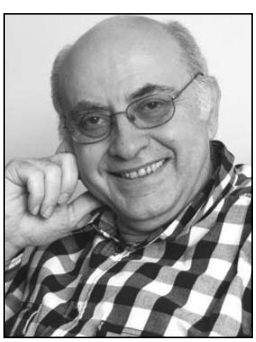
# **Universalising the Enlightenment:** Amartya Sen's politically savvy *'The Idea of Justice'* – A Review Essay[1]

**Raphael de Kadt**



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Amartya Sen, the Nobel Prize winning economist, has recently – to wide and highly influential critical acclaim – published *The Idea of Justice*, a major, brilliant, book of great erudition and scope. It is a work of formidable analytical power and of rich and sweeping historical content. Its command of intellectual history, on a global scale is, for want of a better way of putting it, awe-inspiring. The eminent philosopher, Hilary Putnam, has declared it to be '…the most important contribution to the subject since John Rawls' *A Theory of Justice* appeared in 1971.' Kenneth Arrow, himself a Nobel Laureate in economics, and one of the most profoundly original and creative economists of the twentieth century, declared it 'a major critical analysis and synthesis', and has unequivocally sung its praises. G.A. Cohen, the late left-wing Chichele Professor Emeritus of Social and Political Theory at the University of Oxford, endorsed the book, shortly before his own untimely death, with generous, indeed almost boundless, acclaim. Philippe van Parijs, the distinguished holder of the Hoover Chair of Economics and Social Ethics at Louvain University, has called it 'an invaluable compass for all those who fight injustice around the world.'[2]

Why has this book met with such resounding approbation from some of the most illustrious and celebrated thinkers of our time? Why, in light of the present reviewer's dissatisfaction with the philosophical arguments that underpin the book, does it speak so eloquently to such sharp-minded critics? And why – in a curious way – do so many of its motifs resonate with the content and purpose of this edition of *Focus*?

Three themes are broadly common to the refrains of Sen's praise-singers. The first alerts us to the intellectual power and stylistic felicity of the book: its 'lucid and vigorous prose', the 'formidable skills of argument' and the author's 'deep and unbounded erudition' (Cohen); its 'intellectual depth and breadth' (Arrow), and 'its wonderfully lucid presentation' of its author's approach to justice (van

Parijs). This theme – invoking style and intellectual power - does not, however, fully explain the book's appeal. Many books are elegantly wrought and display formidable intellectual talent. And Sen's book is really not even that well written and does not make for easy reading – even though the erudition and intellectual force are formidable.

A second theme, however, holds a key: the book speaks to a sense of an absent pragmatic, comforting, normative compass in a world marked by poverty, disease, often violent conflict, and many other widespread, visible, markers of injustice and suffering. It speaks prudently and pragmatically to a deep, profound, and widely shared sense of injustice that spurs decent men and women to action and to the remediation of social ills. In particular, it speaks to the need to revive the normative basis of political action. More specifically, the book fills a void: the social fantasies and fictions of utopian socialism have been permanently laid to rest by the well-rehearsed knowledge of the brutality and dysfunctional character of twentieth century experiments in 'social engineering on a grand scale'. The idea that 'History' is on the side of the downtrodden and dispossessed has been, for most thinkers, terminally discredited. Intellectuals no longer embrace seemingly credible and compelling 'grand-narratives' to provide moral comfort, political succour and existential hope. One is reminded of versions of a popular slogan that marked the end of the starry-eyed 'resurrection of left-radicalism' of the late 1960s student revolts, and the subsequent rise of the 'new philosophers' in France: 'God is dead, Marx is dead and I'm not feeling that good myself'.

Thus Cohen: '*The Idea of Justice* gives us a political philosophy that is dedicated to the reduction of injustice on Earth, rather than to the creation of ideally just castles in the air'. Cohen, the erstwhile Marxist, in saying this, invokes an almost theological, if secular, sermon to act justly - but to act only and necessarily in ways that are feasible and practicable. Sen, says Arrow, writes a work that is of importance to 'the world of policy formation'. Van Parijs adverts to Sen's 'direct impact on world affairs' and identifies the book as 'an invaluable compass for those who fight injustice around the world.' Putnam says that Sen reminds us that 'what we need in our world is not a theory of an ideally just state, but a theory that can yield judgements as to comparative justice, judgements that can tell us when and why we are moving closer to or farther away from realising justice in the present, globalised world.'

The third theme is, perhaps, more implicit than explicit. Sen speaks to our sense of a 'globalised world'. To put it more sharply: Sen invokes the need for 'inclusivity' – a point that Putnam makes – and to engage with our current concern with 'cross-cultural' dialogue and interaction. I shall argue that it is this – together with the emphasis on 'realisations of justice' – that makes the book so compelling as a political intervention, even as it fails to break genuinely new philosophical ground. Indeed, the book is much more a political and moral treatise for our times than it is a path-breaking philosophical intervention. Specifically, and significantly, Sen disconnects 'ownership' of theories of justice from the West and, indeed, from any geographically defined zone. In doing so, Sen draws on contributions from thinkers writing in traditions other than those of the West, not least in times prior to the West's much celebrated 'Age of Enlightenment'. In an intellectually shrewd, erudite, and politically astute, move, Sen 'universalises' the European Enlightenment by dissecting it and re-interpreting it, and by demonstrating its congruence with similar trajectories of thought elsewhere.

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The subject of social justice has, since the publication of John Rawls' seminal *A Theory of Justice* in 1971, been at the very heart of the revival of normative political theory. The vast body of literature that has been spawned on the topic has, for the most part, been occasioned by the desire to engage, directly or indirectly, with Rawls' extraordinary legacy. In short, Rawls has defined the principal terms of reference for work on justice for over thirty years. The impact of his work – including subsequent writings such as *Political Liberalism* and *The Law of Peoples* has not been confined to the Anglo-American world. Its intellectual reach and influence, within the academy and beyond, has been global.

Amartya Sen, in *The Idea of Justice*, articulates a deep, complex and wide-ranging critique of the Rawlsian project and its broader, underlying, philosophical template. The very title of Sen's book signals a contrasting vision of justice to that suggested by the title of Rawls' treatise. In particular, it adverts to the *idea of justice* and not to the crafting of an alternative *theory of justice*. This distinction – entailed in the title – is important.

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Sen's book is of course not the first major challenge to, or critical engagement with, Rawls. Robert Nozick in *Anarchy, State and Utopia*, Brian Barry in *The Liberal Theory of Justice*, Robert Paul Wolff in *Understanding Rawls* and Michael Sandel in *Liberalism and the Limits of Justice* all crafted significant critical accounts, rejoinders or alternative perspectives. So, too, did Michael Walzer in *Spheres of Justice*, a work rich in historical allusion and complex in its conception of the nature and meaning of the kinds of goods that are to be distributed. Most recently, in 2008, the late G.A. Cohen published his own masterpiece, *Retrieving Justice and Equality*, which is a profound, deep and – at least philosophically – an arguably more impressive critique of Rawls than is Amartya Sen's.

I mention some of the significant and better known responses to Rawls in order better to locate Amartya Sen's magisterial meditation on the topic. I use the term 'meditation' deliberately. For, in proposing an alternative way of viewing justice, Sen wishes to dispense not only with some of the substantive arguments that inform *A Theory of Justice*, but with the entire social contract foundation on which it rests. Sen correctly reads *A Theory of Justice* as Rawls would doubtless have wished: as a 'procedural re-casting' of the contract theories of Rousseau and Kant. The contract tradition has as its exemplars, among others, Hobbes' *Leviathan*, Locke's *Second Treatise on Government*, Rousseau's *The Social Contract*, Kant's *The Groundwork of the Metaphysic of Morals* and, of course, Rawls' *A Theory of Justice*. This tradition, which is perhaps the 'core' or 'mainstream' tradition of modern, Western political philosophy, is termed, by Sen, 'transcendental institutionalism'. It is also, arguably, the West's intellectually most powerful tradition of political philosophy.

The principal claim of 'transcendental institutionalism' is that the solution to the problems of human cooperation and coordination lie in the structure of institutions. Furthermore, the institutions that constitute the solution have their origins in reason. They are specified so as to reflect the universal nature of rationality. Justice, especially, is on this view a property of institutions and, in particular, of institutions that reflect the actualisation of rational choice. Justice is thus realised through the construction of institutions that satisfy its principles. In Sen's view, transcendental institutionalism 'should be replaced by an appraisal of social realisations', that is, based 'on what really happens', rather 'than merely on the appraisal of institutions

and arrangements' (p410)[3].

In contrast to the 'transcendental institutionalist' tradition, Sen marshals and mobilises an alternative, more complex and more diverse, modern Enlightenment tradition. This tradition, as Sen lays it out, is more plural and differentiated in its intellectual perspectives. It embodies a wide array of thinkers: these include Adam Smith, Mary Wollstonecraft, Borda, Condorcet and, in the twentieth century, Kenneth Arrow. Indeed, there are 'heroes' in Sen's preferred strain of modern Western, enlightenment thought. They are especially, among others, Condorcet – an early 'anticipator' of social choice theory – Mary Wollstonecraft, who was so driven by moral outrage and a sense of social justice, and Adam Smith – especially the Adam Smith of the *Theory of the Moral Sentiments*. These, and especially Adam Smith and the crafters of the social choice perspective, are the intellectual giants upon whose shoulders Sen elects to stand. More specifically, Sen chooses to rest his case for the preference of 'social realisations' over 'institutional arrangements' on a foundation of social choice theory.

The questions that Sen has to address are: why does social choice theory do a better job than contract theory? And is Rawls, indeed, quite so vulnerable to the critique that he, Sen, articulates? The first challenge that one might wish to put to Sen is that his representation of Rawls' account of the Original Position and of the 'bargaining game' that leads rational agents to choose the two principles of justice is misguided. Sen's critique of Rawls is that he is unable to avoid parochialism in his account of the 'Original Position' (a latter day revision of the 'state of nature' in seventeenth and eighteenth century contract theory) and that, in effect, the values and presuppositions of modern American liberalism or European social democracy inform the theory of Justice that flows from the deliberations that take place behind the 'veil of ignorance'. This, of course, is not a new line of attack on Rawls. It is, however, perhaps a more fully articulated critique in Sen's hands, not least because Sen deploys a reading of Rawls' subsequent writings to reinforce his principal claim. The critique rests on the claim that there is no one set of principles of justice, nor one theory of justice, that rational agents deliberating under the conditions that Rawls specifies will unanimously, and necessarily, agree upon. The deeper philosophical argument is, in effect, that the 'unencumbered' (Michael Sandel's term) selves that reach a rationally grounded consensus are a fictional and illusory construct. We cannot, on this view, see persons as anything other than 'situated' and thus as inevitably 'embedded' in their historical contexts.

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It could be argued that Sen misses the real force of the philosophical move that is made, not only by Rawls but, especially, by his precursors Rousseau and Kant. That move privileges equality over partiality and universality over particularity, in the construction of universally valid principles of right action and justice. It is a move that not only emphasises and privileges 'impartiality' and 'disinterestedness' (a quality that Sen acknowledges the significance of when invoking Adam Smith's 'impartial observer'); it is a move that invites us to see all individuals under two aspects: that of their partiality and that of their universally rational natures. Most famously, perhaps, this distinction is captured by Immanuel Kant in his distinction between the 'autonomy' and 'heteronomy' of the will. Heteronomy connotes the contingent, autonomy the necessary. And, in a procedurally specific way, that is what Rawls attempts to do in *A Theory of Justice*. The point, precisely, of Rawls' move is to 'control' for chance, contingency and the vagaries of good or bad fortune. Indeed, and interestingly, modern rationalist critiques of modern

society – including Marx's – have been concerned to limit the force of chance and circumstance in determining the fate and prospects of people.

While there may be grounds to debate the claim that rational agents under the conditions of the bargaining game that Rawls describes would indeed choose the particular principles of justice, with the specific prioritisation, that Rawls argues that they will, there is no compelling reason to claim that the *method* that Rawls deploys will not, if scrupulously and carefully applied, yield the outcome that Rawls believes it will. That is, none of the arguments pressed by Rawls' critics, including Sen, necessarily demonstrate that the fundamental philosophical move made by Kant, and procedurally re-cast by Rawls, is untenable. Furthermore, there is no reason to think that the deliberations under Rawls' specifications will be parochial or issue in outcomes that are parochial.

Sen, of course, greatly admires Rawls. *The Idea of Justice* is a testament to Rawls' greatness and is dedicated to the memory of John Rawls. And, as with almost all the most substantively important contributions to the discussions on justice, Rawls' is the 'presence' who, in a manner of speaking, really presides over Sen's attempt to revisit the matter of justice, to reflect on how we might think about it and how we might better act in accordance with what it requires. And, indeed, there are many key respects in which the 'distance' between Rawls and Sen is not great. Certainly, they share a broadly similar, compassionate, sense of the 'good society' and of what the substantive requirements of decency and justice are. They are both moved by the plight of the worst off and by the misfortunes of those who have not been well served by the vagaries of history and the force of circumstance. It is not accidental that Rawls is especially concerned with, and exercised by, the circumstances of the 'worst off' category of people, and it is not accidental that Sen's work as an economist and as a social philosopher has placed so much emphasis on the ravages of famine and the development of the capabilities of all members of society.

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So what is the special achievement of Sen's book? The answer, I think, lies partially in Sen's avowed cosmopolitanism and in the book's self-consciously 'globalising' import. It lies, too, in Sen's sensitivity to the 'politics of identity' and the importance of inter-cultural exchange and communication. In this, it 'speaks to our times'. For Sen is sensitive to the importance to learn from the intellectual contributions of, and reasons given by, those who hail from diverse backgrounds, and who have different cultural heritages and histories. For Sen, it is important to think about justice in comparative perspective. Indeed, there is a sense in which, in Sen's reflections on justice, the great empirical social scientist trumps the normative social and political philosopher. And, whatever the philosophical limitations of Sen's work, this is not necessarily a bad thing.

In part, the strength of the book lies in the way in which it underwrites the virtue of democratic participation and of democracy as an exercise in public deliberation and reasoning. For Sen's own empirical work has demonstrated the importance of the character of political institutions for human well being: democracies do better in averting and managing famines than do dictatorships and totalitarian regimes. This, I think, is where the real power of Sen's intervention lies: it points to the significance of policies, practices and the refinement of institutional forms. It alerts us, too, to the crucial roles that tolerance and informed debate plays. It thus connects the realisation of justice intimately with a broadly liberal,

pragmatic and non-doctrinaire politics in a manner that is empirically richly informed. The connection between liberalism and democracy on the one hand, and just 'realisations' on the other, is perhaps more readily grasped through an engagement with Sen than through the more 'austere' philosophical manoeuvres of Rawls and even, perhaps, of his more self-consciously 'cosmopolitan' interpreters and defenders such as Thomas Pogge. For it is not clear that either social choice theory or an invocation of an Adam Smithian 'impartial spectator' do better *philosophical* work than do Rawls' participants' deliberating behind the 'veil of ignorance'. And it is not clear that Sen is able to avoid the need to establish some kind of 'benchmark'. Indeed, on that score, 'transcendental institutionalism' arguably fares better than does Sen's appeal to open, real-world, discursiveness and deliberative engagement.

But to return to a point that I have already made: Sen's compendious erudition and deep and genuine multi-cultural awareness and cosmopolitanism, his sense of the signal role of institutional arrangements and of the possibility, at least, of improving the lot of the downtrodden and weak, have great resonance. So too – and this flows directly from his cosmopolitan sensibility – does his ability to draw on the intellectual riches of many and diverse traditions and civilizations. Tolerance and, if I may so put it, a 'liberal sensibility' is not the exclusive preserve of the modern 'West'. It is to be found in many places and times, in Islamic thought and practice and in geographical spaces, such as India, far removed from Europe or the North Atlantic world.

Thus, to take just one instance: the Mughal emperor Akbar, as Sen points out, promoted religious tolerance in India at the time that '[t]he Inquisitions were in full swing and Giordano Bruno was burnt at the stake for heresy in Rome' (p.37). Akbar, notes Sen, 'laid the foundations for secularism' and for the 'religious neutrality of the state' (p.37). In this regard, Sen draws on, among other sources, the impressive scholarship, insights and reflections that informed his earlier *The Argumentative Indian*.

The larger point that Sen makes is that the deliberative and discursive rationality, the conventionally invoked 'moniker' of the European Enlightenment, is not unique to the intellectual history of that continent. The ability to deploy reason, and to reason deeply, to determine rules of conduct and to assess validity claims, is a generic property of humankind. No one time or place or 'people' are its unique location or bearers. The spirit of John Stuart Mill, it might be put, is to be found within the domains both of Islam and of Hinduism, within the precincts both of Konigsberg and of Mumbai. And Akbar would likely have been intellectually at home in the realm of liberal, religiously tolerant, modern European society. In this regard, there is at least some similarity between Sen's advocacy of discursive reason and Habermas' notion of 'communicative competence' and the model of an 'ideal speech' situation.

To conclude: Sen presents, in his own words, a 'theory of justice in a very broad sense' (p.ix) .He is thus principally concerned with the task of 'enhancing justice and removing injustice' rather than with constructing models of 'perfect justice'. One might cavil and ask how one can know that one is 'removing injustice' if one does not have a model or vision of 'perfect justice' to assess one's progress? But Sen, of course, is far too smart not to be aware of that challenge. His real project is the identification of 'redressable injustices'. Thus transcendental institutionalism, in Sen's view, should be replaced by an 'appraisal of social realisations'. We should focus 'on what really happens' rather 'than merely on the appraisal of institutions and arrangements' For, 'what moves us, reasonably enough, is not the realisation that the world falls short of being completely just – which few of us expect – but that there are clearly remediable injustices around us which we want to eliminate' (p.vii).

This assertion is what has given this large and impressive book its appeal. And it is this assertion that has also helped to set the terms of reference not only for the book itself, but for the debates and discussion that it has already occasioned, and will certainly continue to occasion.

It has also helped to set the terms of reference for several of the substantive contributions to this edition of *Focus*.

NOTES

[1] Sen, Amartya. 2009. *The Idea of Justice*, London: Allen Lane

[2] The references to the positive endorsements are all to excerpts cited by the publisher on the dust jacket

[3] All page references are to the hardcover first edition of *The Idea of Justice* published in 2009