Amartya Sen is best known as one of the world's most distinguished economists, for which he has won the Nobel Prize, but economics is far from his only concern. Sen has also had a lifelong "love affair with philosophy," and in The Idea of Justice he defends his distinctive views on political philosophy. The book is dedicated to the memory of John Rawls, and Sen devotes significant space to expressing his profound respect for Rawls, both as a thinker and as a personal friend. But Sen does not come to praise Rawls's theory of justice; he comes to bury it. Indeed, Sen seeks to persuade readers to abandon not only Rawlsian political theory, but also the long philosophical tradition of which Rawls is a part. This is a tradition of theorizing about the ideal arrangements of a just society which Sen refers to as "transcendental institutionalism." Sen argues that transcendental institutionalism is neither necessary nor sufficient as an approach to actually promoting justice in the real world. In its place, Sen proposes a comparative approach to justice, in which political philosophers engage in public reasoning to identify the most just choice among a set of feasible alternatives, always aware that there may be more than one reasonable viewpoint on any given issue.

The idea that reasonable people might disagree is near the heart of Sen's approach to justice, and it is also at the heart of his critique of Rawls. Rawls's theory of justice draws on a hypothetical "original position," in which individuals identify principles of justice from behind a "veil of ignorance," without knowledge of their personal attributes or of what position they will occupy within the society. Rawls claims that the imagined original position would lead to a fundamental agreement that is fair to all parties. His Theory of Justice attempts to map the contours of this hypothetical agreement, which he argues should form the foundation for society's institutions.

Sen, on the other hand, doubts that there would be such agreement in the original position. In Sen's view, "[t]here are genuinely plural, and sometimes conflicting, general concerns that bear on our understanding of justice," and

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2. Id. at 57.

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therefore unanimous agreement on fundamental principles of justice could not be expected even in Rawls's original position. He illustrates this point by imagining three children arguing over who should get a flute. One of the children contends that she is the only one who knows how to play the instrument, and thus would derive the most pleasure from it. Another says that he is the poorest of the three children and has no toys of his own, and therefore it would be most just to give him the flute. The third child speaks up and says that she has made the flute and she is entitled to the fruits of her own labor. To whom should we give the flute? In Sen's view, all three children have plausible claims to the flute, and each child's claim can be defended from an impartial perspective, meaning that it would survive even in the Rawlsian original position. Sen contends that this absence of agreement on fundamental principles "hit[s] at the very root of the theory."3

Indeed, Sen goes on to say, it is not only Rawls's general theory of justice that must be abandoned, but the entire school of thought that Rawls represents. Sen's writing brims with erudition, wit, and respect for those with whom he disagrees, so it is easy to miss the extent to which he is cheerily dismissing almost the entire discipline of political philosophy. But make no mistake—in Sen's view, the bulk of political philosophers, including Rawls, are guilty of "institutional fundamentalism," which he defines as the view that "the presence of adequate institutions themselves [is] adequate to satisfy the demands of justice."4 Instead of a narrow focus on just institutions, Sen advocates a broad-based attention to "what social realizations are actually generated." He clarifies this distinction by importing two terms from classical Sanskrit jurisprudence. In Sanskrit, Sen tells us, the concept of niti refers to norms of "organizational propriety and behavioral correctness," roughly equivalent to the "transcendental institutionalism" or "institutional fundamentalism" that he sees as so problematic in contemporary political philosophy. A focus on niti, as Sen defines it, would be prone to building elaborate institutional frameworks that might do little to reduce actual suffering or injustice. Against this, Sen puts forth the idea of nyaya, a Sanskrit term that he defines as representing "a comprehensive concept of realized justice." When justice is conceived in terms of nyaya, Sen believes, then it must be concerned with the actual lived experience of individual people. Nyaya, with its emphasis on the social conditions in which people actually live, is far preferable to the more narrow institutional focus of niti.

Having done away with transcendental institutionalism, Sen goes on to explain the type of political philosophy that should replace it. His central concept is "public reason," and a large portion of the book is devoted to various attempts to define this concept. At its core, Sen's vision of public reason involves any statements or beliefs that would be likely to survive a free and informed public discussion from a wide array of viewpoints. To achieve this robust type of public

3. Id. at 58.
4. Id. at 82.
reason, Sen adopts a figure from Adam Smith: the “impartial spectator.” When trying to decide which of two alternatives will have the more just outcome, we should consider what an impartial observer, without an immediate stake in the decision, would think. This has the salutary effect of forcing us to consider the effect of actions and policies on other people, especially people from other parts of the world who may not have a direct input in the decision. Moreover, the device of the “impartial spectator” can increase our collective wisdom by encouraging us to put aside parochial limitations on our perspective. This is far superior, in Sen’s account, to the arbitrary limitations of the participants in Rawls’s original position, who are concerned only with the effect of their decisions within the group of people participating in the social contract.

But what perspective would an impartial observer have? On this issue, Sen’s reasoning becomes more slippery. First, he notes that there is an unavoidable plurality of impartial reasons and that some social disagreements are likely to remain intractable. In other words, the best we can do is to seek agreement about some areas where injustice can be reduced, while acknowledging that in other areas large substantive disagreements will remain. This means abandoning all hope of an agreement about the ultimate ends of society. But if this is the case, this raises serious questions about the usefulness of the “impartial spectator.” We usually do not need an elaborate theory of justice for questions where there is widespread agreement about the right thing to do. And in the areas where there are multiple plausible viewpoints, the impartial spectator, who might adopt any of these viewpoints, offers little illumination. The device is thus the least helpful where it might be the most needed.

Moreover, Sen tells us that the impartial spectator is a tool for greatly expanding the range of admissible views regarding justice, but this raises troubling questions about views that are repugnant, such as those advocating violence or gender discrimination. What would it mean to be “impartial” regarding these views? What is the impartial spectator’s educational level and set of cultural assumptions? Sen is to be commended for acknowledging the plurality of impartial views regarding justice, but it would have been useful to see him discuss the reality that not all spectators are as enlightened or tolerant as Sen himself. The acknowledgement of disagreement also leaves the reader to wonder what level of practical guidance we can draw from Sen’s theory. To go back to the example of the children arguing over the flute, Sen never tells us who should get the flute.

In the latter sections of the book, Sen shifts focus from the plurality of reasons, and offers up some “materials of justice.” These sections will be familiar to many readers, as they draw on Sen’s prior work regarding the human-capabilities approach to economic development and the importance of public reasoning to democracy. It is here that we begin to see how the impressive range of Sen’s life work fits together and reinforces his ideas about the nature of justice. If we accept his opening premise, that the goal of political philosophy should be to
reduce injustice and advance justice, then the appeal of the human-capabilities approach becomes clear. The enhancement of human well-being, defined as maximization of "a person's capability to do things he or she has reason to value," can provide a measuring stick to determine whether justice has been promoted and injustice reduced. Sen is on firm ground here, building on his lifetime of work as a development economist to argue convincingly against narrower ways of measuring well-being, such as national GDP measures or welfare utilitarianism.

Sen is also persuasive when he argues for the centrality of public reasoning to the functioning of democracy. But he avoids some difficult questions when discussing the relationship between democracy and the human-capability approach to development that he has so strongly advocated. He argues strongly against the claim that democracy is not conducive to economic development, a claim made by many in the wake of China's stunning economic success over the past generation. Sen argues first that democratic values are one of the aspects of human development, and second that the econometric evidence does not support the view that democracy is bad for economic development. On this second point, Sen's evidence is unconvincing—he cites no study more recent than 1996. On the first point, it is certainly true that democracy is intrinsically valuable as a component of human well-being, but it is also true that there may be tradeoffs between economic growth and true democratic decision-making. To take one example, it is extremely difficult to build a railroad without imposing central government dictates and seizing the necessary land over the objections of local farmers and landowners. We may witness, in this regard, the greatly divergent rates of development of rail lines in China and India. Rather than denying that these tradeoffs exist, it would have been useful to see Sen grapple with how they should be resolved, and when it is time to curtail the messy process of public reasoning and impose a solution in the interests of economic progress.

There is much to appreciate in The Idea of Justice. The book is packed with learned insights and sharp observations about the history of political philosophy and the demands of global justice. Anyone who is concerned with improving human well-being will benefit from Sen's wisdom. But in its attempt to redefine the project of political philosophy, Sen's book overreaches. The attempt to overturn centuries of political philosophy (in favor of a humble and pragmatic approach) turns out to be no less ambitious in its scope. Thankfully, we live in a world where we do not have to choose between Sen and Rawls, but we can benefit from the insights of both. We can learn much from Sen's emphasis on public reasoning in favor of reforms that promote the actual realization of justice, but we can also learn from the expansive moral reach of Rawls and others who seek to imagine and describe their visions of what a just society could be.