CONDORCET CENTER for Political Economy

WORKING PAPER 2013-03-crc

May 2013

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INDIVIDUAL JUDGMENTS AND SOCIAL CHOICE IN SEN'S IDEA OF JUSTICE AND DEMOCRACY

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Abstract The aim of this paper is to propose a conceptual reconstruction of Sen's conception of individual judgments, through a back-and-forth analysis between his democratic theory of justice and social choice theory. Firstly, while this is never explicitly presented in Sen's work, we highlight the importance of the three following elements in the characterization of judgments: position, objectivity and the sense of otherness. Once combined, these three conditions are necessary in order to characterize positional judgments, which, unlike individual preferences, are relevant for justice issues. Secondly, we identify two forces which, in Sen's view, drive the evolution of such judgments: a widened informational basis and sentiments. This leads us to conclude that a relevant approach to communication, i.e., one which acknowledges the scope of positional judgments and the forces at the source of their evolution, is a third condition for a fruitful transformation of judgments. This last point constitutes, according to us, a missing element in Sen's idea of justice.

Key-words Social choice theory, positional objectivity, democracy, individual judgments, justice

Résumé. Cet article propose une reconstruction conceptuelle de la théorie démocratique de la justice de Sen. Centrée sur le concept de jugements, notre reconstruction permet de formuler dans un langage clair et compréhensible par les théoriciens du choix social les contributions philosophique de Sen. Dans un premier

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temps, et bien que Sen ne l'ait jamais explicitement exprimé ainsi, nous mettons en évidence l'importance des trois éléments suivants pour caractériser les jugements : la position, l'objectivité et le sens de l'autre. Ils constituent des conditions nécessaires, une fois combinées, pour caractériser les jugements positionnels pertinents pour les questions de justice, à la différence des préférences individuelles. Dans un second temps, nous identifions deux forces d'évolution de ces jugements: une base informationnelle élargie et les sentiments. Nous concluons qu'une approche pertinente de la communication, *i.e.* qui reconnaît la portée des jugements positionnels et leurs forces d'évolution, représente une troisième condition de la transformation fructueuse des jugements. Ce dernier point nous semble être un élément manquant de l'idée de la justice de Sen.

Mots-clés Théorie du choix social, objectivité positionnelle, démocratie, jugements individuels, justice

JEL-codes: A13, B21, D6, D71, I3

Acknowledgments This research was made possible thanks to funding provided by the CREM, and to the Welfare Economics grant linked to the Chair Université Jean Monnet at Saint-Etienne and CNRS. The paper has been presented at the Economic Philosophy Conference (Lille, June 2012), at the 12th meeting of the Society for Social Choice and Welfare (New Delhi, August 2012), and at the Seminar of History of Political Economy (Lyon, October 2012). We here wish to thank the participants of these three events, in particular Franz Dietrich, Reiko Gotoh and Koichi Suga, as well as Philippe Solal, Philippe Fontaine, Alain Marciano, and Danielle Zwarthoed for their remarks, and Simon Summers for editing the English version of the paper. The usual caveat holds.

INTRODUCTION

Amartya Sen's overall scientific project may be summarized as follows: how can we derive a social judgment regarding the best way to reduce injustice on the basis of individual views? Social choice theory (henceforth SCT) proves to be a particularly suitable framework within which to tackle democratic procedures of collective choices and justice in this sense (Sen 2009: Chap. 4), because it establishes a clear link between the aspirations of the members of the society under consideration and the resulting ordering of social states. Sen made use of SCT to derive a social judgment from individual judgments[2] from the sixties and thereafter (notably in Sen 1970a), with the ambition of rendering it better able to deal with issues of justice and equality (see Baujard, Gilardone, and Salles, forthcoming). We should recall that Sen had already made a substantial contribution to widening the informational bases of SCT beyond what he called "welfarism".[3] However, he had not really addressed his own suggestion, according to which Arrow-type impossibility results highlight the difficulty of efficiently representing individual judgments within the framework of SCT (Sen 1977: 82). We shall consider his later philosophical work as an attempt to answer this difficulty by challenging the standard definition of individual judgments in order to rethink democracy. We will draw particular attention to the concept of "positional judgments", an increasingly important background notion in Sen's philosophical works on evaluator relativity, positional objectivity and justice beginning in the eighties, but which Sen has never studied as such. The thesis we shall defend here is that Sen, in philosophical terms, has shaped a concept of judgments that clearly clashes with the welfarist and prescriptivist framework of SCT based

[2] Notice that Sen uses the spelling judgement and not judgment in his last publications. Unlike Sen, we use the more common spelling judgment and not judgement, which seems more specific to British English in non-legal contexts. The word judgment here relates to the act of forming an opinion built on the basis of careful and reflexive reasoning.

[3] First, Sen has seriously questioned the standard informational basis of SCT in the form of individual orderings, excluding *a priori* both social interactions and interpersonal comparisons, and particularly worked on the integration of latter (See Gilardone 2015). Second, he interprets his "impossibility of the Paretian Liberal" (Sen 1970b) as revealing the crucial relevance of mutually tolerant values and priorities, especially when the protection of minorities' rights is considered as essential (Sen 2009: 237). Third, Sen (1977) has drawn attention to the trouble caused by the use of one general framework for all social choice exercises, insisting on the inadequacy of the Arrowian framework for interests aggregation.

on individual preferences, whichever interpretation may be given to this word, which successfully captures his democratic theory of justice. [4]

In this article, we will conduct a back-and-forth analysis between Sen's democratic theory of justice and SCT. This choice might be considered surprising as new democratic theories (which are mainly deliberative) and SCT are standardly considered to be irreconcilable.[5] Furthermore, Sen's work on justice may be clearly distinguished from his work on SCT. Not only did he devote much effort to distinguish his contributions to philosophy and to SCT, but he also resisted any attempt to bring them into line with each other. He strongly criticizes the SCT framework even though it is the only tradition of which he claims to be a follower. Nevertheless, it cannot be ignored that Sen has made constructive contributions towards reconciling democratic studies and SCT.[6] His theory of justice and his approach of SCT share the fundamental feature that the consideration of the views of individuals is the source of normativity. The central difference might be found in the consideration of *evolving*, rather than *given*, individuals' views. This is precisely where, according to us, his idea of justice can help us to widen our understanding of the exercise of social choices, and, conversely, where the practice of social choice theory has helped to highlight the constraints that weigh upon individuals' judgments for the sake of justice.

We do not mean to deny the importance of the disciplinary context within which a concept has been developed, yet we think it is consistent with this to think that the concept of judgment, developed in Sen's philosophical contributions, may have its origin in SCT, and may have some bearing upon it. Besides, the difficulties with which both social choice theorists and deliberation theorists have received Sen's idea of justice may well be due to his endeavor to stay a step beyond both of them. If his argument were to be rephrased, on the

[4] It might be worth explicating that we do not consider capabilities as a key element of Sen's theory of justice and democracy. We rather consider them as a mere illustration of what would be a possible imaginative solution to the strict problem of information he put forward in his criticism of welfarism. In our view, any focus on capabilities rather than the more general class of judgments would miss the main point Sen wants to make. See for instance Baujard, Gilardone and Salles (forthcoming).

[5] As Peter (2007: 373) and many others have observed (for instance Bohman 1998; Dryzek 2000), "*democracy theory has become deliberative. […] Democracy is now widely perceived not simply as a mechanism to aggregate pre-politically fixed individual interests, but as a process of public reasoning in which conflicting interests are scrutinized and transformed."*

[6] Besides Sen, as we shall claim in this paper against his own view, few other theorists have considered a complementarity rather than an opposition between deliberative theories and SCT. See Dryzek and List (2003), Elster (1986, 1998), Pereto-Peña and Piggins (2012), Pattanaik (2005).

basis of the analysis of individual judgments, we might expect these difficulties to be overcome. We therefore propose a reconstruction of Sen's idea of individual judgments and their dynamics, under the heroic assumption that his thought is trans-disciplinary consistent, i.e., on the basis of the direction of his work, both in SCT and in political philosophy.

There are three issues at stake in our proposed reconstruction. Firstly, the consideration of 'individual judgments' rather than 'individual preferences' will enable us to tackle the issue of judgment formation and transformation, by definition excluded from standard SCT. This move drastically modifies our mechanical view of collective decisions from an aggregation of preferences to a subtle and rich process of open interactions, implying a diversity of well-defined judgments. In other words, considering positional judgments rather than preferences involves a significant shift in the analysis of democratic issues, going from a static model of aggregation to a dynamic model of judgments' co-construction. Secondly, we scrutinize the links between the normative or positive nature of judgments, and identify where, among individual or collective judgments, normativity should emerge. In particular, we shall show that normativity does not require artificial conditions to guarantee impartiality; rather, it emerges from the consideration of the very plurality of actual judgments. Last but not least, our reconstruction of Sen's idea of individual judgments and their dynamics offers some insights into Sen's vague but central notion of public reasoning, which may ultimately enrich deliberation theories. The consideration of positional judgments in a deliberative democracy rather than mere given preferences is indeed more likely to favor the convergence of individual judgments, for reasons which are not clearly stated by Sen, but that our reconstruction shall allow to put forward.

The article is organized in two sections. In the first section, we shall highlight the importance of the three following conditions upon individual judgments: specific positions, objectivity, and the sense of otherness. Taken together, these conditions are necessary in order to characterize positional judgments, which are relevant to issues pertaining to justice. In the second section, we shall identify the forces which ensure the evolution of individual judgments, drawing upon Sen's view. Not only does the transformation of positional judgments need to be grounded on widened informational bases, but sentiments have to be seriously taken into account. This leads us to conclude that a relevant approach to communication, i.e., one which acknowledges the scope of positional judgments and the forces at the source of their evolution, is a third condition for a fruitful transformation of judgments. This last point constitutes a missing element in Sen's idea of justice.

SECTION 1. THE FOUNDATIONS OF INDIVIDUAL JUDGMENTS

Section 1 aims at identifying in what sense individual judgments, taken as the relevant basis for an approach to justice, differ from individual preferences.[7] Besides the usual properties of preferences, we claim that a judgment may be defined as a combination of the following three elements: position (subsection 1.1), objectivity (subsection 1.2), and the sense of otherness (subsection 1.3). This study shall clarify the issue of consequentialism, the source of normativity, and the links between such positional individual judgments and collective judgments.

1.1. POSITION

Positionality is an important element in Sen's nuanced version of individualist and consequentialist ethics, as regards issues of justice. It differs from the particular case of welfarist consequentialism, in which only individual utilities are considered relevant to such consequences. Indeed, welfarist consequentialism presupposes a specific role for an evaluator likely to assess the actual consequences, e.g., considering individual utilities as the relevant information to be aggregated. The focus is exclusively on the resulting social states, considered independently of the actions of individuals and the specific contexts in which they arise. Sen questions these characteristics when introducing positionality in the analysis.

(i) Positions do indeed matter for the evaluation of social states rather than mere utilities or preferences. In the welfarist framework, social states are assessed on the basis of given individual judgments only. If they were reliable and fixed, the issue of evaluation might focus on the issue of aggregation, and such an analysis, together with mere consequentialism, might suffice, as is generally assumed in social choice theory. Sen, though, questions this strong assumption. Individual judgments are not always reliable, and nor are they given or fixed, because they depend, for several reasons, on moving positions.

[7] In social choice theory and unlike in political philosophy, individual preferences correspond to mere preorders defined on a set of elements, be they options, social states, capabilities… A pre-order is a reflexive and transitive ranking of these elements. No substantive interpretation is *a priori* attributed to preferences: they may all the same be the representation of actual choices, desire satisfaction, utility, fulfillment… Obviously though, Sen and most social choice theorists are aware of the plurality of such possible interpretations, as well as the specific properties they may have in specific cases. We shall come back to such restriction, notably when discussing interpersonal comparisons of utilities.

First, the individual's observation may differ according to her position. If she looks at the moon from Earth or from space, she may assess the size of the moon differently or similarly, relative to the size of the sun, and her judgment shall consequently be position-dependent (Sen 1993: 128). Second, the individual's view may also vary and change with her position. If she travels from space to Earth, her evaluation of the relative size of the moon and the sun will automatically change. Third, Sen (1983: 123) underlines the fact that "[t]*he person is not free to choose the position from which he should evaluate the states*". Hence, her view is imposed, insofar as it is dependent upon such positions, and there is nothing we can do about this. Consequently, for a given individual judgment, the position from which it is expressed cannot be neutral, insofar as the judgment depends upon that particular position.

(ii) The legitimacy of this positional approach is, paradoxically, based on the defense of individual sovereignty against a certain tendency of welfarism.

Welfarism is standardly defended on the grounds that favoring individual utility exclusively and above all else amounts to respecting individuals' sovereignty. Sovereignty is defined either as letting each individual have a say in the identification of their judgment, or as the freedom to choose which of the individual's personal views is at stake. Sen applies the opposite reasoning, arguing that within welfarism, the individual is likely to lose her sovereignty, insofar as an external evaluator may choose to select his favorite notion of utility rather than hers.[8] Anybody in the evaluator role would speak from his own position rather than from her position. Overcoming welfarism does not imply that we should simply set aside the importance it assigns to the individual's sovereignty. Rather, the goodness of a state of affairs depends intrinsically on the position of the individual *qua* evaluator[9] in relation to the state: "*The positional interpretation of evaluator relativity makes the truth-value of such statements as [...] "x is a better state of affairs than y" primitively dependent on the position occupied by the person making the statement*" (Sen 1983: 114).

That is why Sen questions the respective role of the individual and the external evaluator. Evaluator-relativity is not justified "*by virtue of their being different evaluators*",

[8] See Baujard (2010, 2012) for arguments supporting a similar claim.

[9] Sen's idea of positional judgments indeed appeared in his writings on individuals' relative values (Sen 1982, 1983), where he defends the "*possibility of using consequence-based evaluation combined with an evaluator-relative outcome morality*" (Sen 1982: 33).

but "*only to the extent that evaluators differ from each other in their respective positions*" (Sen 1982: 36). In his "Rights and Agency", Sen (1982: 37) states that the partiality of judgment is not due to a lack of "ability *to imagine what it would be like to evaluate the state from a different position*", "*but that one of the positions in that state is peculiarly* your own". The 'evaluator' should not be external. The evaluators are rather the set of all individuals involved in the social state under consideration, given that they speak from their own positions. We claim that Sen, paradoxically, hereby reestablishes individuals' sovereignty – the focus on individuals – by primarily precluding strict welfarism. The relevant consequences to take into account are hence to be based on the set of *all* individual positional judgments.

(iii) In proposing a positional interpretation of individual judgments, Sen highlights the fact that that the only judgment that makes sense, given one's position, is one which is related to that position. In other words, individual judgments might be very different from one individual to another, because the values and objectives of the individual in the considered situation must be taken into account. This conception of the differences between individual views of a situation must not be mistaken for a subjectivist conception which treats such differences as mere differences of taste.[10]

Hence, positional parameters should be identified. 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*" (Sen 2009: 158).[11] Sen (1993: 127) includes "*any condition that (1) may influence observation, and (2) can apply to different persons*", such as "*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).

[10] According to us, this is a particularly skillful way of leaving room for a diversity of judgments without giving way to purely subjectivist interpretations. Indeed, in the last case, there would be nothing to say, except that "*every mind is inscrutable to every other mind and no common denominator of feeling is possible*" to remind Jevon's proposition popularized by Robbins (1938: 637) with such an echo that it led to forget about interpersonal comparisons of utility for several decades.

[11] In a nutshell, position has a deterministic effect on judgment; positional parameters are defined as what may have influence on judgment. Notice Sen's definition and analysis of position risk being either trivial or cyclical.

The mere fact that people are definitely concerned by the evaluated state is relevant to the evaluation. Because a person may be importantly involved in the evaluated state of affairs, the person's view is a part of that state of affairs. To illustrate this, Sen re-analyzes the standard distinction between: *"(1) murdering someone oneself, and (2) failing to prevent a murder committed by a third person*" (Sen 1993: 143; see also Sen 1983: 118). In contrast with the common interpretation, Sen maintains that we cannot pretend that the consequences are the same, at least if we consider social states from the position of the person in question. Among other factors, the individual's sense of responsibility makes the two situations very different. Rather than the strict consequentialism proper to standard consequential ethics or social choice theory, Sen proposes a wider notion of consequentialism where the consequences at stake incorporate information about individual positions, values and objectives. Hence a more general notion of consequentialism can be retained, where "*there is no basic conflict between consequential ethics and agent relativity in judging states and actions*" (Sen 1993: 145). This does not involve a definition of judgments as self-centered, especially when welfarism is dropped. What is important in acknowledging the positional interpretation of every moral judgment is that it "*permits categories of moral thoughts not admissible in more traditional formats*" (Sen 1982: 37).

Seen in this new light, individual judgments may be understood as a result of positionality, not of personality. If we accept the existence of positional parameters as suggested by Sen, the objectivity of each individual judgment is not based on the identification of who the individual in question is, but the position he or she is in, when considering an issue. There does exist "*the substantive possibility that some things may be valuable or disvaluable from every position (starvation or acute suffering no matter to whom it occurs, for example, being a moral disvalue for every evaluator)*" (Sen 1982: 37), but this is neither automatic nor a proof of objectivity. Indeed, if we are to rely on individual judgments to evaluate social states, then we cannot demand that these judgments be neutral, relative to the place occupied by the judging individual.

The theoretical possibility of discovering every parameter that specifies a position is the key element when considering the possibility of an objective individual judgment. It also leads to the assumption that if positional parameters change – particularly the informational basis available in a specific position – judgments are likely to change. According to us, this overcomes a serious limitation of the usual framework for tackling ethical judgments in social choice theory, for preferences are there given and fixed. We now need to elaborate a little bit

further on Sen's demonstration that judgments are *unavoidably* "position-based" to show how this is quite different from cultural relativism, and how this might help us to better understand the objectivity of individual judgments.

1.2. OBJECTIVITY

Sen develops a strict determinist idea according to which any individual observation can potentially be fully explained by means of an adequate specification of *all* positional parameters vis-à-vis the observed object. In other words, if *every* parameter were to be revealed, then the observation should be fully understandable by anyone, and in a sense *objectivized*.

(i) Before defining the kind of individual objective judgment likely to be acceptable in a collective discussion, we should attempt to better understand the details of Sen's notion of impartiality by discussing what it is not: it is not the prevalent view of the society under consideration, and nor is it a view from nowhere or from any fictional veil of ignorance.

First, positionality is not the view of the considered society, and consequently does not entail cultural relativism. It would be a complete misunderstanding of Sen's conception of objectivity to amalgamate the integration of cultural considerations with a defense of cultural relativism. Culture is indeed *part of* the parameters that have to be brought out, but can never fully capture an individual's position. The problem, of which Sen is conscious, relates to the difficulty of staking out all the parameters, which often results in mentioning only one or two parameters – frequently the fact of belonging to a particular society or culture – whereas this proves to be misleading. To illustrate this, Sen (1993: 138) gives an example taken from gender studies: "[…] *belief in women's inferiority in particular skills may be statistically associated with living in a society that partly or wholly reserves those skilled occupations for men, giving little opportunity for women to establish their ability to perform these jobs. Let us call such a society an S* society. Is this belief […] objective from the position of members of that S* society, however senseless it might seem from elsewhere? […]?*" Answering yes to this question would demand that we ignore other positional parameters – such as not knowing what happens in other societies – and that we consider a society as a whole without any internal criticism, in search of a uniform viewpoint that is in fact "*an establishment view or a majority opinion*" (Sen 1993: 138). To deny the fact that belonging to that S* society necessarily implies positional belief in women's inferiority in particular skills, Sen considers

that we have to (1) acknowledge the underspecified character of the position "*living in society S**" and (2) not take the dominant viewpoint on any issue as the only one in society S*. Indeed, positional parameters could include knowledge of practices in other societies or criticism coming from "outside" which could sensibly influence one's judgment. Taking these into account clearly removes any suspicion of cultural relativism, even if Sen admits that internal criticism from skeptics or dissenters – through themselves often influenced by foreign authors – always carry more weight than "*alien critique*", a point we shall develop further in the next section.

Second, we should acknowledge that the idea of impartiality as 'a view from nowhere' is not always completely rejected by Sen: "*The search for some kind of position-independent understanding of the world is central to the ethical illumination that may be sought in a non-relational approach. When Mary Wollstonecraft pilloried Edmund Burke for his support of the American Revolution without taking any interest in the status of the slaves, as if the freedom that he supported for white American people need not apply to its black slaves* […], *Wollstonecraft was arguing for a universalist perspective that would overcome positional prejudice and sectional favouritism. The point there is not positional comprehension, but some kind of a transpositional understanding. Taking a 'view from nowhere' would obviously be the appropriate idea in that context.*" (Sen 2009: 161) An ideal definition of impartiality necessarily, but not sufficiently, derives from objective judgments. Positional judgments by individuals are objective, though their objectivity is conditional upon their positions. The aim of overall ethical objectivity – or impartiality – may just be confirmed by the invariance of judgment. Imagine a judgment that would be not only personally but also positionally invariant: this would be an objective transpositional judgment. Sen does not consider this aim, taking it to be utopian and unsuited to his idea of justice. It does not meet the principles he defends for justice, namely comparative *versus* transcendental judgments, and a focus on realizations rather than on institutions. Sen's focus is on the consideration of real people's positional judgments, and not every such judgment may, in the sense of the term developed above, be said to be transpositional.

Third, Sen's concept of "positional objectivity" also departs from a tradition – common to normative economics and moral philosophy – according to which objectivity comes from an impartial observer. That tradition has been illustrated, in particular, by Harsanyi and Rawls, who both rely on the "*veil of ignorance*" to characterize the position from which an impartial observer, or anybody, may define the proper principles of justice.

The aim is to deprive individuals of "*certain morally irrelevant 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). In contrast, we have just seen that Sen considers the individual, in the role of evaluator, to remain rooted in a society, a culture and to be influenced by his specific position. "*What we can observe depends on our position vis-à-vis the objects of observation*", Sen writes (1993: 126). In no case can objectivity be understood as a "*neutrality of the evaluator*" *vis-a-vis* his own position. On the contrary, it would be *arbitrary* to assess an individual situation or a social state by excluding straightaway the agent relative judgment. Interactions might help to overcome positional illusions or adaptive preferences, which are objective, yet irrelevant as regards just social choice or welfare evaluations.

(ii) We now know what impartiality is *not*, according to Sen, and understand that position is important to derive judgments. Let us now show that the fact that judgment depends on positional parameters does not undermine the objectivity of such judgments in that very position, and nor does it amount to subjectivity.

From both his epistemological or ethical perspectives, Sen (1993, 2009) provides the same illustration of positional observations. 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 observation where verisimilitude is conditional to the position from which the assertion is made. Sen maintains that objectivity would be better defined as the "*view from a delineated somewhere* […] *of no one in particular*" (Sen 1993: 126/129), as opposed to a "*view from nowhere*". This means that an objective judgment has to be, at least, person-invariant, but not necessarily position-dependent: "*Objectivity may require interpersonal invariance when the observation position is fixed, but that requirement is quite compatible with position-relativity of observations*" (Sen 1993: 129). According to this definition, it is possible to ensure that an observation or a judgment is objective by checking "*whether such an observation could be reproduced by others if placed in a similar position*" (Sen 1993: 129).

Positional observations or positional judgments may be illusory although objectively derived. In others words, they may prove to be wrong in the face of other positional judgments. Sen (1993: 132) interprets the Marxian concept of "objective illusion" in his own framework: "*An objective illusion […] is a positionally objective belief that is, in fact,*

mistaken". The source of the illusion is that the focus on the very position is not able to take into account the precise role of the dependence upon the position. Among others things, the determinacy of the position may explain the case of adaptive preferences, as we shall see below (subsection 2.1). Identifying illusory preferences would depend greatly on an appropriate specification of positional parameters, as well as a confrontation with rival concepts and competing lines of reasoning. Some views could then appear to be "*objective illusions*" while others may appear more appropriate when considering a situation. The problem here is not that the judgment is not sincere or ill-thought-out, but rather the lack of access and scrutiny to other positional judgments. As different positional views exist, a judgment may be efficiently corrected, nourished or completed by the plurality of positional judgments. Taking positional dependence into consideration is a first step towards better judgment. As long as we remain well aware of the parametric dependence of the judgment, it may well be considered to be objective.

(iii) The focus on objectivity is a key element in understanding the origin of normativity[12] in Sen's idea of justice and, from then on, of impartiality. This may appear paradoxical insofar as objectivity is often linked to positive observations or statements.

Objectivity is obtained, as we have seen via the argument developed above, not only by considering the plurality of the actual positional judgments of members within a given society, but also by considering the views of those outside. The overall objective judgment, acceptable as regards the question of justice, is based upon the diversity of these distinct positional objective judgments. Our reading, set out in terms of judgment and of a consideration of the framework of social choice theory, leads us to make a clear cut distinction between the individual and the collective level. This is not explicit in Sen's writings, but we think it is worth noting that, unlike the attempts to build impartial judgments by Rawls, Scanlon, Harsanyi or even Smith, impartial judgments in Sen's idea of justice are generated at the collective level and not at the individual level. Impartiality – which here corresponds to what we could call a certain amount of transpositional objectivity – is provided by including a sufficiently wide scope of different views which will all be represented in the collective discussion. An ethical judgment concerns the society as a whole and, in Sen's view,

[12] We here consider normativity as focused on social justice issues, *i.e.*, the domain of ethics concerned with collective problems; specific issues of moral philosophy such as individual morality, bioethics, war etc., are excluded from the scope of Sen's inquiry.

is held by the society as a whole rather than by each individual separately. Thus, in contrast with conceptions modeled on the impartial spectator defined by Smith (1982 [1759, 1790]) as "the man within the breast",[13] Sen does not maintain that such judgment may be built on the basis of a personal thought experience. Rather, Sen's impartiality emerges by considering the plurality of individual views as opposed to considering external conditions.

As part of our reconstruction of Sen's notion of judgment, we claim that his notion of impartiality is based on a plurality of different positional judgments. More precisely, impartiality should emerge from the consideration of a plurality of judgments. Sen acknowledges that the distinction between the positive notion of objectivity and its normative use is not straightforward (Sen 2009: 118). Nevertheless, he does not put forward many sound arguments to justify his bridging the gap. Rather than relying on rigorous logic, outstanding knowledge of the philosophical literature, sharp conceptual distinctions, and long reasoning – as we have come to expect from Sen's writings – he chooses to apply this notion to ethical perspectives on the basis of a vague parallel, such that similar problems occur in both contexts. In other words, similarities between objectivity and impartiality are put forward, but neither a clear distinction nor a *rapprochement* is explicitly discussed. We shall stick with the idea that impartiality is a kind of ethical objectivity. In questioning the notion of ethical objectivity, we note that any individual judgment is generated by two kinds of sources. On the one hand, positional parameters are likely to influence any individual in the same manner.[14] On the other hand, different persons may have a different view of the same situation for strictly personal reasons. This is what defines subjectivity, i.e., when observation has its source in the mind or is peculiar to an individual subject. So, to summarize our demonstration, Sen has merely excluded the very discussion of the problem of subjectivity. He first uses a strictly epistemic scrutiny to understand observation – where personality is not relevant per se – in his 1993 paper –, and applies it to the understanding of the notion of ethical objectivity – in the 2009 book. What we learn from these seemingly big steps is Sen's view of the importance of the normative rather than the positive definition of judgment: what is ultimately at stake is that the individual should express a kind of judgment that is rendered person-

[13] See Smith (1982 [1759, 1790]) III.2: 32-33, III.3: 5-6; III. 3: 26.

[14] Bentham's utility calculus for instance, is based on objective measures of elements of pains and pleasures, even if they are subsequently adapted to idiosyncratic features (Bentham 1789: chap.1-4; Baujard 2009). Objectivity is there a condition for implementing the calculus. Conversely in Sen, the ability to measure is not the property we expect to derive from objectivity.

invariant as well, in which positions count as relevant information. These positions are the only acceptable information because no other kind of information has the same relevance to issues of justice: mutual discussion is possible only on the basis of objective elements (see notably Sen 2009: 118). Our aim is to show how this is indeed enforced by Sen's framework, although not explicitly. We shall complete this argument in the next section.

1.3. THE SENSE OF OTHERNESS

As seen in the two first sub-sections, the concept of "positional objectivity" involves an acknowledgment of each individual-evaluator's *position,* and establishing a clear conception of objective judgments requires us to take into account both this parametric dependence of individual judgment, and also the possibility of a wide diversity of such positional judgments. The sense of otherness is the last element required in order to define individual judgments and to distinguish them from preferences. Studying this element will help us to clarify how individual and collective judgments interact. The fact that individual judgments are positional is not incompatible with the fact that individuals are influenced by, and hence concerned with, the existence of others. On the contrary, their positions are linked to their social identity, hence their relation to others or *versus* others.

(i) Besides Sen's strong criticism of rational choice theory, we show that he claims that the consideration of others is part of the scope of individual judgments for different reasons.

First, Sen (2009: 205-6) elaborates on the notion of power and its relation to obligation: "*if someone has the power to make a change that he or she can see will reduce injustice in the world, then there is a strong social argument for doing just that (without his or her reasoning having to intermediate the case for action through invoking the benefits of some imagined cooperation)*". He draws on Gautama Buddha's argument according to which we have responsibility to animals because we are enormously more powerful than other species. Buddha uses the same line of reasoning to discuss the responsibility of a mother toward her child: "*The mother's reason for helping the child […] is not guided by the rewards of cooperation, but precisely from her recognition that she can, asymmetrically, do things for the child that will make a huge difference to the child's life and which the child itself cannot do*". Hence, the sense of responsibility does not only frame judgments, it is enforced by the capacity to modify the course of things. Even though this sense of otherness is not always

captured by the mere observation of behavior, it should lead to a radical questioning of any notion of rationality based merely on self-interest.

Second, "others" are an ingredient of individual judgment because they share a common identity (Sen 2009: 142). Not only do they come from the same family, city or country, they also share common features such as religion, gender, etc. Following Sen, it would be silly to close our eyes on the importance of personal identity – as, notably, is required in the Rawlsian veil of ignorance. It is, on the contrary, the medium by which consideration of others, and hence a sense of justice, is incorporated into individual judgments. If we are aware of sharing the common identity of women, it is highly likely that our judgment shall eventually take into account the gender problem; if we are aware of sharing the common identity of human being, it is highly likely that our judgment shall eventually take into account the whole humanity. According to our reading of Sen's arguments, overall individual judgments positively embody the consideration of others.

Third, sometimes people see each other, and not only do they see each other but the life and actions of some people impact upon the course of the lives of others. Sen discusses the definition of the relevant "*neighbor*" ('*plèsion'* in Greek) based on the analysis of the "*Good Samaritan*": different religious people pass by a person who has been severely beaten and do not stop, while the only person who stops and offers help is a Samaritan (Sen 2009: 171-172). The standard Christian analysis of this story focuses upon responsibility, and praises the Samaritan for feeling spontaneously responsible as a human being for another human being. Sen infers from this that the scope of the people you should care about in the quest for justice should not obviously be restricted to your close neighbors – those with whom you share a social identity – but should extend to anybody with whom you happen to interact. In the case of the Samaritan, the normative relationship between the beaten guy and the Samaritan emerges from the mere positive fact of their meeting in the same street. Because this event of interaction exists, the other becomes part of a positional judgment. In other words, it is because the Samaritan and the severely beaten man saw each other that they become part of a common society, and this explains how the Samaritan incorporates the existence of the beaten man into his individual judgment. Now, in any interaction, be it direct or indirect, involved individuals should take their concern into account in forming a judgment. This, more or less, implies that almost everybody should be concerned in most of the judgments they make. Considering today's globalization, not only of economic exchanges but also of political issues and even of terrorism (among others things), Sen concludes "*there are*

few non-neighbours left in the world today" (Sen 2009: 173). In other words, everybody is concerned, and Sen's resulting philosophy offers high praise for Universalist judgments.

(ii) If the sense of otherness were not fully accomplished at the level of individual judgments, the overall collective judgments should take into account the widest range of possible positional judgments, which corresponds to Sen's commitment to "open impartiality".

Not only do individuals take others into account in the scope of their judgments, as discussed above, but collective judgments should also consider a wide range of possible positional judgments: "*in the case of 'open impartiality', the procedure of making impartial judgements can (and in some cases, must) invoke judgements, among others, from outside the focal group, to avoid parochial bias*." (Sen 2009: 123). The reasons for defending open impartiality belong to different families of arguments. Sen's advocacy of *open* impartiality emerges in the context of his arguments against what he calls Rawlsian *closed* impartiality.[15] First, positional views from outside the society are not just '*distracting details*' (Sen 2009: 150); on the contrary, they represent the ideas which are most relevant in building ethical judgments which move beyond bias and local prejudices. Second, any discussion within a given society is likely to influence discussion in neighboring societies, which supports the inclusion of positional views from outside the given society. Last but not least, obligations towards those outside the group emerge from the sharing of plural identities with them, as discussed above. With the exception of this last case, which concerns both individual and collective judgments, these arguments for open impartiality concern collective judgments. Impartiality is hence guaranteed by involving a wide range of different positional and other-regarding individual judgments, including those formed by people with whom we do not share anything in common a priori but happen to interact with, whether directly or indirectly, as well as the judgments of people who come from outside the society.

On the basis of the two latter sub-sections, we can now encapsulate the origins of normativity in the two following assertions. First, individual judgments incorporate a sense of otherness, hence collective concerns of some kind. Second, impartiality is ensured by

[15] Sen (2009: 123) defined as closed impartiality Rawls's procedure of making impartial judgments in the sense that it "invokes only the members of a given society or nation (or what John Rawls calls a given 'people') for whom the judgements are being made. […] No outsider is involved, or a party to, such a contractarian procedure".

considering a wide plurality of such judgments at the collective level. Now, this does not put an end to the issue of the emergence of normativity in Sen's description of judgments, nor does it guarantee a possible collective judgment, be it in the framework of SCT or deliberation. A closer look to the dynamics of judgments in the next section will shed some light on these two open problems.

SECTION 2. THE DYNAMICS OF JUDGMENTS

As is well studied in SCT, the problems associated with deriving a social choice or a collective judgment, on the basis of individual preferences, are difficult to overcome. One way around impossibility results would be to modify individual preferences until they become consistent with one another. For instance, if individual orderings are single-peaked, the arrovian impossibility no longer holds; if deliberation has the ability to modify preferences in a given direction, a possible social choice is then likely to occur without any dramatic change required in the welfarist framework of SCT (see notably Dryzek and List 2003). Sen also seems to reject the common narrow view of democracy as aggregation, for he includes public deliberation, in particular. [16] According to our reading of Sen's idea of justice, Sen offers some insight into the way positional judgments may be transformed towards more transpositionality, which may help us to see how an overall judgment may be reached on the basis of a convergence of individual judgments. This section aims at identifying the forces of such transformation of judgments: a widened informational basis (subsection 2.1) and a consideration of sentiments of injustice and responsibility (subsection 2.2). While these forces need a public sphere of deliberation in order to be actualized, we will not elaborate on the specific procedures and organizational features of such a sphere. Our aim is to highlight the fact that a relevant approach to communication is required in order for open impartiality to be effective and for individual judgments to integrate more social concerns (subsection 2.3). By

[16] Dryzek and List (2003: 1)'s definition of deliberative democracy suits Sen's approach of justice well: "The essence of democratic legitimacy is the capacity of those affected by a collective decision to deliberate in the production of that decision. Deliberation involves discussion in which individuals are amenable to scrutinizing and changing their preferences in the light of persuasion (but not manipulation, deception or coercion) from other participants. Claims for and against courses of action must be justified to others in terms they can accept."

the term 'relevant', we mean an approach to communication which acknowledges the scope of positional judgments and the forces at the source of their evolution.

2.1. INFORMATION

Once we accept the idea that individual judgments are positional, we acknowledge that some judgments can be objective yet illusory. Informational bases, available in different positions, are crucial for building more enlightened judgments. We have identified three particular cases of individual judgments in Sen's writings where bias may be accounted for a lack of information: objective illusions, adaptive preferences, or any kind of social pressure or cultural influences. In each case, we shall see how information concerning corresponding positions constitutes a key element in detecting these different kinds of biased judgments for justice, and enables them to evolve.

(i) We have identified, in sub-section 1.2, at least one reason for Sen's interest in the formation of judgments, in connection with the concept of "*objective illusion*" (Sen 1993: 132).[17] To illustrate this idea, it is notable that Sen (1993) applies this concept in the context of the health situation in developing economies. In particular, he notices the dissonance between the ranking of perceived morbidity and that of observed mortality of Indian men and women. He shows that "*[t]he comparative data on self-reporting of illness and the seeking of medical attention call for critical scrutiny taking note of positional perspectives*" (Sen 1993: 135), and that "*[d]espite the relative disadvantage in mortality rates, the self-perceived morbidity rates of women in India are often no higher – sometimes much lower – than those of men*" (Sen 1993: 135-136). Sen relates the latter fact to women's deprivation in education, and also to the social tendency to see gender disparity as a 'normal' phenomenon – a tendency that often contributes to the perpetuation of gender discriminations: "*Given these conditions, it is very hard to challenge received gender inequalities, and indeed even to identify them clearly as inequalities that demand attention. […] Since gender inequalities within the family tend to survive by making allies out of the deprived, the opaqueness of the positional perspectives plays a major part in the prevalence and persistence of these inequalities*" (Sen

[17] The concept of objective illusion is adapted by Sen from the Marxian philosophy, as we specified above. Marx's point was to show that the common belief about the fairness of exchange in the labour market was illusory but objectively accepted by people, even by the exploited workers. This is linked to what he called "*false consciousness*".

1993*:* 136). Individual perceptions are obviously of central importance in the evaluation of the health situation. When there are "*distortions*" of perception, it can lead to misleading, or even perverse analyses of a situation.[18] These views could be shown to be "*objective illusions*" if an appropriate specification of positional parameters were made.

(ii) Another possible interpretation of 'inappropriate' judgments would deploy the notion of "*adaptive preferences*" that Sen has sometimes used in the context of gender inequality[19] and poverty evaluations, in order to further criticize the welfarist perspective that ignores social conditioning: "*The utility calculus can be deeply unfair to those who are persistently deprived: for example, the usual underdogs in stratified societies, […] hopelessly subdued housewives in severely sexist cultures. The deprived people tend to come to terms with deprivation because of the sheer necessity of survival, and they may, as a result, lack the courage to demand any radical change, and may even adjust their desires and expectations to what they unambitiously see as feasible."* (Sen 1999: 62-63). As welfarism grounds the moral importance of needs on utility only, and does not differentiate the sources of satisfaction, it is thus unfair to those who "*adjust their desires*" to some that are *a priori* feasible, given social norms and conventional perceptions of legitimacy. That problem, however, remains present in any framework which rests on individual preferences, as does SCT. A person's choices and preferences are influenced by her sense of obligation and her perception of what would constitute legitimate behavior. Sen (1989: 68-69) refers, indeed, to the idea of "*false consciousness*" invoked by Marx, to highlight the problem of the "*non-individualistic, self-denying perceptions*" of Indian women. As a result, he demonstrates that a valuation "*is a matter for reflection and cannot be simply inferred from the prevailing perceptions that pre-reflectively dominate day-to-day actions of individuals*" (Sen 1989: 69).

(iii) Adaptive preferences are, in fact, connected with a third kind of inappropriate judgment: parochial judgments. Indeed, parochialism inhibits perceptive consciousness. Parochialism amounts to self-centered judgments or, more generally, judgments that are

[18] For instance, when women tend to minimize their health problems, they do not use medical services. Not only will this increase their morbidity, but it also reinforces their unconsciousness of health problems. Further, the low use of medical services does not allow a social understanding of women's health situation. Indeed, it can be shown that women's desires and judgments are often biased by local beliefs or traditions and positional prejudices (Sen 1989, Gilardone 2009), especially when they have no or little access to education, information, travels, etc.

[19] For an explication of the relationship between Sen's analysis of gender inequality and his critics of welfarism, see Gilardone (2009).

strictly dependent upon the small community one belongs to, rather than to the consideration of the whole society, even of the world-wide community. The appeal to judgments to make social choices, or to say something about justice in the society, may hardly be based on such partial judgments. First, Sen (2009: 134) agrees with Rawls in stressing that individual judgments, particularly if they are to carry justice concerns, cannot be an entirely private affair that would be unfathomable to others: "*We look at our society and our place in it objectively: we share a common standpoint along with others and do not make our judgments from a personal slant*" (Rawls 1971: 516-517). There is a need to submit judgments to public reasoning, and check whether the proposed claims and the arguments supporting them are publicly defensible and resistant to a trans-positional examination. In other words, a sphere of deliberation is needed, where competing lines of reasoning, diverse experiences and new information and knowledge can be revealed and discussed. Second, the discussion must include the views of other communities. This is why Sen introduces the concept of open impartiality, which he opposes to Rawlsian closed impartiality. Open impartiality will "*broaden the discussion to avoid local parochialism of values, which might have the effect of ignoring some pertinent arguments, unfamiliar in a particular culture"* (Sen 2009: 44-45). Sen insists on the fact that the discussion should not be confined to persons who are entitled to make collective choices or engaged in social evaluation because they belong to the polity. Sen also departs from Rawls, as well as from standard SCT, in urging us to consider judgments from "outside" as admissible voices, both because of the enlightenment that their perspectives may provide for those "inside," and because they might "bear some of the consequences of decisions taken in that particular polity" (Sen 2009: 134). Furthermore, because of the diversity of their respective origins, we can hope they may influence judgments and lead them in a more impartial direction.

In his approach of public reasoning, Sen departs from Rawls's conception of deliberation. On the one hand, Rawls studies, abstractly, how mutually disinterested persons could live together in a fair and stable society, where their sense of impartiality would be implemented by the veil of ignorance. Deliberation may succeed if acceptable arguments are restricted to those of reasonable persons who "*enter on an equal footing the public world of others and […] are ready to offer or to accept […] equitable terms of collaboration with them*" (Rawls 1993: 53). He excludes *a priori* "*unreasonable doctrines*". On the other hand, Sen does not hold that the fairness and the stability of the society constitute *a priori* conditions upon his proposed approach. He takes people as they are, and the society as it is, so

that he does not restrict the scope of acceptable arguments. As we discussed in sub-section 1.3, the seeking of mutual benefits, based on symmetry and reciprocity, is one form, amongst others, of admissible reasoning. Neither does Sen restrict deliberation only to a category of reasonable people: "*all of us are capable of being reasonable through being open-minded about welcoming information and through reflecting on arguments coming from different quarters*" (Sen 2009: 43). Individual views evolve, and are perhaps formed, in the public sphere of interaction and deliberation. In this sense, *all* doctrines that actually exist in a society can be, and have to be, publically discussed and clarified (Gilardone 2015). Interests and positions have to be incorporated as relevant ingredients of public discussion if we want to have an opportunity to grasp them, and eventually to modify individual judgments.

2.2. SENTIMENTS

The importance of public debate is related to people's capacity to reason and to scrutinize others' judgments and their own, as well as to disentangle parochial and open-minded influences. Sufficient information may help to transform individuals' judgments, and allow them to move towards a greater degree of impartiality. However, even once informed of the contingency of their own judgments, and of the diversity of views in the society, one might wonder: why would people revise their judgments at all? Reasons and public debate, in contrast with faith and unreasoned convictions, are certainly important, but they may not be sufficient.

(i) Sentiments are the vector by which others are incorporated in one's judgments, and are the engine of the transformation of judgments. Emotions and sentiments, alongside psychology or instincts, play an important role in inner reflection and, from then on, in decision-making: "*the significant place of emotions for our deliberations can be illustrated by the reasons for taking them seriously (though not uncritically). If we are strongly moved by some particular emotion, there is good reason to ask what that tells us. Reason and emotion play complementary roles in human reflection* […]." (Sen 2009: 39) The focus on sentiments does not amount to "*sentimentalism*". Sen proposes an indirect criticism of rational choice theory as it has been conceived over the course of a century, insisting that reasoning cannot be a synonym of "*cold calculation*". Adam Smith's philosophical writings turn out to fundamentally support Sen: indeed, on the Scottish economist's view, sentiments allow local prejudices – and hence the misconceptions at their source – evolve. For Emma Rothschild, the

indefinite idea of a sentiment – as a feeling of which one is conscious and upon which one reflects – was at the heart of Smith's and Condorcet's political and moral theory, and these are two important references for Sen. For these authors, sentiments were "*events that connected the individual to the larger relationships in which he or she lived (the society, or the family, or the state)*" (Rothschild 2001: 9). Sentiments help each individual to become aware of her connection to others, to feel that what happens to others is, ultimately, of concern for her as well; furthermore, each individual might feel affected by what happens to others.

Concretely, sentiments of indignation, horror or responsibility regarding injustice, among others, will work as efficient mechanisms for the incorporation of the positions and views of others into one's own judgments. Let us consider these different instances. Firstly, Sen (2009: vii) stresses, quoting Charles Dickens, that "*there is nothing so finely perceived and finely felt, as injustice*." Facing a disproportionate level of disadvantage, according to some shared values, individuals may – though of course not always – feel deeply and personally that this might not be right. 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. Secondly, sentiments of horror generated by famine, genocide, terrorism, slavery or untouchability are deeply interconnected, as people cannot but feel concerned by issues that are not strictly theirs. Thirdly, when disadvantages or injustices are clearly stated, within a public and opened framework of thought, it is then very hard to pretend to be individually unaware. A sentiment of responsibility, or at least the condition for its emergence, is indeed enforced. Sen's insistence on open impartiality is linked to the "*liberating role*" which the consideration of insights from "*differently situated impartial spectators*" (Sen 2009: 144) may have. Taking an interest in outsiders' point of view, beyond the constraint of local conventions, may force us to think seriously about what can be done, rather than proceeding as if societies did not owe anything to each other. Sentiments of indignation and horror, when completed by a sentiment of responsibility, act as powerful tools in the incorporate of the views of others into one's judgment.

(ii) Let us now consider under which conditions the revisions of individual judgments do move closer towards impartiality. In the context of social choice, Sen suggests a revision to the informational basis of social choice theory, which deals only with utility, satisfaction or happiness, towards the consideration of individual voices: "*voice is a very different – and in many ways a more versatile – idea than the concept of happiness*" (Sen 2009: 281). In

considering individual judgments as voices,[20] Sen claims that both rationality and sentiment play a role in the formation and transformation of judgments: "*even pure expressions of discontent and disappointment can make their own contributions to public reasoning if they are followed by investigation (perhaps undertaken by others) of whatever reasonable basis there might be for the indignation*" (Sen 2009: 392). Instinctive reactions have something to say, but it is also crucial that they do not have the last word.

Furthermore, if we expect individual judgments or voices to be positionally objective, rather than subjective, it has to be clarified that "each person's beliefs and utterances are not inescapably confined to some personal subjectivity that others may not be able to penetrate" (Sen 2009: 118). For this purpose, Sen invites us to give up the language of strict rationality and mere self-interest and to revive the grammar of moral sentiments. Sympathy – in the sense of "caring about the miseries and the happiness of others" (Sen 2009: 49) – and compassion – in the sense of a fellow-feeling between two individuals – are essential for interpersonal comprehension. Sen (2009: 185) claims that "*a person's basic 'sympathy' can, in many cases, make him or her do spontaneously things that are good for others, with 'no self-denial' involved, since the person enjoys helping others*". However, Sen also remarks that "*sympathy in the form of feeling other people's pain is not really essential in being able to see reasons to help a person in pain*" (Sen 2009: 372). Obligation, or commitment, appears when one seriously considers "*what one can reasonably do to help the realization of another person's freedom, taking note of its importance and influenceability and of one's own circumstances and likely effectiveness*" (Sen 2009: 372-3). We can indeed mark a distinction between the sentiment of sympathy and the committed judgment that can derive of it, after thinking and discussion about what can be done to remove the misery of others.

Sentiments of indignation, compassion and responsibility are important in driving the will of individuals to reduce injustice in the world, but open impartiality and reasoning are

[20] In his chapter "Voice and social choice", Sen (2009) prefers speaking about a person's voice, rather than her preference, her choice, or her vote. He does not give a clear definition, but we can infer from his writings that it includes a person's judgment and the reasoning that leads to this judgment. The most important in people's voices is not the judgment *per se*, but the perspective and the reasons behind the judgment either "because their interests are involved" – and it might be useful to clarify in what sense –, or because it brings "important insights and discernment into an evaluation" – and "there is a case for listening to that assessment whether or not the person is a directly involved party" (Sen 2009: 109). Further, the use of the term "voices" also echoes to John Stuart Mill's idea of "a government by discussion," according to which the success of a democracy depends on the extent to which people's voices can be heard. One can finally think about one of Sen's influences: Albert Hirschman who wrote in 1970 *Exit, Voice and Loyalty*.

also necessary in order to complement this natural tendency and to form judgments, in this sense. In a nutshell, sentiments are the vector by which individuals are inclined to modify their judgments. Reasons and further scrutiny are necessary for such modifications and evolutions to proceed in the direction of more impartial judgments. Further conditions might be necessary to ensure this, linked to the communication of new information and sentiments, as we shall now see.

2.3. COMMUNICATION

We have seen that a confrontation with others' views, knowledge and experiences, including the sentiments at their source, constitutes a necessary step in understanding the positionality of one's judgment, and at the same time in enlarging the positional parameters at their source. In the context of open impartiality, relevant judgments for justice may be selected, and inappropriate judgments for justice may be transformed by incorporating a diversity of views. Indeed, Sen considers that the three problems of perception we have identified are not immutable. Judgments may change under influences. Now, if some individuals influence others in an illusory direction, there is no reason to treat these modifications of judgment as essentially positive, and such influence could be a threat to the democratic representation of each part of the society. The ignorance of the existence of such influence is therefore an issue. In particular, Sen remarks that "*the concrete scope of social choice theory is considerably reduced by its tendency to ignore value formation through social interactions*" (Sen 2002: 230). The mere aggregation of individual preferences, through voting in particular, would hide all relevant information on preference formation. On the contrary, the identification of the positional parameters for each individual constitutes a necessary condition for being able to challenge false consciousness into a perceptive consciousness, and hence to facilitate the transition from positional individual views towards justice judgments. It is important to identify influences, and hence to identify where individuals are speaking from. Other organizations of democratic decisions, like democratic deliberation or public discussion, may have the properties appropriate to guarantee the spread of such information, in order for this transformation to occur. We shall see now that Sen's appeal to 'public reasoning' needs an appropriate approach to communication, not only to convey this information, but also to favor the emergence of sentiments, such that unknown others become actual neighbors in the sense we developed above. Although Sen does not really elaborate upon the role of communication, we claim this to be a key feature of his

theory of justice, in the sense that it facilitates the move towards judgments of greater impartiality.

(i) As Sen often describes it, his theory of justice is closely related to the view of democracy in terms of public reasoning. The expression '*public reasoning*' itself is cited 115 times. This numerical importance corresponds to the actual definition of Sen's approach of justice, but does not put an end to the matter. Indeed, Sen concludes: "*If the importance of public reasoning has been one of the major concerns of the book, so has been the need to accept the plurality of reasons that may sensibly be accommodated in an exercise of evaluation''* (Sen 2009: 394). Besides, public reasoning is never precisely defined.[21] Sen does mention elements of discursive ethics, yet these do not reveal any essential aspects or appear immediately relevant to understanding his theory of justice (Sen 2009: 326). For instance, Sen mentions '*deliberation*', but is not absolutely definitive on its essential role. The word is only cited 20 times in the text of the book – except foreword and endnotes, mostly to refer to Rawls or Habermas, and just twice to nourish Sen's own theory. The concepts of '*public discussion'* (mentioned 47 times) and, more generally, of '*discussion*' (148 times including the 47 '*public discussion*' and 6 'government by discussion') seem to be of more importance, but are not even referred to in the subject index. To find references to all these concepts, we have to consider the entry '*public dialogue*', although the expression is cited only once, and the word '*dialogue*' is mentioned just 13 times in the book. [22]

According to our reading, public reasoning seems to refer to the process of democratic debate,[23] including the issues of "*political participation, dialogue and public interaction*"

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

[22] These calculi have been made with lexico 3, University La Sorbonne – France. The authors are grateful to Jessica Mange for her kind help to use this software.

[23] Let us recall what Sen said in a recent conversation concerning the fact that social choice theory is not concerned with the issue of public discussion except indirectly: "*That is you need a theory of public communication, a process of deliberation. You need a Habermas, you need a Rawlsian discussion about public reasoning. You need the insight of the Japanese Constitution of 17 articles in 606 about why all decisions should be taken on the basis of public discussion and not without it. So you need a world of insights but these are not social choice insights, they are relevant to social choice and they're not in contradiction with social choice. But social choice theory is not concerned with that issue; it is concerned primarily with aggregation. But aggregation relates to what it is that we're trying to aggregate […] I don't think that deliberative*

(Sen 2009: 326). In fact, the effectiveness of Sen's idea of justice entirely depends on the extent to which people's voices can be heard. In this sense, Sen considers that "*communication and interpersonal comprehension […] are central to public reasoning*" (Sen 2009: 119) and he suggests that "*communication and discourse have significant roles to play in the assessment of moral and political claims*" (Sen 2009: 392). Sen mentions the word '*communication*' 26 times in the 468 pages of the core of the book, and we count only 15 occurrences of the word for the meaning we retain. Besides, he does not much elaborate on the concept, and the only entry on `*communication*' in the subject index concerns more specifically '*the importance of cross-cultural communication*'.

Given our reconstruction of Sen's conception of individual judgment, an important element of the (trans)formation of judgments is the mechanism by which individuals incorporate public judgments. What remains an essential ingredient for the vehicle from the public to the individual level is the means of communicating new information and sentiments. Communication is indeed particularly relevant for the purpose of understanding positional judgments, especially when the "*positional distance*" between the individuals is important. The longer the distance, the more difficult it is to put oneself in other people's shoes, and to imagine how they are likely to view our sentiments and motives. Public discussion seems, then, to be the only way to give full scope to the notion of "individual voices", and to go beyond standard behavioral approaches.[24] But discussion can be perfectly useless for the purpose of justice evaluation, if the approach of communication retained does not take into account the positional dependence of judgments, and the consequent misunderstandings which can result.

(ii) Communication ensures a degree of influence between people's judgments. A transformation towards the existence of an overall impartial judgment shared by everybody is not guaranteed, but any move towards this ideal requires specific attention to the way individuals communicate their own judgment in the public sphere.

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democracy is the adequate model but deliberation is an important part of democracy." (Baujard, Gilardone and Salles forthcoming)

[24] Sen (1973: 258) already deplored that the thrust in the theory of revealed preferences has undermined "thinking as a method of self-knowledge and talking as a method of knowing about others". Sen's insistence on communication is related to his faith in people's capacity to reason and scrutinize their own decisions, as well as those of others.

While "*social evaluations may be starved of useful information and good arguments if they are entirely based on separated and sequestered cogitation*" (Sen 2009: 242), public discussion might not necessarily eradicate conflicts of values and interests. There might be no consensus at the end of the public discussion because communication is not always effective: "*When we try to assess how we should behave, and what kind of societies should be understood to be patently unjust, we have reason to listen and pay some attention to the views and suggestions of others, which might or might not lead us to revise some of our own conclusions. We also attempt, frequently enough, to make others pay some attention to our priorities and our ways of thought, and in this advocacy we sometimes succeed, while at other times we fail altogether."* (Sen 2009: 88) This means that communication is not a perfect model: sympathy is not automatic, and language might fail to convince our fellows that there are reasons to consider some new priorities or values. As a plurality of aspects deserves attention, and as there exist, in many cases, a plurality of impartial reasons, it will be impossible to settle upon a clear evaluation. In other words, no complete ranking of the possible situations may be derived, and many social states may just be undecided. Incompleteness, i.e. the impossibility of establishing fine rankings of all social states, is therefore likely.

(iii) The object of communication is not to transmit truth, but it is justice itself.

When individuals interact, they may exchange information and generate sentiments as we have seen above. But such information cannot be considered truth, since at their own level, individuals have positional judgments, hence a kind of biased information to transmit. Justice is not about the aggregation of unquestionable objective interests; such information is just not available. For Sen, justice is, fundamentally, a democratic issue, based on the spontaneous actual positions of individuals. It is interesting to refer to Adam Smith's approach of communication in order to understand Sen's view. Smith's approach of communication is intimately linked with a theory of knowledge that assumes an inaccessible truth. Indeed, "*in Scotland, there was an acceptance that true knowledge was unattainable. What was to be communicated, then, was not "truth", but a way of thinking about the world which made sense in terms of the listener's experience, and which provided solutions to pressing problems*" (Dow 2009: 8). For Smith, the individual's knowledge is founded on sentiment and imagination, as well as on experience; reason alone is inadequate as a basis for improvement. Furthermore, "*[m]oral judgment is neither reason overcoming sentiment, nor externally imposed, but rather the result of "judgement being shaped by the views of others"*

[…]. This applies to internal communication with an imagined moral arbiter as much as to external communication of a speaker with his audience" (Dow 2009: 19). Not only did this theory of knowledge ground Smith's idea of successful communication, i.e., of communication that leads to mutual understanding, but the sense of "otherness" encouraged him to take seriously the moral values of other societies, even of the ones considered as in earlier stages of development, because moral values might be eroded in later stages of development (Dow 2009: 19).

This implies, primarily, that the notion of 'true axioms by themselves', i.e., axioms justified independently of the context at stake and of the particular concerned people, is simply ruled out. Justice is fundamentally built by the community. Sen defines justice positively by the connections within the community, as well as between the members of the community and any concerned outsiders. There are no further externally normative criteria such as true axioms. This view not only clashes with the normative approach of justice theories, but also with the standard belief in demarcation in welfare economics and in social choice theory.[25] Sen is drastically opposed to this view. The relevant axioms are chosen by individuals themselves, and cannot be considered separately from these individuals. Furthermore, there is no "true" social evaluation but, at best, one that is based on "*a wide variety of viewpoints and outlooks based on diverse experiences [and sentiments] from far and near*", to paraphrase Sen (2009: 45). There is no ideal social choice system, i.e., one perfect social choice theory adaptable for all situations. More generally, justice theorists do have a role to play in this interactive process, as "*dialogue and communication are part of the subject matter of the theory of justice [but] we have good reason to be sceptical of the possibility of 'discussionless justice'*" (Sen 2009: 88-89). More fundamentally, Sen refuses any definitive normative external conception: "*Theories of justice are not, however, taken by most mainstream practitioners to be anything like as general and underspecified as a framework of reasoning. Rather, these specialists seem determined to take us straightaway to some fairly detailed formula for social justice and to firm identification, with no indeterminacy, of the nature of just social institutions. Rawls's theory of justice illustrates this*

[25] In both cases, ends or normative criteria are held by some external agent or institution, sometimes called `the client' or the `benevolent dictator'. On the issue of demarcation in economics and the challenge of this view for methodological reasons, see Baujard (2013).

very well." (Sen 2009: 89) In other words, a theory of justice cannot but accept the absence of once-and-for-all finality.

This conclusion, concerning the importance of communication, is distinctive of our reconstruction. While Sen considers the role of "*using language and imagery that communicate efficiently and well*" as central to his project (Sen 2009: 122), he does not explicitly refer to any theory of communication on which his democratic theory would be based.[26] We should note, however, that our conclusion resonates with Smith's lectures about rhetoric and communication, in which he particularly developed the idea "*that, to understand a speaker or author, it is necessary to understand the spirit in which their ideas are being put forward*" (Dow 2009: 6). This idea is to be related with the two different issues of non-subjectivity that are inherent in the concept of positional judgment: one of comprehension on an objective basis, and the other of objective acceptability (Sen 2009: 118). Interpersonal comprehension, through a communication that helps to understand the positionality of judgments, does not necessarily entail acceptability of the content of statements and claims, but is required in order for people to form more impartial judgments in incorporating the views of others. Nevertheless, the point we want to make is that this theory of communication, necessary for Sen's democratic theory of justice, is still to be built.

CONCLUSION

The concept of individual judgment developed in the context of Sen's idea of justice has received little attention so far. It must be noted that Sen is not very clear regarding the actual stakes of this research, although he suggests it may have far-reaching consequences for epistemology, decision theory and ethics. We believe this is partly due to Sen's clear-cut separation between his contributions to economics from his contributions to philosophy. A consideration of his philosophical contribution, through the eyes of a social choice theorist, has enabled us to deepen and enrich our understanding of Sen's view of democracy. We have described the basic elements of individual judgments, and have discussed the conditions under

[26] Sen simply mentions some of Antonio Gramsci's *Prison book* insights according to which an effective communication needs "*the use of conformist rules, while trying to make this language express nonconformist proposals*" (Sen 2009: 122).

which they do evolve to become more impartial. The use of social choice theory as a heuristic has enabled us to consider positional judgments, rather than mere given preferences. We have been able to show that such judgments are more likely to favor the convergence of individual judgments, on the basis of conditions that are not clearly stated by Sen, but that our reconstruction has identified.

First, we have analyzed the conditions under which judgment may serve as an alternative concept for the purposes of discussing the information relevant for democratic purposes. This is a dramatic step away from welfarism. Judgments are positionally defined and justified. They rely on a specific notion of impartiality, which is not to be found in theory, but in returning sovereignty to people. They do not need to be laundered of any care for others. Rather than appealing to static preferences, judgments may evolve thanks to access to information or by way of sentiments, according to the links they have with others. Rather than a static aggregation model, we here describe a dynamic model of co-construction of individual judgment and a collective idea of justice. Sen, however, has never explicitly linked this notion to the notion of individual preferences in the SCT framework, nor has he ever presented it as an alternative. In contrast, we have claimed here that it may be considered as a natural extension of his criticism of the use of individual preferences for democratic studies, with all the caveats that prove necessary in such a reconstruction.

Second, we have scrutinized the links between the normative or positive nature of judgments, and identify where, among individual or collective judgments, normativity should emerge. In particular, we have shown that normativity does not require artificial conditions to ensure impartiality; rather, it emerges from the consideration of the very plurality of actual judgments. In other words, impartiality is a property of positional judgments which are able to evolve in an open way, through the influence of more information of different networks and societies, i.e., from a plurality of views.

Third, we have identified that communication is central in Sen's idea of justice, insofar as the move towards more impartial individual judgments is closely related to interpersonal comprehension which cannot emerge spontaneously. Our reading highlights the necessity of an approach to communication which takes an account of the positionality of judgments seriously, i.e., the fact that they are neither simply right or wrong nor just subjective. We also insist on another feature which this approach to communication must include: it has to acknowledge the role of sentiments, in addition to the role of reason and

mere information, in an account of mutual learning and judgment transformation. Formulating and discussing ideas that are significantly new requires some sense of communication, which echoes Smith's ideas on rhetoric. But some elements are still missing: which structure of communication is able to implement open impartiality? Which procedures of deliberation could we add to ensure this impartiality?

Fourth, while SCT is often charged with being inadequate to tackle democracy, it must be acknowledged that Arrow's impossibility theorem (1951) and the literature that followed has helped to grasp the nature of the problem of collective choices grounded on given and fixed individual judgments. In that field, economists can hardly escape the epistemological or philosophical concerns underlying their methodological agenda. Our reconstruction of Sen's concept of individual judgment was not motivated by the objective of aggregation, however it might be seen as one way of making progress towards understanding the deliberation phase of an "idealized version of a decision-making process in a liberal democracy" (Pattanaik 2005: 374-75)[27] before entering phase two, which is the phase of aggregating individual judgments to reach social decisions. In a nutshell, we consider that Sen's philosophical insights regarding individual judgments have a clear bearing upon economic theory – as long as we do not consider them as belonging to parallel worlds. We have demonstrated that the notion of evolving positional judgments may give relevance to the very idea of democracy as an interactive process of reasoned value formation. Indeed, this theoretical approach towards individual judgments makes sense only in the context of a democratic theory of justice or social choice.

[27] In contrast with Pattanaik we however do not confine the ethical debates to welfare judgments; individuals might have values other than their own welfare to express and defend in this deliberative phase. And this is also Sen's position.

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