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Humanities Magazine for Young People

Against Injustice

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INSPIRATION, ENGAGEMENT AND VISION

Humanities Magazine for Young People

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Sen, Justice, Why, and Peace

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This article is a philosopher's response to Amartya Sen's recent book, *The Idea of Justice*. Sen, a Harvard Professor and Nobel Laureate, is well-known for his work in welfare economics, which he has put to real-world use in helping to guide development policy and practice so as to improve the lives of the world's poorest people. He also has the rare ability to make an impact on other academic disciplines, like philosophy, and on the ideas of the world at large. In order to improve our understanding of the idea of justice Sen does three main things in this book. He connects the idea of justice with another more determinate idea: impartiality. He supports the idea of justice with a practice: public reasoning. And he presents and defends a *comparative* way of theorizing about impartiality and public reasoning. Let's begin with the first of these.

Impartiality and Global Justice

Impartiality is giving equal consideration to each person. To illustrate, imagine at the end of a dinner party two people reach at the same time for the last slice of cake, which, let's suppose, can't be divided between them; and they ask you to decide who should get it. You might ask yourself whether one person wants the cake more than the other, or would enjoy it more, or deserves it more. You might also ask yourself whether one person matters to you more than the other. That last question goes against impartiality. The impartial perspective tells us that each person matters equally: no one matters more or less because of who they are. Of course, it isn't completely obvious what it would mean to give equal consideration to each person. There are different views about what we should consider when giving equal consideration. Should it be desires (who wants it more?) or benefit (who would enjoy it more?) or entitlement (who deserves it more?) or something else? But what those three questions have in common is that they don't show any favour toward one person simply because of who she is.

Is impartiality always right and partiality always wrong? Clearly not. It is right and

good that I do some things for my children that I don't do for other people's children. (It might even be okay for me to give them an extra piece of cake!) But there are limits to this. When we are talking about things more serious than cake, like access to essential medicines, education or political representation, it is wrong to give advantages to some people simply because of who they are. Indeed, it is unjust. Sen rightly defends a connection between justice and impartiality. He says that demands of justice can be understood as demands of impartiality. In other words, justice is about giving equal consideration to each person. Now, what's unjust about partiality (concerning more than cake) is not only that some people unfairly get extra; rather, the problem is that many people get too little or none at all. Partiality has two sides: when I give favour to one person because of a personal connection, I am thereby at the same time ignoring everyone else. In our world, the extra that some people have might not always seem so objectionable, but the neglect that too often comes with it certainly is.

demands of justice as demands of impartiality

In a moment, I want to take a closer look at what Sen has to say about justice and impartiality; but first, we should have a picture of his (and my) opponent. The opponent is not any particular person. It is a type of view about when the demands of justice do and do not apply, which is defended to a greater or lesser extent in many different versions (such as Thomas Nagel's 2005 article, 'The Problem of Global Justice'). Let's call the view 'statism about justice', although I'll simply refer to as statism. The view, very briefly, is this:

> I have obligations of justice only to people who are subject to the same coercive political authority as I am; and in our current world, this means that I have obligations of justice only to fellow citizens of my country (i.e., my state). Helping to improve the lives of people outside my country is an act worthy of praise, but it is not something that justice requires me to do.

I agree with Sen that we should reject statism. The demands of justice do extend across national borders. In academic debates, nearly everyone accepts this in some form or other. However, many of the everyday choices of the majority of the world's affluent people still seem to take statism seriously, or at least accept it implicitly. For that reason, it is important to think about exactly why statism should be rejected.

You might think that the statist view could simply be dismissed by saying that it ignores impartiality and so cannot be a defensible view about justice. Doesn't the view simply defend partiality towards co-citizens? Not exactly. Defeating statism isn't that easy. The view doesn't reject impartiality; rather, it defends a conception of it that concludes that demands of impartiality only apply between fellow citizens. The argument for that conception—which we want to understand in order to argue against—look likes this:

If I simply think about human nature and the intrinsic worth of each person, then I will realize that it is wrong for me to harm another person; however, this line of thought will not carry me all the way to the idea of justice and impartiality. The fact that each person deserves my respect simply because he is a person does not tell me that I must make sure his life goes well. I must not harm him, but if it is possible for me to avoid interaction with him, then I do no wrong by living my own life with benign indifference toward his; unless, of course, other people are harming him, in which case I ought to intervene if I can do so effectively without unreasonable personal sacrifice. This is what morality requires of me with regard to any other human being.

But things are different between me and my fellow citizens. We are subject to the same national structure of political authority, and that authority is ultimately coercive. This is not because it regularly uses overtly coercive methods of enforcement (which many people never experience), but because in order to enable large-scale economic cooperation the political authority must create and enforce a system of rules that deeply shapes the context in which people in a society live. A philosopher named John Rawls famously called this context the 'basic structure' of society. This basic structure makes it possible for millions of otherwise strangers to work together in mutually beneficial ways; but that doesn't make the basic structure (and hence the political authority that creates and sustains it) any less coercive in terms of its fundamental nature. I did not choose the rules of my country's basic structure and I might disagree with them, and yet the state reserves the right to force me to obey those rules.

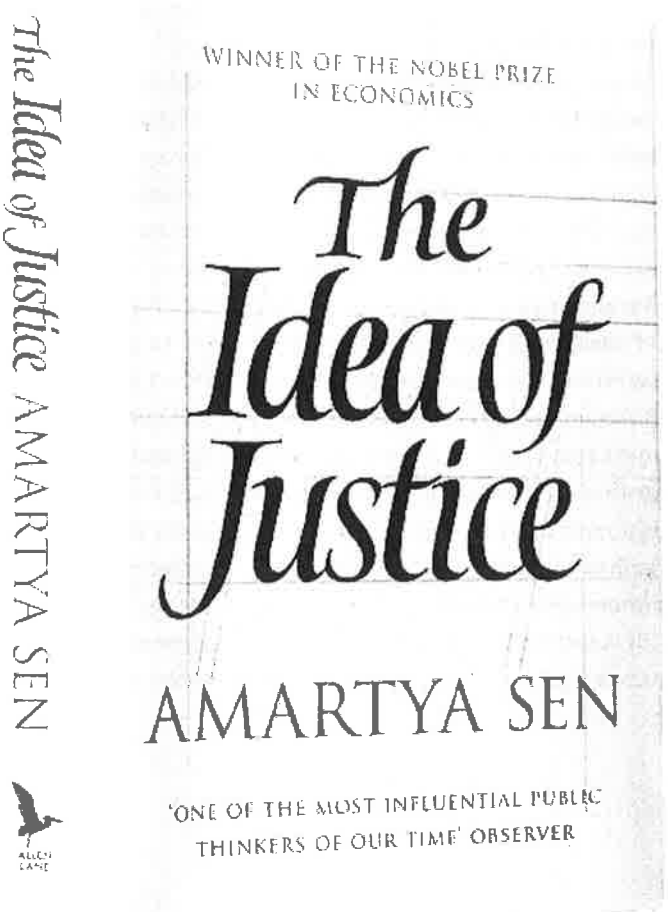
This is a harm. As a human being with the capacity to make my own value judgments and thus to make my own choices, I have a natural freedom that is violated by the fundamentally coercive nature of my country's basic structure. The only way to make up for this harm is for the rules of the basic structure to be defended by reasons that I ought to accept. But since the rules are also imposed on all my fellow citizens, those reasons must be ones that all of us ought to accept. This can be achieved only if the economic system and its institutions are designed in a way that gives equal consideration to each of us. That is why my fellow citizens and I have obligations of justice to each other: it is the only way to make up for coercively imposing the basic structure on each other through our collective use of political power. And that is why I have no obligations of justice to people outside of my country: there are no structures of authority that connect us.

open impartiality

So, how does Sen argue against this view that obligations of justice apply only between fellow citizens? It would be impossible for me to comment on all his reasons for opposing statism. The most insightful and important of these, however, is his idea of 'open impartiality'. Typically, in debates about impartiality, the primary question is: Whose lives are affected by our choices? But Sen urges us to also ask a second question: Who can offer an 'enlightenment perspective' on an issue? The first question makes us think about our power to harm other people, even if unintentionally or indirectly. And so, an impartial choice is one that is made by giving equal consideration to everyone who is likely to be affected by the outcome of that choice. The second question

draws our attention to the dangers of parochialism. My understanding of an issue can easily be incomplete or biased if I take for granted all the assumptions made within my own community or society; and poor understanding can easily lead to poor choices. So, in addition to the first condition, an impartial choice, argues Sen, must also be made by listening to people from far away, even if their lives will not be affected by the outcome of my choice, because their different perspectives can help to open my eyes to otherwise neglected facets of an issue. If we accept Sen's attractive picture of impartiality, it is clear that we would reject statism. If a person accepts statism and so listens only to the voices of her fellow citizens, then she is likely to make choices that are harmful to others, especially as a result of a biased understanding of the issue.

By presenting this compelling picture of impartiality, Sen makes real progress in arguing against statism. To make the argument complete, however, we also need to know why open impartiality is required. The statist view not only presents a picture of impartiality, it also explains exactly why that kind of impartiality is required. Sen does not do this—at least, not in the same way. Instead, he defends



a *comparative* approach, and he defends public reasoning as a way to increase the practical power of his approach. Let's take a look at that next.

Comparative Theorizing and Public Reasoning

Sen's defence of a comparative approach to theorizing about justice is his most ambitious theoretical claim in the book (and, arguably, in his career). His aim is to identify a theory that is able to make 'diagnoses' of injustice here and now, a theory that can determine the best way to reduce our world's level of injustice through feasible social changes. Mainstream theories of global justice share that aim, but their strategy is to first seek to understand the nature of justice. Philosophers care about *what* things are unjust, but they also care about *why* an unjust thing is properly called unjust. The hope of philosophy is that by improving our understanding of the *why*, we will also improve our ability to make the best choices concerning the *what*—not to mention giving us motivation to make those choices rather than easier, more tempting others. Sen calls this 'transcendental' theorizing. In contrast, his comparative approach is radical in that it seeks to bypass the why. It is explicitly agnostic about why an injustice is unjust, and about why open impartiality, or any other conception, is a demand of justice.

Instead of philosophically examining the fundamental nature of the idea of justice, Sen takes impartiality for granted as a starting point. He takes seriously any account of justice that includes a (not crazy) defence of it. The specific practical conclusions of any such theory are all counted in his process of comparison. Those practical conclusions are about what particular things in the world right now are just or unjust, and which feasible social changes would decrease injustice. The basic thought is this: if all theories and perspectives worthy of our attention agree that X is an injustice that could be removed, or at least reduced, by a social change that we really could bring about, then justice demands that we do so. We don't need to agree why X is unjust. And it doesn't matter that our different visions of a perfect world conflict with each other. We should focus on identifying diagnoses of injustice we agree on and then taking action.

demand of justice

Sen's comparative theory includes a tool from economic theory that helps to figure out how much we really do agree concerning injustice. That tool is social choice theory, which owes its modern form to one of Sen's mentors, Kenneth Arrow. It is a tool of clarification. It doesn't tell us what we should agree on, or why should agree on it. Nor does it tell us what kinds of reasons we should think about (and which we shouldn't—such as who matters more to me) when we are making judgments about justice. The purpose and power of social choice theory lies instead in its ability to discover—in a highly sophisticated way—exactly how much we do, in fact, agree on. Indeed, social choice theory has the power to discover previously unrecognized, hidden agreement. Further, it can even point out the obstacles that stand in

the way of greater agreement, which can tell us which beliefs or attitudes we might want to work to try to change.

The best way, says Sen, to change beliefs and attitudes for the better is to defend the importance of public reasoning as a widespread and lively social practice, both in politics and in everyday life. Any view about justice worthy of our attention must be one that can survive the kind of critical scrutiny that occurs through public reasoning. In other words, if a view cannot defend, in free, open and vigorous debate, the claim that it offers a sincere and intelligible account of impartiality, then Sen will disregard that view in his process of comparison.

public reasoning

With that third puzzle piece in place, we now have a picture of the core of Sen's approach to global justice. To recap, he is opposed to the statist view of global justice that says that justice applies only between fellow citizens. Instead, he defends a broad conception of impartiality that listens to enlightenment perspectives as well as people whose lives would be affected. His defence of this understanding of justice is not based on a philosophical examination of the fundamental nature of justice, but instead it is based on an empirical examination of the specific, practical judgments about injustice that are shared by everyone who believes in impartiality in some form. He uses social choice theory to accomplish that examination; and he defends public reasoning in the hope that this social practice itself will broaden and deepen our agreement. The result is that insofar as there is agreement on an injustice Sen's comparative theory has the potential to make concrete and powerful recommendations that ought to be acted on without delay; and whenever there is no agreement—at least not yet—Sen's comparative theory is silent on those issues.

Beyond Comparative Theorizing

I agree with Sen on several keys points: open impartiality, the benefit of promoting public reasoning, the usefulness of social choice theory, and, most of all, his insightful and powerful claim that persisting disagreement on *some* questions of justice gives us no excuse to hesitate in taking action in other cases where the injustice and the measures that would help remove or reduce it are clear to all. In terms of *what* he tells us about global justice, I heartily agree and I sincerely hope that his book will inspire the world at large to take up his practical recommendations.

However, Sen's radical theoretical claim, that comparative theory does not need 'transcendental' theory, has not convinced me. We need to face the *why*. His approach assumes that impartiality is important. I agree that it is, but we need to know why. Suppose someone asks why he should abandon his view if it doesn't contain an account of impartiality, or why he should revise his view if its account of impartiality fails to survive critical scrutiny in public reasoning. Those questions deserve an answer. The statist view, mistaken though it is, provides one: impartiality is owed between fellow citizens as a result of

their imposing their society's basic structure on each other through the collective use of political power. Sen's comparative theory, despite its many other merits, does not. Luckily, global justice is a lively topic in contemporary philosophy, producing some excellent 'transcendental' work. I want to point out two powerful lines of thought, and then, in the final section, present some ideas of my own.

The first line of thought argues against the initial claim made by statism. That initial claim drew a line, so to speak, between benefitting and not harming. Statism says that if I reflect on the intrinsic worth of each person, then I will reach the conclusion that I need not try to make anyone else's life go well, so long as I leave them be. Philosophers like Kok-Chor Tan and Peter Singer have argued that the reason we have for not harming someone is *also* a reason for being concerned that their life go well. It is wrong for me to harm you, because your life matters; but the fact that your life matters gives me a reason to care about whether your life goes well. If we accept that justice pushes us towards a world in which everyone is protected from the harmful acts of others, then we must likewise accept that justice pushes us towards a world in which everyone's opportunity for their life to go well is also protected. Being blind to whether the lives of people in other countries go well or poorly is at odds with a full appreciation of the intrinsic moral worth of each person. This line of thought seeks to explain why the kind of neglect that statism permits is unjust.

affirmation of global equal moral concern

The affirmation of global equal moral concern in the first line of thought is inspiring. Some writers, however, even if they personally support this affirmation, don't want to rely on it to defend global justice. One reason for this is the worry that disputes about the fundamental nature of human beings and the source of our worth are especially entrenched and difficult to resolve. I don't share this pessimism. Even so, I'm not convinced that the first line of thought is a claim about justice; rather, it is a claim about morality more generally. Justice is best understood as a subset of morality that concerns actions that make use of collective power. To illustrate, if I steal from you out of greed, it is a moral crime, but not an injustice; whereas if a political leader raises taxes to pay for a new mansion, or pardons my theft because of a family connection, it is an injustice. The intrinsic moral worth of each person does give me a reason to be concerned that her life goes well, but it is a moral reason, not a reason of justice. Statism is right that demands of justice are triggered by shared coercive economic institutions, but it is mistaken in two other ways: such institutions create obligations of justice *not only* between fellow citizens, and justice is triggered *not only* by economic institutions.

the global basic structure

The second line of thought picks up the first of these mistakes. Philosophers like Charles Be-

itz and Thomas Pogge argue against statism by showing that in our current world there are *global* structures of socioeconomic authority that are sufficiently similar to national structures in terms of their fundamentally coercive nature. Statism is empirically mistaken when it says that people from different countries are not connected by shared structures of authority. The focus of this second line of thought is the global economic system. All countries are increasingly connected through trade that is regulated by global institutions like the WTO, the ILO, the IMF and so on. Being blind to whether the lives of people in other countries go well or poorly ignores the reality of that global basic structure, and ignores the likelihood that one's actions, or the actions of one's government, are harming or exploiting those people. In short, justice applies globally because there is global economic cooperation whose aim is prosperity and whose existence is made possible by the imposition of a global basic structure. Justice therefore demands that the global basic structure be designed so as to give equal consideration to all, which mandates very significant change.

For the Sake of Peace

In addition to these two lines of thought, I would like to add a third from my own recent thinking, influenced by the work of Martha Nussbaum and Gillian Brock, among others. This argument picks up on statism's second mistake—namely its (almost) exclusive focus on the *economic* purpose of structures of authority. Statism focuses on the anthropological fact that large-scale economic cooperation cannot be initiated or maintained by natural feelings of trust and sympathy. To enable millions of otherwise strangers to work together in the pursuit of prosperity, we need government (i.e., the state). In philosophy, social contract theory is the school of thought that has historically focused on precisely this type of issue. Social contract theory asks us to think about why human beings would want to live under the rule of a political authority. The answer that statism gives is: to prosper, where this involves both money and free time.

But in the history of social contract theory, a different answer used to take centre stage: to live in peace, where this involves being safe from human violence as well as from natural dangers, such as starvation. Let's consider, then, the thought that structures of political authority are established for (at least) two reasons: prosperity and peace.

To tackle that intellectual challenge, I want to borrow another idea from Rawls, which philosophers refer to as 'constructivism'. This is the idea that in order to understand justice, we first need to understand the moral features of the relationship to which justice applies. To illustrate, statism argues that justice applies to the relationship that is created between fellow citizens as a result of their imposing their society's basic structure on each other for the purpose of prosperity. If we can understand the morally significant facts about that use of collective power, then we will be able to understand *that particular kind of justice*. Because there are different morally significant relationships that can be created by the use of collective power, there are

different kinds, or *levels*, of justice. Therefore, a complete theory would need to discuss all those levels, as well as what do to about conflicts (if any) between them. I won't try to do anything as grand as that here. But I do think that reflecting on the idea of cooperation for peace leads us to one other level of justice that is distinct from the economic one that statism deals with.

I am going to employ a thought experiment to try to identify the difference between the relationship created by cooperation for prosperity and the relationship created by cooperation for peace. (Philosophers don't have labs, so all our experiments must be thought experiments!) Imagine the following fictional example.

A cruise ship is destroyed in a storm and the two thousand survivors are stranded on a large deserted island. It is a fact that they will never be rescued, and, incredibly, they choose to act as if this is so. Even more incredibly, they quickly agree on the need for a single structure of authority, and establish it without violence. A year later a second cruise ship meets the same fate, bringing two thousand more shipwrecked survivors to the island. The first group does not welcome the second into their society. Rather, they mark off their territory and then inform the new arrivals that any trespassers will be dealt with severely.

At this point, the thought experiment splits into five different scenarios.

In scenario one, if the earlier group (A) were to allow the new arrivals (B) to join, then A's peace would be threatened; and so A excludes B, with the result that B manages to achieve peace, but not prosperity. In scenario two, if A were to allow B to join, then A's peace would not be undermined, but its prosperity would; and so A chooses to exclude B, with the same result as before for B. In scenario three, if A were to allow B to join, there would be no adverse affects on A at all and perhaps even some beneficial ones; but A still chooses to exclude B, with the same result as before for B. Scenario four, five and six are the same as one, two and three, respectively, except that A's exclusion of B also undermines B's peace.

Let's put that on a chart.

Is it unjust, in any of these six scenarios, for the earlier group (A) to exclude the new arrivals (B)? Let's think about it first from the perspective of economic justice. According to

		If A allows B to join, then …		
		… A's peace is threatened.	… A's prosperity is threatened.	… nothing bad happens.
If A excludes B, then …	… B fails to have prosperity	1	2	3
	… B fails to have peace.	4	5	6

that perspective, justice is triggered by the establishment of common political institutions whose aim is prosperity; and if two individuals are not connected through institutions of this sort, then they have no obligations of justice to one another. So, in our deserted island example, A has no obligations of justice to B unless B joins A's society. Therefore, A can avoid having obligations of justice to B by refusing let B join A's society and then avoiding interaction with B. Allowing B to join would be an act worthy of praise, but it is not required by (economic) justice. We can also explain this in terms of how the use of collective power interacts with natural features of human beings in morally relevant ways. Human beings have a natural freedom that is violated by the imposition of a basic structure for cooperation for prosperity. That harm is what initiates the demand for equal consideration as a matter of justice. If A chooses not to invite B to join, then no such harm occurs, and so no demand of economic justice is initiated.

the demand for equal consideration

But isn't it unjust for A to choose to pursue prosperity on its own, rather than jointly with B? I don't think so. The pursuit of prosperity doesn't have any necessary or inevitable importance. A group can, quite sensibly, choose to *not* pursue it, or to pursue it less than they would be able to. Further, some types of groups, such as those bound together by a national culture or identity, care greatly about being able to choose their own path for pursuing prosperity, as well as being able to decide for themselves what counts as prosperity. For those reasons, people should be free to pursue prosperity or not, in the sense that justice doesn't require anyone to join together with anyone else *simply for the sake of prosperity*. In short, justice allows A to deny B's request to join if that request is made only for the sake of prosperity.

It is different, however, with the pursuit of peace. The activity of seeking peace does have a necessary and inevitable value, which comes from another morally relevant natural feature of human beings that statism overlooks (or at least underemphasizes): our vulnerability to human violence and natural threats. The pursuit of prosperity is neither the only nor the most important reason for humans to establish and maintain structures of political authority. We do so first and foremost because we are vulnerable and so seek (or should seek) peace. This isn't merely one sensible way to live: it is the only sensible way to live, the only appropriate response the fact of our shared natural vulnerability. And the further a sphere of peace extends, the more security it provides, provided that it's stable. This means that there is no reason for one group to exclude another that is willing to jointly seek peace, unless doing so is necessary for its own peace. If A's exclusion of B damages only B's likelihood of prospering, this is no harm. But if A's exclusion of B threatens B's ability to achieve peace, then it is a harm, which is excusable only if it is necessary for A's own peace. Justice does *not* leave us simply free to choose not to seek peace or to seek it less than we are able to.

Let's consider what this tells us about the six scenarios. In 1 and 4, the two groups are unable to effectively seek peace together, and so it is not unjust for A to exclude B. If other humans threaten us with violence, it is appropriate to exclude them from our society and to defend against their aggression. Likewise if some people threaten the survival or well-being of the rest, because, for example, they negligently squander scarce resources or spread disease, it is not unjust to exclude them as well, if necessary, tragic though this may be. But for all other people, whose aim is to seek peace together, our common vulnerability makes the choice to exclude unwarranted and unjust. In scenario 2 and 3, however, B's aim is not seek peace. It can achieve that without joining A. Rather, B's aim is prosperity. Therefore, A is not required to allow B to join, even if doing so would have beneficial results. A has the freedom to choose how to pursue prosperity, which includes the freedom to choose unwisely, so long as the choice is not unjust.

primary justice

Compare that to scenario 5 and 6. In these last two cases, B needs A's cooperation in order to achieve peace, and A can offer it without jeopardizing its own peace, and yet A excludes B for the sake of prosperity or for no reason at all. That violates justice, but not economic justice. It violates a prior level of justice that concerns the moral limits and consequences of the use of collective power for the sake of peace. Let's call it 'primary justice'. Closing and protecting your borders is okay when it is necessary for securing your country's own peace, but if you exclude for the sake of prosperity, and thereby undermine other people's chance to also have peace, this is a use of power that is at odds with a full appreciation of the moral significance of our shared natural vulnerability.

Two Levels of Global Justice

Let's bring this discussion back into connection with Sen. Recall what initiated this stroll into 'transcendental' theorizing: the need to explain why justice demands impartiality. My goal is to provide an account that can explain why statism is wrong and also why partiality is not always wrong (as, for example, when I give my child the extra slice of cake). My account must also answer two questions about impartiality: To whom do we owe impartiality? And, about what do we owe impartiality? Because my account defends the existence of (at least) two levels of justice, the answer is in two parts.

In our world, because of economic globalization, the economic level of justice is more significant in practice than primary justice. Beitz and Pogge have shown without any doubt that there is indeed a global economic order. Therefore, economic justice applies to everyone who contributes to that system through work (including unpaid work). Justice demands that the rules of global cooperation give equal consideration to all contributors. This means, for example, that trade should be fair. Economic justice applies to all contributors (to whom?) and concerns fair rules gov-

erning economic rewards (about what?). In addition, the global economic system must, unlike our existing one, refrain from harming people who are unable to make a net contribution.

Even though economic justice is more important, we shouldn't forget completely about primary justice, because it extends impartiality to even more people. Primary justice is associated with our natural vulnerability and our resulting desire to protect ourselves from threats, both human and natural. My thought is that the only good reason to place any limits on the people with whom we cooperate for peace is peace itself. This means that when a group makes use of collective power with the aim of protecting itself or another group from human violence or natural threats, it must give equal consideration to everyone who is willing and able to work together to seek peace. The ability to contribute to the prosperity of other groups is not a prerequisite. That answers 'to whom?', but what about 'about what'? Cooperation for prosperity concerns wealth, in all its forms. Cooperation for peace is more modest. It concerns the things we need to protect ourselves from violence and natural threats—in other words, 'basic needs'.

a special kind of moral obligation

Now, many philosophers and other writes defend a humanitarian duty to guarantee the basic needs of everyone, especially people in severe poverty. This is not a matter of charity, it is a moral obligation, as Singer famously argues. My goal here is to show that it is a special kind of moral obligation: a demand of justice. In thinking about whether that claim rings true, it is important to keep scenario five in mind, and what that would mean for our actual world. Suppose a country could escape from starvation, disease or internal violence only if another country agrees to cooperate with it (not with the aim of achieving prosperity, but rather with the aim of achieving peace between them and within each), even though this cooperation will not help, and may even hinder, the other country's pursuit of prosperity. If the second country refuses such cooperation, this violates primary justice.

That, I believe, is the kind of transcendental account that Sen's approach needs for a foundation. It tells us why and when we have reason to care about impartiality. Further, it gives us a stronger set of reasons to reject the statist view, and that, surely, is a friendly addition to Sen's idea of justice. INDIGO

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Further Reading

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