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**RECONCILING AGENCY AND IMPARTIALITY:  
POSITIONAL VIEWS AS THE CORNERSTONE OF SEN'S  
IDEA OF JUSTICE**



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# Reconciling agency and impartiality: positional views as the cornerstone of Sen's idea of justice

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## *Abstract*

Our paper offers a novel reading of Sen's idea of justice, going beyond two standard prisms that we have identified as obscuring the debate: 1) welfarism, i.e. the focus on one definition of individual welfare; and 2) transcendentalism, i.e. resting on external normative criteria. Instead we take seriously Sen's emphasis on personal agency, and we focus on his original contribution to the issue of positional objectivity. Firstly, we demonstrate that Sen's idea of justice, with the notion of "positional views" at its core, is more respectful of persons' agency than any theory based on individual preference or capability could be. Secondly, we argue that Sen's conception of positional views considers that both information and sentiments are relevant. Such an alternative approach to both objectivity and subjectivity in their standard meanings allows the formation of more impartial views through collective deliberation and a better consideration of justice by agents themselves. This paper contributes to better articulating Sen's constructive proposal regarding justice and clarifying its anti-paternalistic nature.

## *Keywords*

individual preferences, positional objectivity, sentiments, public reasoning, agency, justice, welfarism, transcendentalism, impartiality, anti-paternalism

## *JEL Codes*

A13, B31, B41, D63, I31

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## Reconciling agency and impartiality: positional views as the cornerstone of Sen's idea of justice

### Introduction

According to a widely shared observation, Sen's idea of justice stands in need of further clarification and articulation.<sup>4</sup> It is fair to say that it is poorly understood. Yet there is now a broad understanding of what it is that Sen criticizes: notably, he 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 Martins 2006, 2019, Baujard & Gilardone 2017); but his constructive proposals are still considered vague, incomplete or unclear<sup>5</sup>. As a consequence, there are lively debates on several issues: notably on the status of capability in Sen's account of justice (Brighouse & Robeyns 2010, Deneulin 2011, Shapiro 2011, Baujard & Gilardone 2017, Robeyns 2017, Gilardone 2018), or on the relevance and reach of public reasoning outside transcendental approaches (e.g. Kandil 2010, Shapiro 2011, Davis 2012, Peter 2012, Robeyns 2012, Ege, Igersheim & Le Chapelain 2012, 2016, Bréban and Gilardone 2020). In the end, the key question is left wide open: what primarily is valued by Sen, and what is his constructive proposition regarding justice?

This paper intends to provide an account of Sen's idea of justice, by considering the conditions of the reception of Sen's proposal in the first place. More exactly we highlight the reasons for its mis-reception – which may be related to the dialogue engaged by Sen with two main theoretical frameworks, and which have generated confusion in the readers' minds. We claim that the reading of Sen's work was distorted by the influence of both social choice theory and the Rawlsian theory of justice, resulting in two narrow prisms through which any reader has subsequently operated. The first prism is linked to the welfarist framework: it consists in the thought that there ought to be a well-defined “material” of justice, i.e. some informational basis such as utility or capability which captures at the individual level all the information considered necessary to assess social welfare<sup>6</sup>. The second prism is related to the

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<sup>4</sup> See in particular the articles by Davis, Peter, and Robeyns in the special issue of the *Journal of Economic Methodology* (2012, 19(2)) dedicated to Sen's *The Idea of Justice* (2009), arguing that Sen's theory has the disadvantage of being not always clear, and chiefly less articulated than Rawls's. Sen himself acknowledges that connections “may be easy to miss” or “may not be adequately clear” (Sen 2012: 173).

<sup>5</sup> Bruni (2011: 325) considers that “Sen's theory of justice is primarily a critique of major theories of justice rather than a finished alternative theory [...]”.

<sup>6</sup> Sen (2009) calls the concept used for an informational basis a ‘material’, including but going beyond the idea of a ‘metric’ or ‘currency’ of justice which is often used in the literature devoting to equality issues and implies operational descriptions and mathematical properties (Baujard and Gilardone 2017: 2).

transcendentalism which characterizes the standard framework of a theory of justice: there ought to be external criteria to ensure impartiality or a specific device to preclude personal views on social states. The difficulty we have observed is that welfarism and transcendentalism inevitably frame any reading of assertions on justice; and this framing notably impacts the reception of Sen's idea of justice. We hence propose using a trick: the trick consists in "reading explicitly through the prisms" in order to clarify first that Sen's proposals do not fit the standard frameworks, and then to discern in which direction we need to move in order to understand the scope of Sen's constructive proposals properly. To start with, we proceed as if we could present Sen's idea of justice through the first prism, the welfarist framework, i.e. we define which material of justice would be the best fit for it. Rather than capability,<sup>7</sup> we claim that Sen's proposal regarding positional objectivity is the central object in his idea of justice.<sup>8</sup> To implement our line of argument, we define the concept of "positional view" as a person's judgments concerning alternative states of affairs, where such judgments may be considered to be objective relative to the specific context in which she or he stands. If we consider positional views as the material of justice for Amartya Sen,<sup>9</sup> we can now show how Sen's idea of justice is built up from there. This reading shall highlight how and why positional views are not a material in the sense that welfarism would require. Secondly, theories of justice state that justice should rely on ideal criteria or normative principles, ones that are likely to guarantee impartiality. Accepting this second prism, we cannot but acknowledge that Sen's idea of justice is driven by democratic values that lead to seek impartiality through public reasoning. Paradoxically, agency is emerging at this collective level. The concepts of public reasoning

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<sup>7</sup> We do not preclude the relevance of the capability approach, nor do we suggest that capabilities have no importance in Sen's approach to justice: far from it. Nevertheless, we claim that capability is not the core concept needed to understand Sen's constructive proposition regarding justice. See Baujard & Gilardone (2017).

<sup>8</sup> Positional objectivity had received little attention so far, without doubt because of the overemphasis on his capability approach. Even where they do refer to positional objectivity, commentators consider it to be only complementary to Sen's capability approach (Bonvin 2005, Zimmermann 2006, Qizilbash 2007, Davis 2012). Davis notably stands out by broaching a line of reasoning which supports our view, as he considers that Sen's distinctive approach to objectivity is key to explaining 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" (Davis 2012). But, unlike what we assume here, he still views Sen's "idea of public reasoning" through the prism of a capability approach, claiming that "individuals for [Sen] should be seen [...] as collections of capabilities".

<sup>9</sup> We believe this trick will help us to understand Sen's proposal in spite of – or rather through being aware of – our own intellectual positioning here, i.e., the understanding of justice through welfarism. Conversely, we do not pretend that Sen presents his theory as a body of thought organized around such a concept: let us say clearly, once and for all, that Sen does not present positional views as a material of justice. This is not a descriptive claim, but a reconstructive perspective on his writings.

and agency are not yet established as principles<sup>10</sup>, as they are barely defined.<sup>11</sup> Our focus on positional views will clarify them as well as their articulation. We shall see that they are designed precisely to go beyond an external view of impartiality, or what we call “transcendentalism”. Since any person’s way of being is conditioned by her positional view, it is crucial that public reasoning should favor the person’s reflexivity regarding her view. In other words, public reasoning is meant to play a role of liberating us from positional bias, opening the possibility of a more enlightened view and greater personal agency. In turn, it is possible to rely on the transpositional views that may arise from open public reasoning for collectively deciding between alternative social states.<sup>12</sup> Indeed, such transpositional views may be defined as *reasoned* agreements about what would be more just (Bréban and Gilardone 2020), or what we call here “transpositional acceptability by public reasoning”. We particularly insist on the role Sen assigns to sentiments in the process of public reasoning, so to evolve positional views towards transpositional ones and hence towards more impartiality. Under certain conditions that we will specify, sentiments allow a connection to others, as well as an awareness of injustice in a way that influences the persons’ worldview beyond their own interests or former values or priorities. For Sen, public reasoning is the means not only to widen the information basis available in each position, but also to discriminate between relevant and irrelevant sentiments so that each person can form a view on justice. In the end, we shall be able to claim that Sen establishes two main principles of justice: agency and transpositional acceptability, which may be fulfilled by public reasoning.

The paper is organized as follows. Section 1 specifies how welfarism and transcendentalism constitute two prisms that have contributed to obscuring the debate. Section 2 establishes the importance of positional views in Sen’s idea of justice and shows why it can be taken as Sen’s material of justice, resulting though in moving away from welfarism. Section 3 shows how the rejection of transcendentalism is related to the stakes of agency, especially in the removing of positional biases.

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<sup>10</sup> Most commentators highlight their critical importance in Sen’s work, e.g., Crocker & Robeyns (2009), Alkire (2010), Deneulin (2011), Davis (2012), Baujard & Gilardone (2017), Bréban and Gilardone (2020), Gilardone (2021).

<sup>11</sup> The term “public reasoning” is cited 115 times in *The Idea of justice*, but nowhere explicitly defined. The term “agency” is cited 46 times, and the term “agent(s)” 15 times. The agency goals are notably defined as all goals and values a person may have reasons to promote as a human being endowed with legitimate rights and her own moral sense, and not necessarily directly related to her “well-being” (e.g., see *IJ*: 252, 289).

<sup>12</sup> Note that Peter (2012) also underlines the more important role given to public reasoning in Sen’s *IJ* compared to Rawls’s *TJ*, which is notably due to Sen’s desire to replace Rawls’s thought experiment concerning the original position by positional reasoning. However, we show here why we disagree with Peter’s statement that Sen’s account of “transpositional objectivity” is “an aggregate of the positional objective statements of all positions in questions”. Rather than an “aggregate” of the positional views, we claim that transpositional objectivity is a “move” toward a renewed shared view thanks to public reasoning.

Section 4 concludes on the resolutely anti-paternalistic nature of our articulation of Sen's idea of justice which, from this novel perspective, appears closer to a theory of justice.

## 1. Two prisms: welfarism and transcendentalism

Sen acknowledges that both social choice theory and Rawls's theory of justice had a strong intellectual influence on his view of justice (*IJ*: 18; 2012), although he distanced himself from both in *The Idea of Justice [IJ]*.<sup>13</sup> Yet, we claim, most commentators continue to read his work through two narrow prisms resulting from these two important approaches to justice. We call these two prisms “welfarism” and “transcendentalism”.<sup>14</sup>

### 1.1 Welfarism or the focus on personal welfare

Social choice theory and, more generally, welfare economics, stabilized a framework in which a conception of social justice is exhausted by two elements: the definition of the proper material to assess individual advantage, and the proper aggregation (or distribution) principles.<sup>15</sup> Welfarism is commonly associated with the exclusive focus on subjective individual preferences to measure social welfare: it amounts to claiming that any other information should be considered irrelevant to deciding what is fair (or more fair). Sen is a famous critic of the focus on subjective utility or subjective preferences in welfare economics, which generated a post-welfarist movement<sup>16</sup> where an appeal is made to some alternative material to be used in the computation of social welfare.<sup>17</sup> However, we need to be clear on the fact that our definition of welfarism goes further than the well-known one of Sen, i.e. “the principle that the goodness of a state of affairs depends ultimately on the set of individual utilities in that state [...]” (1979: 464).

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<sup>13</sup> The distance from Rawls is explicitly acknowledged (*IJ*: chap. 2; see also Gilardone 2015). In contrast, Sen does not clearly state his distance from social choice theory, which may lead one to think that there is none at all (Martins 2018: 42-43, Boot 2012: 7). Nevertheless Bréban and Gilardone (2020) show that the distance is considerable, given the difference in project represented by Sen's contributions to social choice theory and his contributions to theories of justice. In the former, he considers individual assessments – i.e. preferences – as exogenous data in order to think about their formal aggregation; in the latter, he develops a comprehensive approach using individual assessments – i.e. positional views – in order to explain their formation and elaborate a theory of collective reasoning to render them more impartial.

<sup>14</sup> We will see below in the paper that there exist different definitions of each of these two concepts in the literature. For this reason, we need to spend some time to explain and support the definitions we retain since they do not exactly match standard definitions.

<sup>15</sup> The discussions within the field only concern these two elements (Sen 1987: 1042).

<sup>16</sup> It is fair to say that this movement has also a lot to do with Rawls's criticisms of utilitarianism and his proposal to focus on primary social goods rather than utility. This is the reason why Maguain (2002) prefers to speak of post-Rawlsian theories of justice.

<sup>17</sup> See the surveys of the post welfarist literature in Pattanaik (1994), Pattanaik and Xu (2003), Clément, Le Clainche and Serra (2008).

A broader version<sup>18</sup> terms “welfarist” any doctrine which considers only individual welfare as the relevant information, no matter what interpretation of welfare should be retained – utility being just one possibility among others. It is consistent with the first definition Sen gave: “The general approach of making no use of any information about the social states other than that of personal welfares” (Sen 1977: 1559), as well with his general enterprise to question any theory that does not support a pluralistic informational basis, including for instance information relative to processes and deontological concerns (*IJ*: 22-24). While Sen is famous for having advanced this criticism of welfarism, we wish to insist that he not only challenged the focus on subjective utility, but more generally the relevance of a framework centered on any one kind of pre-defined information.<sup>19</sup>

Above all, we claim that it is this wide version of welfarism that constitutes the first prism through which one tends to read Sen. Most readers expect his contribution to welfare economics and justice theory to provide an acceptable alternative material to subjective utility. In particular, this explains the quasi-exclusive interpretation of his writings in terms of the idea that capability is Sen's material, and the resulting search for an operational theory of capability; whereas in fact it has been shown conclusively that “Sen is not a capability theorist” (Baujard & Gilardone 2017), Sen having insisted on this himself (Baujard, Gilardone & Salles 2010). Not only is capability not seen by Sen as the unique and ultimate material of justice (Baujard & Gilardone 2017), but a careful reading of his work shows that the concept of capability conveys some notion of moral obligation which makes it something other than a representation of personal welfares (Gilardone 2018). This means that Sen's capability approach precisely does not fit in the welfarist framework. Furthermore, we will argue in the second part of this paper that Sen's privileged informational basis for grounding collective choice or social evaluation is not capabilities, but positional views.

## **1.2 Transcendentalism or the search for ideal principles of justice**

Besides welfarism, we claim that a second prism for reading Sen is transcendentalism. We define this as the basic requirement that impartiality should be ensured by external criteria or a specific device to preclude personal views on social states. For instance, Harsanyi (1954, 1955) claims that such an impartiality requirement demands that an individual's welfare function be an “ethical preference”, expressing what social state would be chosen without knowing one's personal position. Similarly, the Rawlsian normative device of the “original position” (1971, 1974) helps to define impartial principles of justice. In order to go beyond personal interests and priorities, Rawls indeed calls upon a hypothetical situation in which the so-called “veil of ignorance” deprives individuals of “certain morally irrelevant

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<sup>18</sup> This refers to what is sometimes called “formal welfarism” (Fleurbaey 2003, D'Aspremont 2011, Baujard and Gilardone 2017).

<sup>19</sup> In line with Baujard and Gilardone (2017).



information” such as “their place in society, their class position or social status, their place in the distribution of natural assets and abilities, their deeper aims and interests, or their particular psychological makeup” (Rawls, 1974: 141). Harsanyi and Rawls both specify the conditions under which they allow to account for individual viewpoints. The inclusion of individual viewpoints would be partial if they were expressed in the real conditions, as individuals would be tempted to favor their own situation; the veil of ignorance<sup>20</sup> is a device which aims to implement impartiality.

It is worth noticing that our definition of transcendentalism – i.e., that impartiality should be enforced by external criteria of justice that are given independently of current individual views and specific contexts – is consistent yet slightly different from Sen's own definition. For Sen, transcendentalism refers to the search for “perfect justice” or the identification of “an ideal alternative to the chaos that might otherwise characterize a society” (*IJ*: 5-6). His central attack against transcendentalism concerns the device of “the original position” for thinking about justice.<sup>21</sup> Thus while Sen supports the relevance of impartial views for his idea of justice, we wish to make clear that his notion of impartiality is not grounded on transcendent normative criteria or information, but rather relies on a novel approach to personal views which must not be confused with subjective utilities on the one hand nor with ethical preferences on the other.

Above all, we claim that our definition of transcendentalism constitutes the second prism through which commentators read Sen. Not only do most readers expect his contribution to welfare economics and justice theory to provide *a priori* well-defined principles likely to implement impartiality, but they also have difficulties breaking with the standard view of personal assessments as subjective preferences. This may explain why for many readers Sen's proposal stands in need for completion.<sup>22</sup> This also explains the debates regarding Sen's appeal to a social choice procedure derived from Adam Smith's account of “the impartial spectator” (*IJ*: 134).<sup>23</sup> For instance, Martins (2018: 43) comments that Sen's approach relies on subjective preferences mixed with objective elements such as capabilities. Others expect that his use of the impartial spectator would take us more toward ethical preferences or “metarankings” (Ege, Igersheim and Le Chapelain 2016). By contrast, Bréban and Gilardone (2020) derive from Sen's understanding of the impartial spectator that his account of “individual assessment” in the context of

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<sup>20</sup> Notice though that Rawls's veil of ignorance is thicker than Harsanyi's. For the former, uncertainty is maximal and individuals cannot determine the likelihood that they may end up in any given person's position; for the latter, they know what positions there are, and, for lack of more information, they may consider that they have an equal chance of being in any person's position. This difference has substantial consequences that go beyond the scope of this article. See, for instance, Kurtulmus (2012), Kandil (2014) among many others.

<sup>21</sup> See Sen (2006, *IJ*: chapter II) or Gilardone (2015) for a demonstration that the device of the original position is one of the most important issues in the intellectual battle between Sen and Rawls, and crystallizes many of their disagreements regarding what is expected from a theory of justice.

<sup>22</sup> e.g., Shapiro 2011.

<sup>23</sup> For a clarification of what Sen really borrows from Smith, see Bréban and Gilardone (2020).

justice theories is better translated by the concept of “positional views”, which has nothing to do with transcendental views nor subjective ones. To put it simply, Sen seeks to represent persons’ views objectively, taking into account where they stand. It appears, though, that his account on positional objectivity is not easy to understand, and this may explain the topic he has chosen for his course at Harvard in Fall 2019: “Objectivity and subjectivity”.<sup>24</sup> The description of the course is the following: “What genre of items (viewpoints, assertions, etc.) can or should fall under the categories ‘objective,’ ‘subjective,’ or ‘neither’? What functions do these terms serve? What would we lose or gain if we simply erased them from our thoughts? How have they been used historically and more recently? How is objective knowledge reconcilable with positional variation of observations?” (Harvard University Website 2019) On the basis of this course description, we infer that Sen himself has become aware that some thinking patterns represent a barrier to understanding the meaning and scope of his contribution. The issue of objectivity and subjectivity, for us, is to be related to the two prisms we have identified.

Sen does not provide any ideal material to assess justice – as supposed by the first prism – and nor does he give any ideal set of principles to guarantee impartiality – as supposed by the second. To be sure that we can make Sen’s view understandable, we propose a reading through the prisms, as if there were such thing as a material, and as if there were such thing as given ethical principles. We suggest that Sen’s material would then be persons’ views, defined in the sense of positional objectivity; and that his guiding principles would be agency and transpositional acceptability, so as to allow a bridge between positional objectivity and impartiality. Such a presentation shall highlight that Sen’s idea of justice does not, in the end, fit welfarism or transcendentalism, but can now be presented and understood on its own terms.

## **2. Positional views as Sen’s material of justice: a move away from welfarism**

Since the publication of *The Idea of Justice* in 2009 (*IJ*), Amartya Sen has been promoting an idea of justice with the declared ambition of challenging Rawls’s now standard theory of justice. In 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. Sen’s implicit reference to the Arrovian welfarist framework has created some expectation regarding the choice of a well-defined material of justice. It has been shown elsewhere that the framework of welfarism is misleading if one seeks to understand Sen’s constructive contribution (Baujard & Gilardone 2017). In particular, we cannot expect Sen’s theory of justice to provide a single material of justice – i.e. capability – which is to be distributed according to some ideal principles of justice. We here focus on another expectation relative to the

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<sup>24</sup> Jointly with Professors Eric Maskin and Barry Mazur (see Harvard University official Website: <https://scholar.harvard.edu/sen/classes/phil-273o-objectivity-and-subjectivity>).

interpretation of persons' views. We show that another mistake would be to overlook Sen's departure from the standard preferentialist framework and continue to understand people's voices as individual preferences. We allege instead that Sen's theoretical approach to justice substitutes the central concept of individual preferences with the concept of positional views, which leads us to move away from welfarism.

## **2.1 Sen's departure from social choice theory: voices seen as positional views rather than preferences**

Sen's extensive background in the field of social choice theory has presumably been influential in his way of tackling the issue of justice. In *IJ* he promotes a "comparative" approach to justice, recalling that comparative reasoning is "central to the analytical discipline of 'social choice theory'" (*IJ*: 17). He even writes: "In the constructive approach I try to present in this work, insights from social choice theory will have a substantial role to play" (*IJ*: 18).<sup>25</sup> More fundamentally, it seems that, for Sen, a theory of justice has to be "an adequate theory of normative social choice" (*IJ*: 296) or a theory "aimed at guiding social choice toward social justice" (*IJ*: 69). However, the link between his contributions to the theory of justice and social choice theory itself is far from obvious, and differs sharply from the standard format of the latter. We need to understand that, beyond the formal and mathematical discipline, Sen prefers to present "social choice as a framework for reasoning" (*IJ*: 106) or "an approach" (*IJ*: 91) for "ranking different states of affairs from a 'social point of view', in the light of the assessments of the people involved" (*IJ*: 95). He insists on the fact that the pioneers – Borda and Condorcet – were primarily interested in the "reasoned construction of social order", including "the avoidance of both arbitrariness and instability", "paying attention to the preferences and interests of all [the] members [of a group]" (*IJ*: 91-92).

Important as Sen's background in social choice theory has been, there are now major differences that we need to clarify. First, it may be noticed that Sen does not speak of a "rational" construction of social order, but a "reasoned" one, and that, relatedly, he insists on the avoidance of arbitrariness. Sen's refuses that an external person, whether she be a philosopher, an expert or a policy maker (let us call them an "expert" for the sake of simplicity), decides upon the proper material and the proper aggregation properties<sup>26</sup>. These decisions would then translate mechanically into policy proposals, without being debated by the persons concerned by the implementation of the policy. That the experts intend to favor individuals' welfare by doing so is not in question. The issue at stake here is the empowerment of an external authority. As Peter (2012) has underlined, appeals to external authority have become

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<sup>25</sup> See also Sen (2012).

<sup>26</sup> 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.

problematic in economics and in political theory more generally. And Sen forcefully denounces the top-down process characteristic of welfarism, which conflicts with the persons' own agency.<sup>27</sup>

This leads us to the second major difference between social choice theory and Sen's approach to justice. Sen's (1977, 1979) criticism of welfarism and consequentialism has indeed ended up in a defense of persons' agency and relative values (Sen 1982). This may appear paradoxical since welfarism is generally defended on the grounds that favoring individual utility exclusively and above all, amounts to respecting individuals' sovereignty. For instance, in Arrow's seminal work (1963), individual sovereignty 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 that individual according to a wide range of values. It is only at first sight that Arrow's view of individuals' sovereignty may appear as close to Sen's view of agency: although Arrow mentions the role of individuals' values regarding social states, his characterization relies on standard individualistic assumptions, according to which individuals' preferences reflect their utilities in each social state – i.e. “his own consumption-leisure-saving situations” (Arrow 1963: 61). He 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. The gap between such focus on individual self-centered preferences and Sen's defense of human agency is momentous.

Sen indeed applies the opposite reasoning, arguing that a person is likely to lose her sovereignty, insofar as an external evaluator restricts any individual view to “a special case of consequence-based evaluation in which the outcome morality is evaluator-neutral” (1982: 30).<sup>28</sup> As a result, there is no room for *deontology*, which 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>29</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” (*IJ*: 287).

Considering these major and profound distinctions, one may still wonder whether and how social choice theory ultimately shaped Sen's contribution to justice – at least beyond the blurred influence of a vivid intellectual ambiance. Some answers may be found in a chapter of *the Idea of Justice* where Sen presents

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<sup>27</sup> As noticed by Gilardone (2018: 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”. And he firmly objects to any possible interpretation of his work on social justice in that sense.

<sup>28</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>29</sup> See Baujard (2010) for arguments supporting a similar claim.

the connections he perceives between social choice theory and the theory of justice he promotes. In the chapter entitled “Voice and Social Choice”, Sen insists on several general features<sup>30</sup>. For our purpose here, we claim above all that the term “voice” (instead of “preference”) deserves particular attention. Indeed, with the general criticism of welfarism introduced by Sen, we have just shown that the focus on preferences raises many problems for welfare studies, and even more for democratic issues. Departing from the welfarist trend of “seeing a person as just a vehicle of well-being” (*IJ*: 288), *voices* are the expression of the agency goals that persons – rather than individuals – can express from their current position. Sen (*IJ*: 281, italics 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 informational inputs in social choice theory, drawing important lessons from famous impossibility results (Arrow 1963, Sen 1970). In particular he questions Arrow's assumption that social choice theory relies on orderings of individuals considered separately, without any interpersonal comparisons or social interactions<sup>31</sup>. For instance, as soon as equity becomes a concern, the problem is no longer 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). If we add the concern for minority rights and liberty, Sen interprets “the impossibility of the Paretian liberal” (Sen 1970b)<sup>32</sup> as highlighting the crucial dependence of democratic social choices on the formation of

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<sup>30</sup> 1) “Focus on the comparative, not the transcendental”; 2) “Recognition of the inescapable plurality of competing principles”; 3) “Allowing and facilitating re-examination”; 4) “Permissibility of partial resolutions”; 5) “Diversity of interpretations and inputs”; 6) “Emphasis on precise interpretation and reasoning”; 7) “Role of public reasoning in social choice” (*IJ*: 106-111).

<sup>31</sup> Some of Sen's first contributions to social choice theory indeed tried to integrate interpersonal comparisons of well-being into the framework. He then provoked an important discussion on the proper way of assessing individual advantage. See Gilardone (2015) on this issue. But his latest work insists, as we will see, on the formation of responsible and other-regarding views on what should be done collectively.

<sup>32</sup> Sen's impossibility of the Paretian liberal (1970) establishes that we cannot derive a rational collective ordering on the basis of transitive individual orderings, which satisfies universal domain (we do not exclude a priori any individual ordering nor any combination of individual orderings), Pareto condition (if each prefers a social state to another one, so the collective ordering) and a weak liberalism condition (allowing at least two individuals to be decisive over two social states). Many interpretations have been elaborated about this theorem (see Pétron 1998, Igersheim 2004, Gilardone 2007). Among those, welfarism precludes the intrinsic importance of alternatives values such as freedom or the respect of individual rights. As externalities may explain the difficulty of social

tolerant values (*IJ*: 337). It appears that a “reasoned construction of social order” (*IJ*: 91) involves, for Sen, social interactions with a more comprehensive approach to persons’ voices and situations.

There is an interesting parallel to draw between Sen’s criticism of the welfarist interpretation of the informational inputs of social choice theory and 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 others” (1973: 258). We can fairly consider that Sen’s criticism of revealed preferences holds also for any methodological approach which takes given preferences as a basis for collective choice. In contrast, we will see that the concept of the “positional view” derived from Sen’s insights on positional objectivity opens a path to both introspective and public reasoning.

## 2.2 Positional views for a better account of human agency

Sen (*IJ*) offers a positional interpretation of people’s voices. It differs sharply from the concept of individual preferences used in the standard economics literature. We shall support that the concept of “positional objectivity” ensures a basis for normative reasoning without sacrificing people’s agency, and, in so doing, constitutes the central contribution of Sen’s theory of justice although he does not present his theory as an organized body of thought based around the corresponding concept of positional view<sup>33</sup>. We openly assume such reconstruction since, we will show, positional views stand for Sen’s implicit alternative to preferences. This choice to focus on the specific concept of “positional view” is also corroborated by a 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, rather than her mere utilities or preferences, does matter for the evaluation of social states. This statement is related to his criticism of the welfarist framework, and more specifically the assumption that preferences are a reliable informational basis for

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choice, there is a need for a public debate over what preferences are ultimately legitimate, which is not reducible to information on individual well-being (Saari and Pétron 2006, and for a philosophical discussion of these ethical issues, Chauvier 2013).

<sup>33</sup> In *The Idea of Justice*, Sen only once refers explicitly to “positional views” (*IJ*: 169). However, reference to positional “observations”, “perspectives”, “beliefs”, “comprehension”, “illusions”, etc. is omnipresent: the term “position(s)” is mentioned 199 times and “positional” 59 times in *IJ*. If we compare this 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 for Sen the concept of capability has become inescapable, given the huge literature and the expectations that it has raised. However, he has confessed that he feels “stuck” with the 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, 2010). This obliges him to explain again and again in what sense the concept of capability is interesting for but in no way exhaustive of the complex issue of justice (Gilardone 2018: 57). In contrast, the term “preference” appears only 47 times.

social choice. According to Sen, the diversity of people's preferences or views on different states of the world is not a mere issue of subjectivity; we need to acknowledge that it depends on every viewer's position.

Sen (*IJ*: 155-56) highlights the “positionality of observation and knowledge”, i.e. what we can see and understand is not independent from where we stand. Sen illustrates this idea by the following image: if one person looks at the moon and the sun from Earth, she may claim: *'The moon and the sun look similar in size'* (*IJ*: 156). Such an observation cannot be said to be particular to that person since another person in the same position (on Earth) would make the same observation; it is consequently not person-invariant, but position-dependent. Now, if the second person travels to space, her observation of the relative size of the moon and the sun will automatically change and differ from the first person's observation remained on Earth. Hence a viewer's position may evolve, which might change her view on the social state. This confirms the positional dependency of observations, since “[p]ositional objectivity requires interpersonal invariance when observational position is fixed, and that requirement is entirely compatible with variations of what is seen from different positions” (*IJ*: 156).

Consequently, for a given personal view regarding a specific social state, the position from which it is expressed cannot be neutral. Sen insists that firstly, “[t]he person is *not* free to choose the position from which he should evaluate the states” (1983: 123, our italics), as this depends on the context she or he is embedded in, and there is nothing we can do from the outset to free persons from their conditioning positions<sup>34</sup>. Secondly, that the person's view depends on her position 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), as standardly claimed in the economics literature<sup>35</sup>. The irreducible positional dependence of personal views is not an issue of epistemic hurdle; it is rather a matter of intrinsic properties of normative views: moral evaluations are firmly anchored in persons' positional interpretations. Thirdly, we rather wish to build a normative evaluation at the collective level, and for this purpose, the concept of positional views

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<sup>34</sup> Zimmermann's (2006) already remarked “the embeddedness of individual agency” in Sen's approach, in the sense that the social environment or economic circumstances influence the person's ends. But, while she considered that the capability approach is Sen's proposal to deal with what she calls “positional agency”, our proposition is to focus on the concept of the “positional view” independently of the capability approach, i.e. 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 as regards epistemological matters, where it is opposed to subjectivism.

<sup>35</sup> For instance, Jevons asserted that “every mind is inscrutable to every other mind and no common denominator of feeling is possible” (Jevons, 1871: 33). According to Arrow (1973: 263), since “individuals are really individuals, each an autonomous end in himself [...] they must be somewhat mysterious and inaccessible to each other” These proposals, and many others, are notably in line with the ban of interpersonal comparisons of utility that has been popularized by Robbins (1932, 38).

is thought to facilitate the ability to consider evaluations from different positions<sup>36</sup>. Something more than mere imagination is needed for the consideration of others' view to be accurate, since “standing on the Earth, we can still say: *‘From the moon, the moon and the sun look similar in size’* (*IJ*: 156).

Taking positional parameters as relevant inputs for collective decision-making contrasts with welfarism's informational restriction to subjective utility or individual preference. While subjectivity is not considered as an acceptable source of information to define normative criteria at the collective level, positions by contrast are invariant to subjectivity. Hence it is decisive that the viewer identify the positional parameters that influence his view in a way that removes the idea of a pure subjective and person-dependent view. In Sen's theory, positional parameters are shown to be key information for starting collective reasoning on justice matters if we want to respect persons' agency. Positional parameters are a question of “any general, particularly non-mental, condition that may both influence observation, and that can systematically apply to different observers and observations” (*IJ*: 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” (Sen 1993: 127) may all be such conditions or positional parameters. The clarification of the positional parameters that determine each view or claim in the debate is an element of communication and comprehension “on an objective basis”. Following Bréban and Gilardone (2020)'s demonstration, this is a crucial step of public reasoning.<sup>37</sup>

Lastly, we need to make clear that interpreting Sen's insights on the embeddedness of positional views as cultural relativism would be a complete misunderstanding of Sen's conception of positional objectivity and of the importance he attaches to personal agency. Sen (1993, *IJ*) provides the same illustration of positional objectivity from both an epistemological and an ethical perspective. 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 upon 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)<sup>38</sup>. A position is defined in a multidimensional way including geography – as suggested by Sen's illustration of observation from Earth or space – but also: culture, gender, specific community or

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<sup>36</sup> For a detailed exposition of the way the concept of positional views favors the identification with persons in a different position, see Bréban and Gilardone (2020).

<sup>37</sup> “Objective acceptability” is another related but distinct step (see *IJ*: 118), which concerns the dynamics of positional views to be addressed in section 3.

<sup>38</sup> This is a direct reference to Nagel's presentation of objectivity (1986). See Sen (1993: 126; *IJ*: 157).



the society one lives in, family, knowledge of practices in other societies, criticism coming from “outside” that could sensibly influence a person’s view,<sup>39</sup> or, alternatively, ignorance of such practices or criticisms, and so on. The identification of a positional parameter sheds light on some of *the reasons* objectively underlying a person’s view. For instance, when a person expresses her view on gender inequality in access to engineering positions in society S\*, it may be relevant to know that, in the society S\* in which she lives, there is a common belief in women’s inferiority in mathematics. Such a 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\*”. More generally, 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 engineers.

We now have reached a provisional conclusion. As Sen values normative reasoning, we now understand why his approach to social justice seems close to social choice theory. In our view, Sen retains two general ideas from Arrow’s (1963) seminal program: that the diverse persons’ values or views are the essential basis for a democratic theory; and 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 embodied in a way that is far less mechanistic and much less easy to grasp than in social choice theory. In particular, though the “social point of view” is to be formed “in the light of people’s assessments” (*IJ*: 95), this does not mean a mere aggregation of the latter. While welfarism would be needed to accept an aggregated viewpoint, Sen precisely departs from the standard idea in economics, where respecting voters’ or consumers’ sovereignty amounts to respecting individual preferences and taking them as given. When elaborating his contribution on justice, Sen supports the importance of personal agency, which he refuses to reduce to a mere question of subjectivity. We hence propose an alternative presentation of his proposal for a better articulation of Sen’s idea of justice from the usual social choice framework most of economists have in mind: Sen departs from both an external perception and a subjective perception of one’s well-being, and focuses on positional views. A positional view, as we defined it above, primarily involves the person who authored the view: she should be able to clarify the position from which she views, including her values, objectives and life experiences. Then, pointing the positional parameters allows objectivizing the views so that they become understandable by others. Lastly, it favors persons’ awareness of the positional dependence of their own view as well as the possibility of their evolution if

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<sup>39</sup> Taking such positional parameters into account definitively 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*”.

the positional parameters change – in the direction of “objective acceptability” under public reasoning, as we shall develop in the next section.

### **3. Transpositional acceptability by public reasoning: a move away from transcendentalism**

We have discussed individual positional views until now, and we now wish to reach an acceptable normative view at the collective level on such informational basis. Social justice requires impartiality, and a fundamental normative criterion. The normative criterion of fundamental importance, according to Sen, is agency, implying the respect of persons' autonomy and values. Agency may roughly recall consumer's sovereignty as precisely valued by the welfarist framework, but as we have seen above, respecting individual subjectivity would fail to meet the impartiality requirement. Impartiality here arises from positional objectivity and the diversity of positional views, provided, that as a first step, views depend on objective positions, then only, likely to evolve towards more transpositional views. While the transcendental perspective standardly appeals to external criteria, Sen reconciles objectivity and agency, which then allows a possible articulation between agency and impartiality through a subtle conception of public reasoning.

We will now show how public reasoning is considered by Sen as the key to revealing positional views and allowing their transformation toward more transpositionality and in deep respect of the persons' agency, and sense of identity. We will here isolate two determinants for this transformation: 1) identifying positional illusions and widening the informational basis available in each position; 2) acknowledging “positional closeness” and enlarging relational concerns in the following section. It will appear that, in Sen's account of public reasoning, there is room for both impartial information *and* sentiments, since the latter are essential for the integration of the former. Impartiality here amounts to what is understandable and acceptable from diverse positions. Furthermore, there is a counter-intuitive correlation between the development of personal agency and the move towards transpositional views, since such move requires people's awareness and liberation from positional biases thanks to open public reasoning.

#### **3.1 Identifying positional illusions and widening the informational basis available in each position**

On the one hand, it can be said that all positionally objective views are more or less illusory; on the other, since a plurality of positional views exists, a view may be efficiently nourished, completed and revised. 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 “Has the latter been reached or not?”

In his 1993 article on positional objectivity, Sen insists on the distinction between the *truth* of beliefs and the *objectivity* of what one decides to believe given his observation and knowledge (Sen 1993: 132). 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), although it does not entail that the view is true. As in the case of the relative size of the moon and the sun (see supra 2.2), a positional view may prove to be false in the face of other views, whose positional parameters would be broader, i.e. knowing what it would look like from the space, knowing astronomy, in addition to what it looks like from the Earth. We have seen that the first issue at stake in public reasoning concerns the “comprehension and communication on an objective basis” (*IJ*: 118), which requires highlighting the positional parameters which determine each ethical claim or personal view (Bréban and Gilardone 2020: 275). But comprehensible, i.e. “positionally objective”, does not mean acceptable for grounding collective choice. We claim that “objective acceptability” is the second major issue for public reasoning (*IJ*: 118). Following Bréban and Gilardone (2020: 275-276), it can be defined as “the result of a process that leads us to discriminate between “objective illusions” and those claims that can be accepted from various positions”.<sup>40</sup> Besides, the idea of “objective unacceptability” appears when Sen appeals to the Marxian concept of “objective illusion” (Sen 1993, *IJ*), and interprets it in his own framework: “An objective illusion [...] is a positionally objective belief that is, in fact, mistaken” (1993: 132; *IJ*: 163).<sup>41</sup> The source of the illusion is inherent to positionality, as it occurs when the person is unaware of the precise role of the dependence upon her position on her view. Identifying illusory views would depend greatly on an appropriate specification of positional parameters, as well as a confrontation with other positional reasonings. The diagnosis of illusion depends on “transpositional scrutiny” (*IJ*: 163). Some views could then appear to be “objective illusions” while others may appear acceptable given what we know from the diverse positions.

The problem with objective illusions is not that they are not sincere or ill-thought-out, but rather the lack of access to information and knowledge available in other positions. We would like to highlight here a helpful distinction to discuss the (un)acceptability of positional views found in the idea that a person's

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<sup>40</sup> Sen (*IJ*) does not explicitly elaborate “objective acceptability”; he merely claims that the acceptability of “the reasoning on which [an ethical] claim is based” is closely related “to the ability to stand up to open public reasoning” (*IJ*: 122).

<sup>41</sup> Zwarthoed (2013: 104) recalls that, more precisely, Sen takes the concept of “positional illusion” from G. A. Cohen's (1978) work on Marx. And she shows 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 the Earth's immobility is a case of positional objectivity for Sen, though it has nothing to do with the capitalist mode of production.

understanding of the world relates to acts of both observation and reflection (Sen 1993: 131). For instance, the lack of familiarity with the rules of optics and projections is part of the positional parameters that make a person believe the moon and the sun as of the same size on the basis of her observation. Similarly, the observation that there are few women scientists in a particular society may not be at all mistaken. But the conclusion that may be drawn from that positional observation – that women are no good at science – can be shown to be erroneous from a transpositional scrutiny, including what is observed in other societies where women really have opportunities to practice science and do just as well as men in the pursuit of science (*IJ*: 162). In those examples, the positional observation is objectively acceptable from various positions. It is thus a case of “transpositional objectivity”. However, the view that is derived from the positional observation is objectively unacceptable when the reflection is based on a diversity of experiences and knowledge. It is thus a case of “positional illusion”. In order to overcome positional illusions, there is no need to change the *positional observation*, but the *positional reflection* through the knowledge that it could be different in other conditions. In highlighting this distinction between “positional observation” and “positional reflection”, we show how Sen opens a path for disentangling “positional illusions” and “transpositional objectivity” within public reasoning. Such disentanglement not only allows discriminating irrelevant views for deriving a “social view” on justice, but it also allows an evolution of the diverse positional views since positional reflections are enriched by the understanding of other ways of reasoning and new informational basis.

Interestingly, we could draw a parallel between objective illusions and two other issues that Sen has widely discussed and questioned: adaptive preferences and parochialism. Both of which strongly argues for the importance of considering objective (un-)acceptability to tackle issues of social justice. Sen has raised the issue of “adaptive preferences” in his applied work on gender inequality<sup>42</sup> and his philosophical work on normative evaluation (e.g. Sen 1980) to highlight the social conditioning of personal views. Adaptation is the fact that some persons “adjust their desires and expectations to what little they see as feasible” (*IJ*: 282). He above all referred to adaptation for criticizing utility-based concepts of well-being and defend the capability approach (Sen 1980, 1984), since “[t]he adaptive phenomenon particularly affects the reliability of interpersonal comparisons of utilities, by tending to downplay the assessment of the hardship of the chronically deprived” (Sen 2009: 283)<sup>43</sup>. Whereas some authors show that the “adaptation problem” also has serious implications for the capability approach and

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<sup>42</sup> See Gilardone (2009) for an explanation of the way Sen’s study of intra-family distribution has revealed the decisive role of adaptive preferences in the perpetuation of gender inequality, and ultimately the irrelevance of utility criteria for revealing women’s relative disadvantage.

<sup>43</sup> He also noticed that “even for the same person, the use of the happiness scale can be quite misleading if it leads to ignoring the significance of other deprivations that may not be at all well judged in the scale of happiness” (*IJ*: 284).

development studies that focus on agency goals (see, for instance, Clark 2009 and Burchard 2009, Binder 2021), we claim that the focus on positional views, rather than capabilities, is a way to address these difficulties. In our perspective, adaptive preferences can be seen as positional views restrained by the narrowness of information, opportunities and prospects, given circumstances from the considered position. In that sense, the adaptation phenomenon affects the reliability of personal views for deriving a social view on justice, since the adjustment of claims and desires to their position represents an obstacle for dealing with persistent inequalities or poverty (*IJ*: 283-86). In addition, since it is reduced to what seems feasible in their position, it affects the reliability of personal views for well reflecting persons' values and objectives<sup>44</sup>. In other words, while adaptive preferences are objectively comprehensible, they represent a case of objective unacceptability once discussed from other positions in which social circumstances allow more opportunities.

Let's turn now to the other kind of "objective unacceptability" that can be related to positional illusion: "parochialism", which Sen widely opposes in the *Idea of Justice*<sup>45</sup>. Parochialism occurs when "remaining contented with encounters [...] with others living in the same cultural and social milieu, and with the same kind of experiences, prejudices and beliefs about what is reasonable and what is not, and even what is feasible and what is not (*IJ*: 45). Parochial views are strictly dependent upon the traditions and culture of the community to which one belongs. As a result, if public reasoning is confined to the perspectives and understandings of the local community only, it shall fail to overcome shared prejudices or cultural biases and to examine the "objective acceptability" of ethical claims and the arguments in their supports. Parochial views may well result in inappropriate views for grounding collective choice. In order to identify such parochial biases, Sen (*IJ*: 123) defends a procedure of public reasoning based on "open impartiality", where "objective acceptability" amounts to the acceptability of a claim from any position, including from outside the considered society<sup>46</sup>. The three kinds of inappropriate views that we identified – objective illusions, adaptive preferences and parochial reasonings – rely on distinct positional biases. However it can be argued that they may be closely related, and likewise overcome through open impartiality. 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" (*IJ*: 407). In other words, parochialism may support adaptive preferences. Public discussion would therefore benefit from

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<sup>44</sup> For instance, Sen (*IJ*: 285) gives the following illustration of adaptation: "A person reared in a community with a great many diseases and little medical facilities may be inclined to take certain symptoms as 'normal' when they are clinically preventable".

<sup>45</sup> See for instance the section "non-parochialism as a requirement of justice" (*IJ*: 403-407).

<sup>46</sup> Pursuing Nagel's (1986) phrasing in order to contrast with "the view from somewhere" and with "the view from nowhere", Lecouteux and Mitrouchev (2020) would here refer to the "view from manywhere" to insist on the manifold nature of positions from which a claim has to be accepted for normative validity.

including the views of people from other communities in order to identify parochial biases. Through the concept of “open impartiality”, Sen (*IJ*: 123-152) insists on the fact that the discussion should not be confined to persons who are entitled to make collective choices or have engaged in social evaluation because they belong to the polity. This is for two main reasons: first, the perspective of those “inside” may be enlightened by the views of distant others; secondly, outsiders might “bear some of the consequences of decisions taken in that particular polity” (*IJ*: 134) and this information may change insiders’ views on their own decisions. As a result, the procedure of public reasoning based on “open impartiality” allows awareness of positional biases – relative to illusions, adaptation or parochialism – that can be seen as barriers to both personal agency and the reasoning on justice. We thus claim that both a more impartial grounding for collective decision and the development of personal agency are at stake in the overcoming of positional illusions.

Such overcoming might be done “through broadening the informational basis of evaluations” (*IJ*: 169). We have shown in particular that positional reflections are not immutable if the information available from other positions is communicated. For instance, in the case of adaptation, “our perceptions may tend to blind us to the deprivations that we do actually have, which a clearer and more informed understanding can bring out” (*IJ*: 284). Through public reasoning focused on the characterization of positional views, and then the identification of positional illusions, persons should be able to realize when they lack relevant information. 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.

However, some authors have questioned Sen’s idea that a mere broadening of the informational basis would result in a move from positional to transpositional understanding (e.g., Shapiro 2011, Ege, Igersheim and Le Chapelain 2012, Bréban and Gilardone 2020). We agree with them that further explanation of the process at work in such move is needed. This is why, at last, we will show how personal sentiments play a role in Sen’s insights regarding the acceptability or not of positional views, and thus their evolution in the context of collective choice. Above all, we will see how sentiments might be integrated in our articulation of Sen’s theory of justice around the concept of positional views.

### **3.2 Acknowledging “positional closeness” and enlarging relational concerns**

Sen (*IJ*) establishes sentiments are important in reasoning about justice. His theory of justice may be seen as a return to a tradition described by Emma Rothschild (2001), notably including Adam Smith and Condorcet (Gilardone 2010, Bréban and Gilardone 2020), where sentiments are considered to be feelings of which one is conscious and on which one reflects. In this tradition, sentiments are the “events that [connect] the individual to the larger relationships in which he or she lived” (Rothschild 2001: 9), so that they are at the heart of political and moral theories. In accordance with this tradition, Sen departs

from the language of mere self-interest, and revisits the issue of moral sentiments<sup>47</sup>. As sentiments refer to relational ethics and affects a person's view on what should be done, they constitute a powerful device for the evolution of personal views.

Firstly, sentiments come through the concept of “positional closeness”, which is subsumed within the issue of “positional objectivity” and his defense of a relational ethics for matters of justice (*IJ*: 161). “Positional closeness” occurs when special prominence is given to the interests of some persons which one feels close or for which one feels responsible (*IJ*: 161). Although Sen does not explicitly elaborate on this concept<sup>48</sup>, a careful reading of *The Idea of Justice* helps us to clarify the way it may be addressed for articulating his idea of justice. “Positional closeness” is related to one's “sense of affinity” (*IJ*: 142), which depends on the group to which we identify. Our social identities are for Sen a crucial medium by which the consideration of others is incorporated into one's own 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 (*IJ*: 247). For instance, the prominence of the interest in one's own children that may come from parenthood is part of the positional parameters of one's view (*IJ*: 161). The same reasoning applies to other identities, like being an American, or a Muslim, or a worker, which may dominate in some contexts (*IJ*: 247). The role played by one's identities in the view of a particular issue have to be acknowledged in order to appreciate the social relevance of the sentiments that are at stake, especially when they suit the needs and interests of one group over another.

Secondly sentiments come through the “sense of injustice” (*IJ*: 2, 5, 388, 403) from which a sense of responsibility and obligation towards others may arise<sup>49</sup>. While the “sense of affinity” is a kind of favoritism, the “sense of injustice” is more likely to be impartial in the sense of being concerned with “suffering humanity” (*IJ*: 388). It does not mean that such instinctive diagnosis of injustice is always right, but it calls for some investigation. Sen claims that the sense of injustice “can be used to motivate, rather than replace, reasoning” (*IJ*: 389). More importantly for the advancement of justice, the sense of

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<sup>47</sup> Sen's *The Idea of justice* explicitly draws on Smith's *Theory of Moral Sentiments*: “my reason for concentrating on Smith rather than others is that the philosophical insights of the *TMS* have not been explored at all as extensively as say, the writings of Immanuel Kant like *Critique of practical reason* or *Groundwork* have been explored.” (Baujard, Gilardone and Salles 2010)

<sup>48</sup> He only uses the term “positional closeness” once in the section untitled “the illumination and illusion of positionality” (*IJ*, Chapter 7: “Position, Relevance and Illusion”).

<sup>49</sup> We may notice that, in *IJ*, Sen refers to a “sense of injustice” rather than a “sense of justice” for his own theory. This is certainly due to his advocacy of a comparative and non-ideal theory as opposed to Rawls's transcendental one. He indeed uses the expression “sense of justice” only when he presents Rawls's theory. For instance, he criticizes Rawls's idea that “people growing up in a well-ordered society governed by [his] principles would have good reason to affirm a sense of justice based on them” (*IJ*: 56, our italics). In Sen's view, persons more easily see or feel when a situation is unjust, rather than have an idea of what would be the perfectly just situation. He even claims that there are two problems in grounding a theory of justice on the search of perfect justice: 1) feasibility and 2) redundancy (*IJ*: 9)

injustice may help to create an obligation – without any contractarian argument based on mutual benefit – to make a difference. This idea appears in Sen's discussion of the responsibility that comes from the perception of an asymmetry of powers, i.e. from the fact that some persons see that they can do something to reduce injustice that others cannot (*IJ*: 205-207). Sen calls "effective power" "the power to make a change that he or she can see will reduce injustice in the world" (*IJ*: 205). From that effective power, may arise a moral duty to act in the direction of the results that one values, given her sense of injustice. The reasoning of Sen is the following: "if some action that can be freely undertaken is open to a person (thereby making it feasible), and if the person assesses that the undertaking of that action will create a more just situation in the world (thereby making it justice-enhancing), then that is argument enough for the person to consider seriously what he or she should do in view of these recognitions" (*IJ*: 206). This is how Sen embodies agency as the fundamental value of his idea of justice<sup>50</sup>.

So far we have shown that sentiments allow relational concerns either through positional closeness, or through the sense of justice. It is possible that, sometimes, the distinction between the obligations that originate from the one or the other will be not clear-cut. For instance, when 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" (*IJ*: 205), positional closeness interferes with personal responsibility towards others. Furthermore, in a paper entitled "Justice and Identity", Sen notices that "justice is quintessentially a group-based concept" (2014:3). Following our reading, this means that so is the "sense of injustice", which might clash with the requirement of impartiality. Indeed, Sen recalls that impartiality involves making "reasonable evaluation in relation to other people" (2014:2), i.e. "those who do not belong to a particular group with which we may closely identify" (2014: 3). Contrary to what may be thought at first glance, it is highly likely that the "sense of injustice" carries the same flaws as "positional closeness". For this reason, Sen (2014) promotes a theory of justice that deals with the issue of "identity transcendence", rather than remain confined within communitarian thinking. The term "transcendence" here has, of course, nothing to see with transcendental thinking previously discussed and must be understood within Sen's comparative reasoning. "Identity transcendence" means the overcoming of identity-based morality in considering the claims of other people who do not share our own identities. This can be done through the recognition of different identity-based analysis of justice and the possibility of choice between them, including that of our shared humanity.

In dealing with the acceptability or not of the views that are guided by relational concerns, Sen's idea is to acknowledge the existence of positional closeness and identity-based sense of injustice. In that respect, he rejects the intention of building a theory of justice from "a non-relational perspective" as

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<sup>50</sup> This idea is related to an under-explored interpretation of Sen's capability approach in which personal freedom from the outset incorporates the issues of responsibility toward others and moral duty (Gilardone 2018).



required in the transcendental approaches of justice. He also refuses to replace actual preferences by ethical preferences, or by what would think an outside impartial spectator. Instead, Sen takes for granted that there is indeed a risk of favoritism or partiality in one's view, but reasoning collectively on the sentiments at the source of our sense of responsibility and obligation is for him the best way to enlarge every person's relational concerns. While a given positional views of a person is regrettably partial (or objectively unacceptable) for normative collective purposes, a person's view becomes more transpositional (more objectively acceptable) as she incorporates a greater sense of neighbourhood, as we shall elaborate below.

Sen discusses the definition of the relevant "neighbour" when he analyses 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 (*IJ*:171-172). The standard Christian analysis praises the Samaritan for spontaneously feeling responsible as a human being for another human being. Sen concludes that the scope of the people you care about is not obviously restricted to those with whom you share a spontaneous social identity, but may extend to anybody with whom you happen to interact. The normative relationship between the man who has been beaten and the Samaritan emerges from the sheer positive fact of their meeting in the same street. Following this event of interaction, a sense of responsibility toward the man who has been beaten becomes part of the Samaritan's positional view: the pursuit of his initial goal is replaced by the desire to help the needy.<sup>51</sup> We are now ready to elaborate on how Sen elaborates public reasoning including impartial information and agency.

Firstly, public reasoning is conceived by Sen as the device permitting the identification of positional relational concerns, as well as questioning the arguments that support the ethical claim of giving special prominence to one's own community. A person aware of her partial "positional closeness", for instance being a parent is part of her most intimate identity, should, in the context of a collective choice, give no greater importance to her own children. The same applies for a positional "sense of injustice" when disadvantages or injustices regarding so-called "non-neighbours" are clearly stated within open public reasoning. It is then very hard to pretend to be individually unaware and dare expressing partial interests in a public debate. Anyway, as discussed above with the issue of objective acceptability, "the ability to stand up to open public reasoning" (*IJ*: 122) of such partial position is close to zero.

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<sup>51</sup> There would be interesting discussion to have regarding the connections between such sense of responsibility and Sen's concept of "commitment" that he distinguished from the one of sympathy. "Sympathy [...] refers to 'one person's welfare being affected by the position of others' [...], whereas 'commitment' is 'concerned with breaking the tight link between individual welfare (with or without sympathy) and the choice of action (for example, being committed to help remove some misery even though one personally does not suffer from it)'" (*IJ*: 188-189). However, elaborating on this issue would take us too far, especially if, like Bréban and Gilardone (2020), we go back to the Smithian definition of sympathy rather than remain confined to Sen's one-while considering the Smithian definition is a more relevant account of individual reasoning for Sen's general theory of justice.

Secondly, the agent's positional relational concerns are not fixed and they might expand by contrasting the different views in the public debate. Sen points out the "deep fragility in the intellectual basis of thinking of people in terms of fixed communities of neighbours" and interprets the story of the good Samaritan as "a reasoned rejection of the idea of a fixed neighbourhood" (*IJ*: 171). In making room for sentiments in public reasoning about justice, Sen's intention is "to go beyond the positional confinement of our moral concerns to the proximate 'neighbourhood'" (*IJ*: 170). He claims that it is all the more justified that the contemporary world has become a place extensively connected through "trade, commerce, literature, language, music, arts, entertainment, religion, medicine, healthcare, politics, news reports, media communication, and other ties" (*IJ*: 172). In order for our relational concerns to extend in a theory of justice, Sen urges us to recognize the scope of our global mutual relations as well as the existence of shared preoccupations about injustice and inhumanity (*IJ*: 173). Sen's 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 (*IJ*: 144). For instance, considering the view of a feminist activist from another country, moved by her sense of injustice toward women in general, in addition to local patriarchal conventions may lead us to reflect seriously about our ways of living. As far as public debate includes a wide identity-based analysis of justice, positional views are likely to evolve toward more transpositional relational concerns.

Thirdly, it is not even necessary to share a common feature, apart from being human, to experience the sense of injustice. Sentiments of horror generated by the observation of or information about famine, genocide, terrorism, slavery or untouchability may have deep consequences on persons' views 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" (*IJ*: 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 (*IJ*: 389).

Through the articulation of Sen's idea of justice around positional views and the discussion of their objective acceptability, we see how "personal affection as well as agency-related concerns" (*IJ*: 214) may create relational obligations which need not operate only through instinctive and narrow connections such as family, city or country. In order to encourage the enlargement of our relational concerns, it is no surprise that Sen promotes a process of "open impartiality" inspired by Smith's theory of moral sentiments. The basic idea is that observing situations "with the eyes of other people, or as other people are likely to view them" (*IJ*: 128) may help us to "to achieve a less partial understanding

of the ethics and justice of a problem” (*IJ*: 131)<sup>52</sup>. We have shown how sentiments and the sense of otherness are critical for the overcoming of partial positional views, in addition to reason and new information. To put it differently, reasoning on injustices without taking sentiments seriously is pointless for making people evolve toward more impartial views, i.e. for reaching transpositional agreement. Subjectivity is not Sen's subject, however agency is a major value: our analysis indeed asserts that positional views formed both by reason and sentiments constitute the cornerstone of Sen's approach to justice.

#### 4. Concluding remarks

We have presented welfarism and transcendentalism, the two prisms through which Sen's work on justice is usually read, and argued that as interpretive guides they are misleading.

Welfarism is standardly used to define at the first place a material integrating individual interests. But Sen warns us that the focus on preferences or any other material amounts to considering persons as mere containers of some pre-defined material, rather than agents who have their own priorities and values. As he prioritizes the respect for agency over the goal of enhancing individual well-being, Sen seeks to depart from the consideration of actual subjective preferences. By contrast, we show that, with the concept of “positional views”, Sen proposes some objective informational basis to think about justice. Positional views do not represent a material of justice in the standard form – i.e. a material that pre-exists social evaluations and needs simply to be aggregated. Positional views need a collective process of deliberation to be identified, and they depend on the agents' positions rather than on their subjectivity. The ability to characterize this dependency is a powerful device to objectivize this material. Hence the focus on positional views as the relevant material at the individual level is paradoxically not a device to assign an importance to subjective views, but to gather impartial information.

Transcendentalism is the claim that we should rely on pre-defined impartial criteria to implement justice. Sen also contests the appeal to ethical preferences deriving from ideal principles of justice; instead, he promotes public reasoning adapted to the context of evaluation and decision. Because agency is of primary importance, impartial criteria cannot be given “from nowhere” or “from above” once and for all, as far as relying on external criteria would again fundamentally conflict with the value of agency.

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<sup>52</sup> Following Smith's reasoning further, Bréban and Gilardone (2020) propose “a reading of the man within that corresponds to Sen's positional objectivity, and of sympathy as the driving force of the dynamic tending towards transpositional objectivity”. In other words, it is “on the basis of our sympathetic interactions that we form a conception of what are the others' judgments: a conception that the man within precisely embodies” (*Ibid.*). Without going this far here in the Smithian perspective, we nonetheless show that sentiments are key in Sen's account of positional views in a way that is compatible with the reading by Bréban and Gilardone (2020). In a nutshell, they show that Smithian sympathy, defined as a concordance of sentiments following an identification process, may be a useful and consistent component of Sen's account of public reasoning

Normativity should emerge from agents themselves through a process of collective deliberation that leaves room for the expression of sentiments as well as reasons. In Sen's approach, agents are assigned the responsibility of designing and implementing justice, helped by public reasoning on what happens objectively in the real world rather than from an ideal perspective. We argue that Sen's conception of objectivity seeks to highlight both impartial information and sentiments relative to a position, and we offer some clarification on how such inputs to public reasoning may result in a more impartial output, more reliable for normative exercises.

Given his rejection of both welfarism and transcendentalism, what Sen proposes is not a theory of justice in a standard form. While we standardly expect that the individual-centered material is meant to value persons' views, and that transcendental criteria enforce impartiality at the collective level, Sen reverses these two perspectives: positional views enable to focus on diverse types of impartial information, and transpositional views can only emerge from a new awareness and sense of injustice of persons, whose sentiments play a genuine role in the process of mutual enhancement of agency and public reasoning. As he often describes it, Sen's theory of justice is closely related to the view of democracy in terms of public reasoning. We allege that our focus on positional views will help to understand the meaning and scope of public reasoning: a process which aims at developing persons' agency thanks to the identification of positional biases and the move towards transpositional objectivity. In parallel, we also claim that considering positional views as the input of public reasoning allows interpersonal comprehension "on an objective basis" (*IJ*: 118) so that the expected output is a "reasoned agreement", which also amounts to a "transpositional view" on justice. As agency has recovered a major role through public reasoning, the anti-paternalistic nature of Sen's idea of justice is now clarified and reaffirmed.

Such constructive proposal provides a serious challenge to both social choice theory and transcendental theories. This is not to say that the reasoning and results of these theories are not valuable per se, but that, in our reading, Sen proposes a drastic alternative to them. He alerts us that they should not be used as tools to implement real public policies in a mechanical fashion, but rather treated as some kind of inputs or positional views into public debate, to take in account for the design of public policies. However the good news is that the perspective we propose opens a path of reconciliation between theories of justice and the ethics of care. Whereas the later often opposes the former for being grounded on impersonal concepts of rights, obligations and rules, the relational ethics that we have put to the fore in Sen's *IJ* might offer a common ground for accommodating justice and care<sup>53</sup>.

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<sup>53</sup> See for instance Paperman (2013) who draws important connections between sentiments and personal responsibility or Gilligan (2008) who elaborates on the concept of "voice" for grounding an ethics of care. For an analysis of the debate between the ethics of care and theories of justice, see Ballet, Petit and Pouchain (2019).

This paper certainly intended to dispel the usual criticisms formulated against Sen's theory of justice – allegedly incomplete, paternalist, or necessarily transcendental – that we think are misconceived, and to provide a perspective on his contribution. But all the more and beyond Sen's theory, we hope that this paper shall move the debate on justice further, and help to reflect on justice in a novel framework, now likely to consistently value impartiality and agency.

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