” only once (Sen 2009: 169). However the reference to positional “observations”, “perspectives”, “beliefs”, “comprehension”, “illusions”, etc. is omnipresent: the term “position(s)” is mentioned 199 times and “positional” 59 times in the book (Sen 2009)<sup>15</sup>. We chose to focus and elaborate on the specific

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<sup>14</sup> As noticed by Gilardone (2018a: 61), Sen's (2006) open confrontation with Sugden has clarified his opposition to the idea that experts or ethical theorists “can claim to know better than some particular individual what is good for her” or the possible interpretation of his work on social justice in that sense.

<sup>15</sup> If we compare with number of times the word “capability” is mentioned (201), we see that it is almost equivalent. But we have to bear in mind that the concept of capability has become for Sen inescapable given the huge literature and the expectations that it has raised. However, he confessed that he feels “stuck” with the

concept of “positional view” because it seemed to us that this expression covers well all the others. This choice is corroborated by the consideration of Sen’s earlier philosophical work. The positional interpretation of *viewer* relativity goes back to the beginning of the eighties. Sen (1982, 1983, and more extensively 1993) claims that the identification of the viewer’s position does matter for the evaluation of social states rather than her mere utilities or preferences. In the welfarist framework, social states are assessed on the basis of given individual preferences only, with the assumptions that they are reliable and fixed. Sen questions these strong assumptions, because individual preferences, and more broadly individual views, depend on the viewer’s position for several reasons.

First, the difference of view between two persons may be explained by their difference of position in the social state considered. Sen illustrates this fact by the following image: if one person looks at the moon from Earth and the other from space, they may assess the size of the moon differently or similarly, relative to the size of the sun, and their observation shall consequently be considered as position-dependent (Sen 1993: 128). Second, the viewer’s position may evolve which might change her view on the social state. For instance, if the second person travels from space to Earth, her evaluation of the relative size of the moon and the sun will automatically change. Third, Sen underlines the fact that “[t]he person is *not* free to choose the position from which he should evaluate the states” (1983: 123, underlined by us). Hence, her view is dependent upon such position, and there is nothing we can do about this. Consequently, for a given individual view regarding a specific social state, the position from which it is expressed cannot be neutral, insofar as the view depends upon that particular position.

Sen insists that his positional interpretation of a person’s views is not fundamentally due to a lack of “*ability* to imagine what it would be like to evaluate the state from a different position” (1982: 37). Indeed, the concept of positional views is precisely thought to facilitate such ability<sup>16</sup>, against the standard idea in the economic literature that since “individuals are really individuals, each an autonomous end in himself [...] they must be somewhat mysterious and inaccessible to each other” (Arrow 1973: 263)<sup>17</sup>. But the fundamental idea is to understand what makes a social state more or less desirable from a person’s point of view because “one of the positions in that state is peculiarly [*her* own” (1982: 37). Hence the viewer should be personally involved in the characterization of his own

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capability approach in a way that, like the Paretian liberal a few decades earlier, “it became a much bigger part of [his] life than [he] had thought it would be” (Baujard, Gilardone & Salles, forthcoming). This obliges him to explain again and again in what sense the concept of capability is interesting but in no way exhausting the complex issue of justice (Gilardone 2018a: 57). In contrast, the term “preference” appears only 47 times.

<sup>16</sup> For a detailed exposition of the way the concept of positional views favors the identification with persons in a different position, see Bréban & Gilardone (2019).

<sup>17</sup> Arrow is clearly in line here with Jevons’ proposition that “every mind is inscrutable to every other mind and no common denominator of feeling is possible” popularized by Robbins (1938). This is the reason why social choice theory has from the beginning excluded the idea of interpersonal comparisons of utility.

position. In other words, he should participate to the identification of the positional parameters that influence his view in a way that remove the idea of a pure subjective and person-dependent view.

Positional parameters are, for Sen, a question of “any general, particularly non-mental, condition that may both influence observation, and that can systematically apply to different observers and observations” (Sen 2009: 158). In order to characterize a position, it is thus required to highlight the conditions “that (1) may influence observation, and (2) can apply to different persons” (Sen 1993: 127). For instance, “being myopic or color-blind or having normal eyesight; knowing or not knowing a specific language; having or not having knowledge of particular concepts; being able or not able to count” may be such conditions or positional parameters.

Taking positional parameters, beyond individual views, as relevant inputs for collective decision contrasts with the informational restriction of welfarism to subjective utility or individual preference. In Sen's theory, they are shown to be relevant information for starting public reasoning on justice matters if we want to respect person's agency.

Like Zimmermann (2006) remarks, “Sen insists on the embeddedness of individual agency”, in the sense that social environment or economic circumstances influence person's ends. Zimmermann considers that the capability approach is Sen's proposal to deal with what she calls “positional agency”<sup>18</sup>. In contrast, we propose to focus on the concept of “positional view” independently of the capability approach, and without restricting it to the issue of the variability in the conversion of resources into functionings. Nevertheless, it is still a counterpart of Sen's concept of positional objectivity for epistemological matters, opposed to relativism and subjectivism. We need first to make clear that cultural relativism would be a complete misunderstanding of Sen's conception of positional objectivity.

We already mentioned that Sen (1993, 2009) provides the same illustration of positional objectivity from both his epistemological or ethical perspectives. From your position on Earth, you may perceive the sun and the moon as being the same size. Saying that “I see that they are the same size” is not a subjective fallacy, but an objective view conditional to the position from which the observation is made. Objectivity would therefore be better defined as the “view from a delineated somewhere [...] of no one in particular”, as opposed to a “view from nowhere” (Sen 1993: 126/129). Now it should be understood clearly that, in no way for Sen, positional objectivity amounts to cultural relativism.

Firstly, and contrary to what seems to suggest Sen's illustration of the observation from Earth or space, position is not simply geographical or cultural. For Sen, one positional parameter only cannot characterize sufficiently a person's view to make it a positional view. Culture is part of the parameters that have to be brought out, but can never fully capture a person's position. It can even be a misleading positional parameter, since the fact of belonging to a specific society does not entail sharing the

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<sup>18</sup> We need though to acknowledge that, by the time when she wrote the paper, Sen did not fully develop his approach to justice, and the status of his capability approach within it was not as clear as it seems to be now.

prevalent view of that society. Sen's idea is rather that the identification of a positional parameter sheds light on some reasons behind a person's view. For instance, when a person expresses her view on the gender inequality in access to engineer positions in the society S\*, it may be relevant to know that, in the society S\* in which he lives, there is a common belief in women's inferiority in mathematics. Such belief explains that women are given little opportunity to establish their ability to perform these jobs, and may influence the person's view. Nevertheless, Sen (1993) urges us to acknowledge the underspecified character of the position "living in society S\*". Indeed, positional parameters could include knowledge of practices in other societies or criticism coming from "outside" that can sensibly influence a person's view, though it is not obviously the case of the majority of the members of that S\* society<sup>19</sup>. Ignorance of such practices or criticisms may be, in turn, incorporated as positional parameters. Anyway, only the discovery of *every influential parameter* would make the view objective and fully understandable by anyone – even by people living in other societies where there are as many women as men working as an engineer. It is thus important that positional parameters are many and really influence the person's view on the alternative social states.

Secondly, "understandable" or "objective" does not mean "acceptable". Positional views may be shown illusory although objectively derived. The objectivity of a view is ensured by checking "whether such an observation could be reproduced by others if placed in a similar position" (Sen 1993: 129). Nevertheless, they may prove to be wrong in the face of other views, whose positional parameters would be broader. Sen interprets the Marxian concept of "objective illusion" in his own framework: "An objective illusion [...] is a positionally objective belief that is, in fact, mistaken" (1993: 132)<sup>20</sup>. The source of the illusion is inherent to positionality, when the precise role of the dependence upon the position is not well understood. Identifying illusory views would depend greatly on an appropriate specification of positional parameters, as well as a confrontation with other positional reasonings. Some views could then appear to be "objective illusions" while others may appear more appropriate when considering a situation. The problem here is not that the observation is not sincere or ill-thought-out, but rather the lack of access and scrutiny to other positional views. For instance, the lack of familiarity with the rules of optics and projections is part of the positional parameters that make a person viewing the moon and the sun of the same size. Sen (1993) insists that, in order to discover positional illusions, it is important to relate the person's understanding of the world both to acts of observation and reflection. He also recalls that "[t]he history of science gives

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<sup>19</sup> Taking such positional parameters into account definitely removes any suspicion of cultural relativism. Sen (1993) admits, though, that internal criticism from skeptics or dissenters – through they are often themselves influenced by foreign authors – always carry more weight than "*alien critique*".

<sup>20</sup> Zwarthoed (2013: 104) shows that, more precisely, Sen takes the concept of "positional illusion" from G. A. Cohen's work on Marx. She considers that Sen's use of it is not exactly the same as Marx's, since it is not necessarily related to the mode of production and to the position of class within it. For instance, the illusion of Earth immobility is a case of positional objectivity for Sen, though it has nothing to do with the capitalist mode of production.

ample examples of the emergence of agreed scientific beliefs overturning previously agreed conclusions, or overcoming a plurality of rival conclusions” (1993: 131).

A positional view, as we defined it above, first involves the person who views, and especially the position from which she views. As well discussed by Sen (1993, 2009), “a view from nowhere” is a priori a non-sense. Second, positional views are to be distinguished both from an external version of one’s well-being, and from an exclusive focus on one’s own well-being. Third, whereas in the welfarist framework, preferences are given and cannot be discussed, in Sen’s public reasoning framework, pointing and widening positional parameters may change person’s views. Indeed, with Sen’s conceptual proposal, it is because positional views may be objectivized that they are likely to evolve. In addition to a comprehensive aspect, the focus on “positional views” is able to favor the possibility for reflexivity on one’s own position and some understanding that it could be different. We will now see that such objectivization proceeds by highlighting the informational bases available in a specific position, along with the sentiments that tend to prevail in that position.

As a provisional conclusion, Sen’s account of personal agency departs from the idea of voters’ or consumers’ sovereignty that is standard in social choice theory, which amounts to respecting persons’ subjectivity and taking it as given. In contrast, Sen refuses to reduce the issue of agency to a mere question of subjectivity on which nothing can be said without conflicting with person’s liberty. Through the concept of positional views, Sen offers an alternative to the one of preferences that is both an input and a variable of public reasoning in a way that precludes any formal welfarism.

## **2. The dynamics of positional views at the heart of public reasoning**

In the one hand, it can be said that all positionally objective views are more or less illusory. In the other, since a plurality of positional views exists, a view may be efficiently corrected, nourished or completed. Taking seriously the dependency of objective positional views is a first step towards a move to better views. Defining the concept of positional view does not put an end to the issue of the possibility or the likelihood of a collective view regarding justice. But the issue at the core of Sen’s theory of justice has shifted, and now can be captured in the following question: “what are the determinants of the transformation of positional views into a more transpositional view?” – rather than “what is the content of the transpositional view?”, or “is the latter reached or not?” We will show that public reasoning is considered by Sen as the key to reveal positional views and allow their transformation toward more transpositionality.

As Sen often describes it, his theory of justice is closely related to the view of democracy in terms of public reasoning. The expression “public reasoning” itself is cited 90 times. This numerical importance reflects the centrality of public reasoning in Sen’s theory of justice. Nevertheless, public

reasoning is never precisely defined.<sup>21</sup> We allege that our focus on positional views may help to understand the role devoted to public reasoning implemented in Sen's approach to justice. We claim that positional views are to be considered as an input for public reasoning. Then, through public reasoning, what is clearly targeted is "interpersonal comprehension" (Sen 2009: 119), as well as "the assessment of moral and political claims" (Sen 2009: 392). In accordance with Bréban & Gilardone (2019), the expected output is a "reasoned agreement", which also amounts to a "transpositional view" on justice. We will here isolate three characteristics of the process at work in Sen's account of public reasoning: widening of the informational basis available in every position (2.1); taking sentiments seriously and acknowledging "positional closeness" (2.2); enhancing both personal agency and transpositional views (2.3).

### ***2.1 Widening the informational basis available in every position***

Once we accept the idea that individual views are positional, we acknowledge that some of them can be objective yet illusory or too limited for both offering appropriate considerations on justice and reveal adequately individuals' values. But we also accept the idea that positions are not immutable and that public reasoning may favor their transformation if the information available from different position is communicated. Not only individuals should change their views but the collective body should be able to realize when it lacks relevant information and needs to find it to be proposed to individuals. At the collective level, public discussion and communication allow both this exchange of information – including with outsiders –, and the expression of the need for further information.

According to our reading, Sen distinguishes three kinds of inappropriate positional views on justice. A first kind is what Sen calls "objective illusions" (Sen 1993: 132) or "positional illusions" (Sen 2009: 166) that Sen attributes to the narrow informational bases available in the considered position. Another kind is "adaptive preferences" that Sen has sometimes used in the context of gender inequality and poverty evaluations, to highlight the social conditioning of individual views (see Gilardone 2009). This second kind is due to the narrowness of perspectives and expectations, given social circumstances, from the considered position. The resultant adjustment of claims and desires represents an obstacle for dealing with persistent inequalities or poverty. A third kind of inappropriate view is parochialism. Parochialism amounts to under-scrutinized local values, fixed beliefs and specific practices. Parochial views are strictly dependent upon the traditions and culture of the small community one belongs to. As a result, if public reasoning is confined to the perspectives and

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<sup>21</sup> In a footnote Sen (2009: 196) outlines that he does not consider the definition as essential: "It is possible to define in different ways the reach of 'an open and free framework of public reasoning', and the differences in formulation may be quite significant in seeing the precise – and sometimes subtle – distinctions between Rawls's use of this approach and the uses made by others, including Kant and Habermas. I shall not, however, go further into these issues of differentiation here, since they are not central to the approach of this book."

understandings of the local community only, it might not help to overcome shared prejudices or cultural biases.

All these views are inappropriate to ground a collective view on justice, but also to represent well one's values and interests. A crucial stake of public reasoning is thus the possibility for individuals to reflect or reason on their own positional views. We already justified the focus on "positional views" with the importance of reflexivity on one's own position and some understanding that it could be different. Communicating one's view is the means to check whether the proposed claims and the arguments supporting them are publicly defensible and resistant to a trans-positional examination. In other words, the submission of positional views to public reasoning allows both reflexivity and mutual understanding, providing the informational basis available in each position is revealed.

The confrontation with others' positional views is a means both to move toward more transpositional views and to improve their agency. This last point is rather implicit in Sen's idea of justice. But since such confrontation may help to remove positional illusion, it can be said that the search for greater transpositionality and the pursuit of greater individual agency are intimately connected. In this sense, a sphere of deliberation is needed for competing lines of reasoning, diverse experiences, information and knowledge to be exposed and discussed. According to our reading, Sen's idea of public reasoning aims at broadening information available from every position, and not from the position of a so-called social evaluator. The access of information to each individual as well as interpersonal comprehension are therefore central issues to be addressed by a theory of justice. Both shall reveal crucial for the identification of inappropriate views, and as a result for favoring their evolution.

While the three kinds of inappropriate views that we had identified – objective illusions, adaptive preferences and parochialism – rely on distinct positional bias, it can be argued that they are sometimes closely related. For instance, "the apparent cogency of parochial values often turns on the lack of knowledge of what has proved feasible in the experiences of other people" (Sen 2009: 407). In other words, parochialism may support positional illusions or adaptive preferences. Public discussion would therefore benefit from including the views of people from other communities in order to identify the positional bias as extensively as possible. Sen (2009: 123-152) introduces the concept of "open impartiality" to insist on the fact that the discussion should not be confined to persons who are entitled to make collective choices or engaged in social evaluation because they belong to the polity for two main reasons. The perspective for those "inside" may firstly be enlightened by distant views on local understandings. Secondly, outsiders might "bear some of the consequences of decisions taken in that particular polity" (Sen 2009: 134) and this information may change insiders' views on their own decisions. In other words, open public reasoning opens up two important ways for changing positional views in transpositional ones providing mutual comprehension is made possible: 1) enlightenment, and 2) a greater sense of neighborhood. To reach the condition of mutual comprehension and reduce the felt distance between individuals who may have the most difficulties to

understand each other, one key may be to inform as much as possible on the differential of positional parameters between persons.

## ***2.2. Taking sentiments seriously: acknowledging “positional closeness”***

Sen (2009) acknowledges the importance of sentiments in reasoning about justice, and his theory of justice may be seen as a return to a tradition largely described by Emma Rothschild (2001) including particularly Adam Smith and Condorcet (Gilardone 2010). In such tradition, sentiments are considered as feelings of which one is conscious and on which one reflects. Sentiments cannot be but the heart of political and moral theories since they are “events that connected the individual to the larger relationships in which he or she lived” (Rothschild 2001: 9). It is also the case of Sen’s idea of an adequate theory of normative social choice which invites us to speak another language than the mere language of self-interest, to revive the grammar of our moral sentiments. Furthermore, Sen criticizes the authors who based their theories exclusively on reason among whom he seems to put Kant and Diderot, though he admits that “the need for reasoned scrutiny of psychological attitudes does not disappear even after the power of emotions is recognized and the positive role of many instinctive reactions (such as a sense of revulsion about cruelty) is celebrated” (Sen 2009: 50).

Such a perspective leads Sen to include in the characterization of positional views the influence “positional closeness” and to defend the relevance of a relational ethics for justice matters (Sen 2009: 161). Positional closeness is related to one’s sense of identity, which is a crucial medium by which the consideration of others is incorporated into a person’s view. Although Sen insists that we have plural identities, he also admits that some of them happen to be an important determinant of one’s view (2009: 247). For instance, the prominence to the interest of one’s own children that may come from the parental relationship is part of the positional parameters of one’s view (Sen 2009: 161). The same reasoning applies to other identities like being an American, or a Muslim, or a worker that may dominate in some contexts (Sen 2009: 247). This has to be acknowledged in order to appreciate its social relevance.

Positional closeness needs for instance to be distinguished from the sense of responsibility and obligation that may arise from “the power to make a change that he or she can see will reduce injustice in the world” (Sen 2009: 205). Both kinds of sentiments refer to relational ethics and affect a person’s view on what should be done. But the latter has a clear bearing on justice, while the former is more questionable since it is a kind of favoritism. It is possible that, sometimes, the distinction be not clear-cut: a mother feels responsible toward her child, “not because she has given birth to the child [...], but because she can do things to influence the child’s life that the child itself cannot do” (Sen 2009: 205). In this case, positional closeness interferes with personal responsibility. Nevertheless, in matters of justice we need to disconnect positional closeness leading to a partial view, and responsibility toward others, which is relevant from a transpositional view.



Indeed, the sense of responsibility that is being sought through public reasoning should not be confused with positional closeness grounded on a narrow view of identity, although both are related to a person's sense of otherness. This is well illustrated by Sen's discussion of the definition of the relevant "neighbor" based on the analysis of the "Good Samaritan": different religious people pass by a person who has been severely beaten and do not stop, while the only person who stops and offers help is a Samaritan (Sen 2009:171-172). The standard Christian analysis of this story focuses upon responsibility, and praises the Samaritan for feeling spontaneously responsible as a human being for another human being. Sen infers from this that the scope of the people you care about is not obviously restricted to your close neighbors – those with whom you share a spontaneous social identity – but may extend to anybody with whom you happen to interact. In the case of the Samaritan, the normative relationship between the beaten guy and the Samaritan emerges from the mere positive fact of their meeting in the same street. Because this event of interaction exists, a sense of responsibility toward the beaten guy becomes part of the Samaritan's positional view: the pursuit of his initial goal is replaced by the will to help the Samaritan

According to our reading of Sen, the acknowledgment of positional closeness is a crucial ingredient for characterizing objectively positional views. Now, it is hard to deny that justice is concerned with impartiality rather than favoritism. And Sen's concept of positional view may be seen as means to favor a move away from narrow positional closeness, e.g. a person's view giving no greater importance to her own children although being a parent is part of her most intimate identity (Sen 2009: 161). Impartiality here requires people meet and do not remain within the bounds of a small and isolated community. Public reasoning may help to move in that direction.

### ***2.3 Public reasoning to enhance both personal agency and transpositional views***

Once informed of the contingency of their own view, and of the diversity of views in the society, one might wonder: why would people revise their views at all? New information and reasons, in contrast with faith and unreasoned convictions, are certainly important, but they may not be sufficient. An important element of the transformation of positional views is the mechanism by which individuals incorporate others' perspectives, once they become public. Such a mechanism from the public to the individual level can be found in sentiments. Emotions and sentiments, alongside psychology or instincts, play an important role in inner reflection and, from then on, in decision-making (Sen 2009: 39). Sen considers that sentiments may help each individual to become aware of her connection to others, to feel that what happens to others is, ultimately, of concern for her as well. Just as individuals' position is not fixed once for all, the narrowness of individuals' sense of others is not immutable. However, for the purpose of justice, it is important to note Sen's distinction between sympathetic

views and the possible resulting committed views<sup>22</sup>. Only the latter shall prove to be relevant for deriving a collective decision aiming at reducing injustice.

Firstly, Sen strongly suggests that positional closeness is broader than one may think at first sight. What he calls “relational obligations” related with “personal affection as well as agency-related concerns” (2009: 214) need not operate through the family or the citizenship connections only (2009: 142). Not only do individuals share a common identity because they come from the same family, city or country, but they also share common features such as class, religion, gender, etc. To illustrate, Sen refers to the sense of affinity a feminist activist may have for disadvantaged women across borders (2009: 142). This can lead her to engage in public debate “as a fellow woman, or as a person (male or female) moved by feminist concerns” to express her sentiment of injustice.

Secondly, it is not even necessary to share a common feature apart from being human. Sentiments of horror generated by the observation or the information of famine, genocide, terrorism, slavery or untouchability may have deep consequences on persons' view and lead them to feel concerned by issues that are not strictly theirs. Sen stresses, quoting Charles Dickens, that “there is nothing so finely perceived and finely felt, as injustice.” (2009: vii) Sentiments of horror or indignation regarding injustice will work as efficient mechanisms for a better incorporation of the positions and views of others into one's own. If individuals are able to feel outraged by the situation of the disadvantaged, their sentiments shall contribute to the overcoming of divisions of class, gender, rank, location, religion, community, and other established barriers with which injustices are often linked (2009: 389). Let us now consider under which conditions sentiments play a role in the transformation of positional views. According to Sen (2009: 392), “even pure expressions of discontent and disappointment can make their own contributions to public reasoning if they are followed by investigation (perhaps undertaken by others) of whatever reasonable basis there might be for the indignation”. Instinctive reactions have something to say: “Outrage can be used to motivate [...] reasoning” (2009: 389). But, in order to get a socially better view, it is also crucial that instincts do not have the last word.

Surely, sympathy – in the sense of “caring about the miseries and the happiness of others” (Sen 2009: 49) – acts as a powerful tool for incorporating others into one's judgment. However, Sen also remarks that “sympathy [...] is not really essential in being able to see reasons to help a person in pain” (Sen 2009: 372). Obligation, or commitment, appears when one seriously considers “what one can reasonably do to help the realization of another person's freedom, taking note of its importance and influenceability and of one's own circumstances and likely effectiveness” (Sen 2009: 372-3). We can indeed mark a distinction between the sentiment of sympathy and the committed view that can derive

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<sup>22</sup> Sen's account of sympathy is more in line with rational choice theory than with Adam Smith's definition. However, Bréban and Gilardone (2019) have identified some aspects of Smithian sympathy that are reminiscent of the way Sen considers the possibility of reasoned agreement on justice and the move from positional to transpositional views. These aspects are namely: the identification process and the concordance of sentiments.

from it, after thinking and discussion about what can be done to remove the misery of others. A sentiment of responsibility, or at least the condition for its emergence, is in the last case enforced: “if someone has the power to make a change that he or she can see will reduce injustice in the world, then there is a strong social argument for doing just that (without [...] invoking the benefits of some imagined cooperation)” (Sen 2009: 205-6).

In other words, stating a disproportionate level of disadvantage, according to some shared values within public debate may first allow people to feel deeply and personally that this might not be right. But this first step needs to be supplemented by a public reasoning on possible solutions. Only reason beyond sentiments is able to check whether a wide judgment has been made, and whether a broad enough range of views, including external ones, has been taken into account. In other words, public reasoning is necessary to disentangle sentiments of indignation that may be justified or not, then generate sentiments of responsibility and what can be called “committed views”. To this end, we claim that Sen’s comparative theory of justice demands to leave room for the expression of sentiments so that they can be examined in a public and open reasoning. This is surely the best way to favor the transformation of positional views in committed views that would be as transpositional as possible.

Concretely, public reasoning may serve as expressing those sentiments of indignation, which in turn may lead other individuals to face this situation. When disadvantages or injustices are clearly stated, within a public and open framework of thought, it is then very hard to pretend to be individually unaware. Sen’s (2009: 144) insistence on “open impartiality” is linked to the “liberating role” which the consideration of insights from different positional views from outside the society may have. Taking an interest in outsiders’ views – i.e. a feminist activist from another country –, beyond the constraint of local conventions, may force us to think seriously about what can be done, rather than proceeding as if societies did not owe anything to each other.

Bréban & Gilardone (2019) claimed that Smithian sympathy, defined as a concordance of sentiments following an identification process, may be a missing piece in Sen’s account of public reasoning. Our analysis supplements their reading by asserting that positional views constitute the cornerstone of Sen’s approach to justice, and we provide new insights on Sen’s appeal to sentiments in the process of public reasoning. Subjectivity is not Sen’s subject, nevertheless sentiments are not ruled out; rather, sentiments and reason are important means for reaching a transpositional agreement.

### **3. Concluding remarks**

The first section provisionally concluded that Sen contests not only preference welfarism but any formal welfarism, to primarily favor agency. Formal welfarism would hold for granted that the material for justice could be justified externally, i.e. independently of the participation of the concerned agents. This provides a serious discussion of whether we should use roughly individual preferences at all in the context of implementation of public policies. The way around corresponding to this issue is the focus on positional views. The second section now concludes that Sen contests more

generally any dogmatic reference to “theories of justice”: the definition of fairness is not stable, as it should change with persons and situations. Because agency is primarily important, there should be a specific public reasoning to adapt the idea of justice to each time and society, and this public reasoning should not only rely on reason, but also on sentiments.

What Sen proposes is not a theory of justice in a standard form but an approach to justice. It consists in a reflection on how justice should be thought of in real settings, and he urges us to read this as an alert. His constructive proposal provides a serious challenge to both social choice theory and transcendental theories. Obviously, it is not saying that these theories are not relevant at all. In our reading, it rather claims that they should not be used as tools to mechanically implement real public policies, but rather as some necessary food for public debate on the basis of which public policies should be designed.

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