Rough Justice: Predicaments of Philosophy, History, and World Politics

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This thesis is presented for the degree of Doctor of Philosophy of Murdoch University 2014
I declare that this thesis is my own account of my research and contains as its main content work which has not previously been submitted for a degree at any tertiary education institution.

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Abstract

In this dissertation I explore some recent philosophical attempts to address questions related to global justice and world politics, principally through the work of Amartya Sen and Thomas Pogge. My discussion focuses on some central intractable puzzles, and I argue that global justice is best seen as a *predicament* – an unanswerable, impossible question which cannot be readily dismissed, but also as a topic of deliberation and contestation which, once predicated, requires a depth and seriousness of response which confounds conventional disciplinary and conversational boundaries.

The disciplinary decorum of liberal political philosophy minimises attention to the historical context of the theorist, along with evidence and interpretive argument about history and social theory. Writers such as Pogge and Sen have pushed against those constraints, attempting to develop more empirically informed and practically oriented accounts. However, I argue that they have underestimated the need for a deeper engagement with history, and for a more radical challenge to implicit understandings of the character of the world. Without a more robust engagement with the power-infused politics of the real world, the abstraction of political philosophy will continue to produce accounts which are inadequate to the dimensions of domination, the character of human suffering, and the dynamic and strategic character of normative argument.

To counteract the bias towards conciliation and public reason in recent liberal political philosophy, I emphasise a history of deeply connected reciprocal engagement, cooperation, and struggle. This orientation allows a better sense of the power and persistence of the rhetoric of justice, and particularly its capacity to motivate social and political movements of resistance to domination. Liberal humanitarianism unduly privileges the beneficiaries of past injustice. A perspective of *rough justice* is needed – attuned to the dialectic between facticity and evaluative aspiration which the concept of justice has long embodied, and recognising claims to rough equality, fair treatment, and reparation – on the basis of a broadly connected, deeply reciprocal, and deeply conflictual history.
## Contents

Acknowledgments

1. Introduction : The Predicament of Global Justice 1
2. Thomas Pogge : Philosophy, Poverty, Paradox 35
4. The Comparative and the Transcendental 85
5. Niti – Nyaya : Institutions and Realisations 109
6. Comprehensive Consequences 131
7. Sen and Justice 149
8. Rough Justice and the Predicaments of Political Philosophy 167
9. Bibliography 173
Acknowledgments

Research for this thesis was conducted on the south coast of Western Australia, and for reasons both internal and external to the project it has taken an inordinately long time, spanning significant life changes. So while I do not have an extensive roster of intellectual advisers to acknowledge, I have incurred extensive debts. My primary interlocutor and supervisor has been Peta Bowden, to whom I owe many thanks for her trust, grace under pressure on a long journey, and judgment when it counted. To friends and family for support, especially my sister Judy, for believing it was possible and necessary, and crucial help along the way. To my partner Kati for companionship, carrying the load, making it happen, and more. Kim and Joh sustained the enterprise with boundless hospitality and a secluded space to work, and Miranda Peden helped with last-minute copy-editing. To Chrissie, Andrew, Tas, and Saci for support and encouragement. John and Frank were fellow-travellers, and windows of sanity. And to Raku, Freya, and Anatol, for making it worth surviving, and life beyond.
In this dissertation I explore some recent philosophical attempts to address questions related to global justice and world politics, particularly in the work of Amartya Sen and Thomas Pogge. My discussion focuses on what I identify as some central intractable puzzles in this genre of work, and I argue that global justice is best seen as a *predicament* – an unanswerable, impossible question which cannot be readily dismissed, but also as a topic of deliberation and contestation which, once predicated, requires a depth and seriousness of response which confounds conventional disciplinary and conversational boundaries.¹

The modes of thinking, judgment and action that cohere around the concept of justice are deeply embedded, and fraught with normative significance for concrete situations, yet so general and multidimensional as to elude comprehensive articulation. The attempt to explicitly theorise about justice is therefore more than usually paradoxical – generality and multi-dimensional evaluative perspectives are intrinsic to the functioning of the concept, yet it is also assumed to have practical salience for the conduct, reproduction, and evolution of social and political arrangements. For many purposes it is obviously preferable to let sleeping dogs lie – to proceed with life, and with political and theoretical projects, without invoking claims about the nature of justice. Nevertheless, the kinds of considerations that are associated with justice do not go away – attempts to systematically eliminate or bracket questions of justice for the sake of methodological hygiene turn out to be as problematic as projects which attempt to encompass or directly engage them.

It is therefore not surprising that some of the most durable and substantial contributions to thinking about justice have proceeded by indirection. Within the canon of political theory Thucydides, Machiavelli, and Marx are the obvious examples, but most of the classics of world literature and historical narrative may be seen to have bearing on matters of justice, bringing into relief persistent configurations of conflict and connection, reciprocities honoured and evaded – but without the pretence of delineating the essential nature of justice.² Even Plato's *Republic*, at face value the founding text of a tradition of direct inquiry into the

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¹ I take it that this perspective – the expansiveness and multidimensionality of justice/injustice – is in a general sense well-recognised and not in need of elaboration. My aim is to bring to light some aspects of this which are particularly relevant to current philosophical debates about global justice.

² Often, of course, involving exploration of the tragic dimension of human life, and the tendency for important ideals and commitments to conflict: Antigone, Billy Budd.
nature of justice, can be persuasively read as ironically demonstrating the inadequacy of transparent, straightforward argument in this territory.\(^3\)

Underlying the approach taken in this thesis is an affirmation, in the name of justice, of a globally expansive, generalised mutual obligation that extends beyond humanitarian meliorism. I realise that from the perspectives which dominate recent analytic political philosophy such a statement is likely to seem either unnecessary or unhelpful – on the one hand numbingly banal, or on the other, unconstructively contentious. Yet I do not believe that as things stand – in philosophy, and in the real world – this is quite true, and part of my purpose in what follows is to turn this criticism back on itself. Although recent political philosophy may be seen as attempting to go beyond simple affirmation to clarify, contest or better understand the character of the deep mutuality which infuses the language of social justice, on my view the disciplinary discussion which has evolved in this sphere has a paradoxical tendency to effectively bury or elide this central feature of the problematic.

It turns out that attempting to argue in this direction within the conventions of contemporary liberal political philosophy has distinctive problems, because inquiry in this mode tends to focus attention away from the kind of historical, political, and sociological issues which are most crucial for addressing the questions that are posed. The kind of subtle understanding of normative language and argument which is the province of philosophy can make a modest contribution to debate on matters of global justice, but only in conjunction with a much more robust and self-critical engagement with real history than has been evident in the treatment of this topic in recent work in this area, and the primary lines of influence should be seen as running in the opposite direction. Although the relation between philosophy and social theory must ultimately be pursued dialectically, in simple terms the entanglement between facts and norms is more fruitfully understood when 'normative theory' is predominantly shaped by interpretive social theory, rather than vice versa.

The disciplinary conventions of liberal political philosophy lead to conversational constraints in which reflexive attention to the historical context of the theorist is minimised, along with evidence and interpretive argument about history and social theory. That this has particularly unsatisfactory consequences for a topic such as 'global justice' is pretty obvious, and for this reason those working in this field have struggled against those constraints, attempting to develop more empirically informed and practically oriented modes of inquiry.

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\(^3\) The followers of Leo Strauss are the most prominent advocates of this view, but one can accept the indirection thesis without the conservative politics they read into the texts.
and argument. However, I argue that they have not thus far been very successful in this
endeavour, largely because they have underestimated the need for a more radical challenge to
implicit understandings of the character of the world.

In the absence of a more robust engagement with the power-infused politics of the
real world, the abstraction and conceptual finesse of political philosophy will continue to
produce accounts which are inadequate to the dimensions of domination, and the character of
human suffering – accounts which are, in the words of Pierre Bourdieu, 'socially weightless'.

One result of this is that although often described as exercises in normative theory, the
arguments of liberal political philosophy tend, in the face of an intractable world, to be
insufficiently 'normative'.

In what follows of this introductory chapter, I sketch the arc of a perspective that
responds to the predicament of writing philosophically about the predicament of global
justice. This is, I should emphasise, a provocative sketch. My aim is to set a context that gives
some idea of what I see as the dimensions of the problem, and to indicate some of the issues
which are avoided by conventional approaches, but which on my view a serious philosophical
response to the topic of global justice would need to grapple with. Some of the topics and
arguments I sketch here will be taken up at greater length later, but not at the depth and
thoroughness which would overcome all objections – I am, after all, trying to indicate why it
matters to broaden the range of inquiry, and also why it is impossible to succeed in such an
enterprise.

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4 I am influenced here by Lois McNay’s (2014) employment of this Bourdieuan trope to describe the
work of radical democratic theorists such as Chantal Mouffe, and critical theorists such as Axel Honneth,
although I do not engage with the details of her analysis. But it should be noted that neither McNay nor I
are attempting to argue against ‘abstraction’ in general, merely certain kinds of hypertrophied abstraction
which result in what Onora O’Neill (1996: 39-44 and passim) describes as ‘idealization’. The notion of
‘weight’ in play here is notably elaborated through an extensive set of interview-vignettes in Bourdieu et

5 ‘Philosophical’ as in Sellars (1963:1) well-known formulation: “The aim of philosophy, abstractly
formulated, is to understand how things in the broadest sense hang together in the broadest possible
sense of the term. Under ‘things in the broadest possible sense’ I include such radically different items as
not only ‘cabbages and kings’, but numbers and duties, possibilities and finger snaps, aesthetic experience
and death. To achieve success in philosophy would be, to use a contemporary turn of phrase, to ‘know
one’s way around’ with respect to all these things … in that reflective way which means that no intellectual
holds are barred.” (Compared to this, my aims are more modest – I take it that no holds are barred, but
do not attempt to deal with cabbages, numbers, or finger-snaps.)
Both Sen and Pogge make the persistence of extreme global poverty and deprivation central to their work. Both seek to articulate a view for which combating global poverty is a central normative touchstone – by keeping the general parameters of global poverty consistently in view, and in different ways attempting to characterise, explore, and affirm the shift in moral and political orientation that this involves. For both of them, giving adequate priority to addressing global poverty is an urgent political task, but also a key issue for normative political philosophy. While few are likely to disagree that alleviating and ultimately eliminating global poverty is a desirable and an important goal, they seek to employ philosophical analysis and argument to express and entrench a higher level of commitment in this direction.

Pogge largely sidesteps the issues which are raised when this situation is theorised in terms of justice, concentrating instead on formulating direct arguments in support of the view that citizens of affluent countries have a strict 'negative duty' – a duty not merely to offer assistance but to avoid causing harm through the imposition of a global institutional order. Although he is a key contributor to recent philosophical debates on global justice, and does not shy away from using the term, he mostly uses the matrix of human rights and moral duty. In his view these rights and duties would belong within an adequate theory of justice, but he intentionally frames his arguments to be compatible with a number of perspectives, rather than following from a particular theory of justice.6

Sen in his turn mostly sidesteps making direct moral arguments of this sort, and in his recent work directs his attention to the way that the idea of justice is understood and deployed. He argues that it is a defect of prevailing theories of justice that they fail to motivate and

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6 In some respects the approach I take here is the obverse twin of Pogge's strategy. For instance, I downplay direct argument about whether the conceptual figure of 'justice' should be the central focus of political philosophy, and focus more attention on the conditional claim that if the idea of justice is given prominence in political argument and scholarly theory, it then becomes necessary to develop a more open-ended and radical form of inquiry than has been conventionally allowed. The Rawlsian approach looks as if it is opening up questions of fundamental justification, but in practice it has served largely to corral and constrain critique. I suggest that via Gricean conversational implicature, giving central focus to 'justice' – in philosophy, and as a device of secular political legitimation – can be seen to require something more. (Grice: 1975)
inform reforms which might eliminate evident deprivations and injustices, and the urgent need for real-world reform is seen as indicating the need for alternative ways of thinking.

Although there are disagreements between them, there is also a striking complementarity between their projects. Pogge's more direct normative arguments can be seen to imply a way of thinking about justice, and Sen's way of thinking about justice is to a significant degree framed and motivated by the assumption that this will have a practical effect in the world. For both of them, concerted action to reduce radical global poverty is something more than a desirable but distant goal, and thinking through the implications of this commitment should be a primary rather than a peripheral feature of political philosophy.

Pogge and Sen are best seen as contributing to a conversation and genre of work which can be loosely described as ‘recent Anglo-American political philosophy of global justice’. Although hard to define precisely, ‘recent Anglo-American political philosophy’ involves a certain style of approach, with the tone largely set by its foundational text – John Rawls’s 1972 *A Theory of Justice*. A sense of the disciplinary shaping which is at work here can be gleaned from the anthologies which have emerged in the last few years. Although there have been contributions to academic debate on 'global justice' which are more historically and politically grounded, particularly those coming from a disciplinary base in International Relations Theory and Continental ‘critical theory’, on the view I am presenting here these are exceptions which prove the rule. They have not as yet been able to shift the terms of reference of the dominant conversation, and in terms of the fundamental understanding of the idea of justice, they tend to defer to the philosophical literature.

Now it may seem a little perverse for me to focus on that portion of academic writing which is among the most notoriously abstract and divorced from the real world, and to accuse

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7 As we shall see, this is slightly less true of Sen, who writes for a wider audience, and crosses disciplinary boundaries. But Rawls and post-Rawlsian political philosophy are overwhelmingly his frames of reference when dealing with issues of (global) justice.


9 Hurrell 2007; Fraser 2009; Frost 1996, 2002, 2009; Linklater 1998, 2007, 2011; Beardsworth 2011. Mention should also be made of Richard Miller’s (2010) *Globalizing Justice*, where he emphasizes obligations resulting from specific transnational relations – an approach which has the great virtue of directing attention to actual instances of coercion and exploitation. Unfortunately, this work seems to have ‘fallen dead-born from the press.’ (See note 34 below)
it of being – well, too abstract and divorced from the real world. One excuse is that both Pogge and Sen themselves put forward exactly this sort of critique, and indeed the claim to grapple seriously with real-world issues is in some measure constitutive of the philosophical global justice literature more generally. Since the issues are indeed serious, it seems worth investigating the strengths and remaining limitations of the approach they take, to see how well they achieve this aim.

Because much of what I say will be critical, I want to acknowledge at the outset that the enterprise they are engaged in is very difficult, and that no amount of objective, empirical analysis can wholly substitute for normative argument and evaluation. Although I basically argue that a good deal more history and sociology is necessary to fulfil the tasks they set themselves, this does not mean that philosophers should just pack up shop and take up work in more empirically oriented disciplines. In any case, what I write here is clearly not a contribution to historical or social science scholarship, so I need to do more than simply complain that Pogge, Sen and their cohort should pay more attention to history, power politics, and the analysis of material interests. In order to have ‘skin in the game’ I try to formulate some tentative ideas about what a more historicized view would mean for how the idea of justice can – and, indeed ‘should’ – be understood in the present world.

There are of course no radical new discoveries to be made here, but I suggest that taking a view which is both global and deeply historical brings to light a way of understanding the concept of justice which has been neglected in recent philosophy. What I propose is a way of articulating an alternative or additional ‘grounding’ for justice-related judgments on the basis of an understanding of the ‘human project’ as a massively accumulative and deeply connected practice of reciprocal engagement. Although only subtly different from a number of other formulations canvassed in the standard literature, I argue that explicit foregrounding of this perspective allows a better sense of the power and persistence of the rhetoric of justice, and particularly its capacity to motivate social and political movements of resistance to domination and unequal treatment.

If I am correct in believing that there is something of value in bringing emphasis to this perspective, it should be noted that it requires a preparedness to step backwards, in a number of ways. Recent philosophy, with Sen and Pogge being good examples, has been

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heavily influenced by two semi-explicit assumptions. The first is that there is simply not very much that can be usefully said about the underlying basis of judgments about justice, this being the territory of intuitions which are opaque to reliable reflection and analysis. The second, complementary assumption has been that there is no real need to delve into this territory, since it can be assumed for the purposes of argument that there is general agreement on at least one thing – that all human beings have (deserve) equal moral standing. The necessary, practical task for philosophy is then to move forward from this axiomatic baseline, since people clearly have different conceptions of what this equality means and requires, and these ideas need to clarified and evaluated for coherence and consequences. Through this sort of work, blockages could be identified and overcome, higher-level agreement reached, and thereby better-focussed demands could be shown to be broadly supported, and this could then be used to influence public policy and social activism.

At face value, this all makes sense. By common experience there is a limit to what is worth arguing with, and in any case it can be seen as a logical condition of rational argument that moral status is accorded to potential interlocutors. Surely, beyond lie dragons.

The trouble is that however apparently pragmatic, this approach radically misconceives the political complexion of the world we live in, and both feeds off and locks in a distorted view of history, and of normative argument. The kind of political struggle which has long been the human condition, and is likely to remain so for the foreseeable future, is not based on finely nuanced different conceptions of equality – however much some conflicts may be charitably read as such, and however much it has become increasingly necessary in the last few centuries to dress up social and political interests in egalitarian form. As I shall argue, this does not mean (pace the rhetoric of some political realists) that we can afford to forgo playing this game. But it does mean that it needs to be engaged more warily, with a keen eye kept on how things are playing out in the real world. To put the matter crudely, it is an endemic problem and occupational hazard that social scientists tend to disdain (and often presume to displace) normative evaluation, while moral and political philosophers have tended to be spellbound by the phenomenon they have chosen to investigate, to underestimate the radical simplifications involved in standard modes of normative argument and the level of duplicity and self-deception of participants, and overestimate its role in actually structuring world events.11

11 See Stephen Turner 2010 for a general critique of the use of the concept of normativity to evade important dimensions of explanatory inquiry.
I try to keep in view the strangeness of attempting to delineate particular principles, demands, or procedures as intrinsic to the nature of justice (‘justice properly considered’, as it might be expressed). By this I do not simply mean that this approach leads to getting tangled up in mere abstractions when there are more practical things to be done, though this may be true.\textsuperscript{12} Let us allow for the sake of argument that there is a place for broad-ranging analytic thinking through of things (aka ‘philosophy’) alongside more evidently practical enquiries and activities. Now justice is obviously a complex concept, presumably from the accretion of a variety of different usages in a variety of different contexts. So teasing out these various meanings and seeing how they fit together would seem like an obvious philosophical contribution, out of which we might hope to develop a more coherent understanding of what is at stake and how the idea can be deployed. The high regard in which Rawls’s \textit{A Theory of Justice} is widely held is in large measure due to the impressive way he was able to bring out and integrate many of the features of this complex concept.

We are familiar with this. It seems quite normal. It has its limitations, but it fits into a tradition of practice which gives it depth and meaning. Nevertheless, expecting a coherent answer to a question like ‘what is justice?’ is a much more peculiar activity than those habituated to the practice tend to think. (And this remains true for variants such as ‘what are the principles of justice which could be the subject of an overlapping consensus in a contemporary liberal-democratic society?’ or ‘what is the appropriate moral response to global poverty’.)

Given the overwhelming focus on ‘justice’ in Anglo-American political philosophy since Rawls published his \textit{magnum opus}, it is surprising that more has not been published on the history of usage of the concept. However, a few significant books have recently entered the fray, including Samuel Fleischacker’s 2004 \textit{A Short History of Distributive Justice}.\textsuperscript{13} Fleischacker presents a very thoroughly argued case, deploying impressive interpretations of

\textsuperscript{12} As we shall see, this is part of Sen’s argument against Rawlsian ‘ideal theory’, even though his own account remains on a similar level of abstraction

\textsuperscript{13} See also DD Raphael (2001) \textit{Concepts of Justice}. (Interestingly, given Sen’s Smithian predilections, both Raphael and Fleischacker are Smith scholars.) David Johnston’s 2011 \textit{A Brief History of Justice}, is written at a more elementary level, although it has the significant merit of emphasizing the role of reciprocity. Terence Irwin has quite a lot to say about justice and related matters in his monumental three volume \textit{Development of Ethics} (2007, 2008, 2009), but not much about the issues I want to emphasise here.
the canonical literature, to the effect that ‘distributive justice’ as presently understood is a
distinctive innovation in thought, which arose in the mid 18th century and enters the literature
through Smith and Kant. According to his account, the modern view, which allows provision
for the needs of all citizens to be upheld as a demand of justice, a demand by which state
regimes may accordingly be judged, simply does not arise until the state itself is sufficiently
institutionalised to offer this kind of support, with wealth generated by commercial society. This
seems initially plausible, and is very well argued using the resources of the conventional
literature.

Which brings us to the problems of the conventional literature. As Michael Perelman
demonstrates in some detail, Smith’s rhetoric is remarkably evasive and obfuscatory about the
social changes which were going on around him, especially the enclosure of remnant common
land in the Scottish highlands, which helped create the ‘labour discipline’ necessary for the
developing capitalist economy. This was a time of pronounced social struggle – because of
the injustice of abrogating the previous social accommodation whereby the poor were able to

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Johnston does not refer to Raphael or Fleischacker, but argues for a similar turning point, explaining it in
even more Smithian terms: ‘the notion that it is the division of labor itself, rather than the efforts of
individual workers taken singly, that accounts for the great bulk of the wealth generated in complex
economies seriously undermined the contribution principle, a broad form of which Aristotle had placed
close to the heart of thinking about justice and which had remained there ever since’. (Johnston 2011:
140)

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It is worth noting, in passing, that setting ‘social justice’ as belonging distinctively to modern commercial
society conflicts with Hayek’s (1982: 147) claim that it is an ‘atavism’, and that the ‘great society’ requires
a different view. (Actually, Hayek agrees that usage of the term ‘social justice’ is recent – he dates it from
J.S. Mill – but argues that the claims involved derive from earlier social forms, and applying them to
capitalist societies in the name of social justice is conceptually confused and politically pernicious.) In my
view he is right about the deep roots of egalitarian social justice ideas, but wrong about wanting to
exterminate them to allow the flourishing of a technocratic ‘spontaneous order’ hierarchism.

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Perelman 2000. Turpin 2011 makes a related argument at the level of ideas: that Smith’s rhetoric serves
to disaggregate a previously more generalised social concern into a diminished pairing of material
provision with a moralised discourse of decorum for the maintenance of social order. But again on his
view, the ‘new’ distributive justice represents not an expansion but a narrowing of what justice entails.
Though Turpin does not discuss this, recent moves to extend the understanding of justice ‘beyond the
distributive paradigm’ by Young (1989) and many others, may then be seen in some measure as
recuperation of earlier views. On Smith see also Ramos and Mirowski 2011, Blaney and Inayatullah 2010.
provide for their needs by self-provisioning from the commons\textsuperscript{17}, social agitation was created which eventually obliged the society, and ultimately the state, to take responsibility and provide some respite for those at the raw end of social change. As readers of EP Thompson will recognise, whatever words are used, what emerged in food riots and other forms was not a matter of pleading for charity, but vigorous demands for justice.\textsuperscript{18} Expectations of mutual support did not arise from nowhere – at a subaltern level they were there all along, the lifeblood flowing through the social body. With the rupture caused by major social change, ‘enlightened’ ruling classes were obliged to acknowledge the bleeding and do something about it. But they did not invent the idea of extensive mutual obligation.

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According to the foundation myth of the liberal philosophy of global justice, this disciplinary sub-field was begat by a series of papers in the 1970s as a response to increasingly evident levels of global interconnection, which raised questions of responsibility for the suffering of distant others to a new salience, and made Rawls's stipulation that his theory applied to a self-contained 'society'\textsuperscript{19} seem increasingly problematic. Meanwhile, particularly from the late 1970s on, the idea of human rights became increasingly central to world politics, and this can be seen as an institutionalisation of increasing respect for fundamental human dignity. The task of normative political philosophy is to articulate, refine, and embed this commitment, building on the progress already made. Thus, in a paper entitled 'What is Global Justice?' Pogge writes that '

\begin{quote}
Let us assume, to fix ideas, that a society is a more or less self-sufficient association of persons who in their relations to one another recognize certain rules of conduct as binding.' (Rawls 1971, 1999: 4)
\end{quote}

\textsuperscript{17} In addition to the usual evaluative sense, this can also be seen as 'injustice' in the very basic, purely 'conventional' sense of disrupting established patterns of social relation.

\textsuperscript{18} Thompson (1971, 1980, 1991). As he notes (1991: 350): 'we are always in danger of confusing the historical evidence with the terms of interpretation which we have ourselves introduced. Food rioters did sometimes appeal to justice (or "fair" prices) and they certainly protested against unfair practices; but the language of "duties", "obligations", "reciprocity" and ... "rights" is mostly our own. ... There was a plebeian "discourse" here, almost beneath the level of articulacy, appealing to solidarities so deeply assumed that they were almost nameless, and only occasionally finding expression in the (very imperfect) record which we have.' See also Patriquin 2009.

\textsuperscript{19} 'Let us assume, to fix ideas, that a society is a more or less self-sufficient association of persons who in their relations to one another recognize certain rules of conduct as binding.' (Rawls 1971, 1999: 4)
A literature search on "global justice" finds this to be a newly prominent expression. ... For centuries, moral reflection on international relations was focused on matters of war and peace. ... Since World War II however, other themes have become more prominent due to increasing globalisation and an erosion of sovereignty. ... Global and regional organisations, most notably the UN Security Council and the European Union, have acquired political functions and powers that were traditionally thought to belong to national governments.

Citing developments 'in part a response to the horrors of World War II', but 'fueled also by technological innovations' and the effects of industrialisation on 'culture and expectations, on biodiversity, climate, oceans, and atmosphere', 'new communication technologies', and the fact that 'many of the goods demanded by more affluent consumers everywhere require ingredients imported from foreign lands' mean that 'the traditional concern with the just internal organisation of societies and the moral rules governing warfare leave out some highly consequential features of the modern world.'

After some delay, academic moral reflection has responded to these developments. Beginning in the 1970s, philosophers and others have asked probing questions about how the emergence of a post-Westphalian world modifies and enlarges the moral responsibilities of governments, corporations, and individuals. These debates were driven also by the realization that world poverty has overtaken war as the greatest source of avoidable human misery. 20

This anodyne narrative of straightforward attempts to grapple with the implications of an increasingly globalised world is – or should be – deeply suspect. What is particularly strange, from the point of view of ‘thinking about global justice’, is the way it ignores and occludes other undeniably salient narratives, particularly those involving the history of radical emancipatory struggles in the Third World, the articulation of dependency theory and the attempt through the Non Aligned Movement to negotiate and institutionalise a New International Economic Order, with the crisis of the 1970s effectively marking the defeat of a utopian global political project. 21 As Prasenjit Duara observes:

[T]here were many formally independent countries, such as Iran and China, whose leaders considered themselves to have been informally and quasi-legally subordinated to colonial powers, and who viewed their efforts for autonomy as part of the anti-imperialist movement ... Therefore decolonisation represented not only the transference of legal sovereignty, but a movement for moral justice and political solidarity against imperialism. It thus refers both to the anti-imperialist

20 Pogge 2010: 10-25; quoted sections from p10-11.
political movement and to an emancipatory ideology which sought or claimed to liberate the
nation and humanity itself.22

Although the formation of the United Nations and the Bretton Woods institutions
were carefully managed to ensure they would be firmly under the control of the ruling classes
of the major powers 23, radical experiments in global democracy were widely canvassed in the
immediate post-war period, and ‘One-Worldism’ had broad public support in the developed
world, especially the USA.24 Exactly what to make of these struggles – what problems they
faced, how realistic the hopes which motivated them, and what combination of internal
failings and external subversion and coercion brought them undone, are challenging and
complex questions. But while it cannot be expected that political philosophers should have
ready answers on these and other matters, it is strikingly unsatisfactory to proceed as if this
extended episode of ‘romantic agony’ 25 never occurred. Whatever one thinks of the Third
World Project and its demise, whether one thinks that the counterrevolutionary turn in world
politics was tragic or salutary or structurally inevitable, it is very strange to theorise about
'global justice' without taking some measure of this recent history. And it is particularly
strange for writers who emphasise their pragmatic, ‘real world’ approach in contrast to more
abstract, ideal theory.

22 Duara (2004: 2)
24 Although the One Word movement was always problematically entangled with neo-imperial designs
(Smith 2003), the overt ideology was idealistic. Thus former Republican presidential candidate Wendell
Willkie's 1943 bestseller One World ends with a stirring call for Americans 'to accept the most challenging
opportunity in all history – the chance to help create a new society in which men and women the world
around can live and grow invigorated by independence and freedom.' (Willkie 1943: 206)
25 Pocock 1989: 11. Consider this epigraph from Braganca and Wallerstein eds 1982, attributed to
'Frelimo 1973': Brother from the West / (How can we explain that you are our brother?) / the world does not end
at the threshold of your house / nor at the stream which marks the border of your country / nor in the sea / in
whose vastness you sometimes think / that you have discovered the meaning of the infinite. / Beyond your threshold,
beyond the sea / the great struggle continues. / Men with warm eyes and hands as hard as the earth / at night
embrace their children / and depart before the dawn. / Many will not return. / What does it matter? / We are men
tired of shackles. For us / freedom is worth more than life. / From you, brother, we expect / and to you we offer /
not the hand of charity / which misleads and humiliates / but the hand of comradeship / committed, conscious. / How
can you refuse, brother from the West? For a succinct, sober reflection on the revolutionary hopes and
failures of this era, see James Scott (2012: 1-6)
One immediate effect of the change of perspective introduced by acknowledging the decolonisation and emancipatory movements of the Twentieth Century is that it calls into question the impression that arguments such as those of Sen and Pogge serve to raise expectations for what is possible in the name of justice. Seen in larger historical context, 21st Century liberal discourses of global justice are in important respects deflationary and anti-utopian, but because the conventions of the genre discourage reflection on both the intellectual and the material history in which they are embedded, theorists are able to proceed as if they are raising the bar of what should be expected in the name of justice, when in fact they are lowering it. The liberal discourse of global justice represented by Pogge and Sen is best characterised as a form of minimalist utopianism.

An interesting window on this phenomenon is provided by recent work on the history of human rights. The current prominence of human rights as a mode of thought and political action, abetted by uncritical histories which see this as a natural gestation from Enlightenment beginnings midwifed by chastened response to the Holocaust and brought to birth in the 1948 United Nations declaration, has obscured the radical transformation of human rights politics in the 1970s. In his influential *The Last Utopia*, Samuel Moyn has provocatively argued that human rights as presently understood effectively originated in the politics of the 1970s, since prior to this, ideals of collective emancipation had taken global priority over individual rights.

Over the course of the 1970s, the moral world of Westerners shifted, opening a space for the sort of utopianism that coalesced in an international human rights movement that had never existed before. The eternal rights of man were proclaimed in the era of Enlightenment, but they were so profoundly different in their practical outcomes — up to and including bloody revolution — as to constitute another conception altogether. ... There is no way to reckon with the recent emergence and contemporary power of human rights without focussing on their utopian dimension: the image of another, better world of dignity and respect that underlies their appeal, even when human rights seem to be about slow and piecemeal reform. But far from being the sole idealism that has inspired faith and activism in the course of human events, human rights emerged historically as the last utopia — one that became prominent because other visions imploded.  

26 Moyn 2010, p1-2, 4; see also Moyn 2014, Eckel and Moyn eds 2014. The passive construction evident here is significant, and variously echoed as 'the collapse of prior universalistic schemes' (7), with human rights being 'widely understood as a moral alternative to bankrupt political utopias' (5), so that 'the best
Here and in subsequent work, Moyn argues that human rights politics has reached an impasse partly caused by inflated expectations, and he calls for a sober view of their recent origins in order to properly assess what can be achieved through this instrument.

In and through their emergence as the last utopia after predecessors and rivals collapsed, the movement’s most difficult quandaries were already set. Though they were born as an alternative to grand political missions – or even as a moral criticism of politics – human rights were forced to take on the grand political mission of providing a global framework for the achievement of freedom, identity, and prosperity. They were forced, slowly but surely, to assume the very maximalism they triumphed by avoiding.

Although there are differences of emphasis over idealism and minimalism in the work of Sen, Pogge, and Moyn, there are also notable convergences, and Moyn offers the beginnings of an historical orientation that is helpful for understanding Sen and Pogge, and a corrective to their lack of historical reflexivity. But what is particularly interesting about Moyn from my perspective is that under the guise of contesting a triumphalist conventional wisdom, and under the guise of demonstrating the deeply political and historical nature of the human rights movement, he configures his narrative in a way that serves to occlude important features of the history, and the politics. Most significantly, by presenting the transition in terms of an 'implosion' or 'collapse' of alternatives, he obscures the extent to which these changes were the result of an energetically fought struggle which resulted in the defeat of certain political projects and the victory of others.

But surely how these struggles were fought and won has an important bearing on normative argument regarding the consequences of the ensuing order, and also on how the idea of global justice is understood. Sen repeatedly emphasises the importance and scope of 'reasoning'. But if his meliorism is accepted as a mode of thinking about global justice on the basis of the kind of reasoning he provides, this would serve to discursively consolidate the existing configuration of benefits and burdens and relations of power without any serious consideration of the character of actions and events which brought this state of affairs into being. By his own account, this would be unsatisfactory. And by any account, it is a very strange way to do 'normative' philosophy.

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general explanation for the origins of this social movement and common discourse around rights remains the collapse of other prior utopias, both state-based and international’ (8), and so on.
Liberal global justice theory operates from an assumption that simply raising the question of ‘justice’ globally is a counter-hegemonic act, contesting the views of conservative realism and neoliberal economism. While there is some truth in this, it is necessary to be more attentive to the way the concept of justice being deployed is itself shaped by both the sources it draws on and the ideological field of the time. The kind of idea of justice used by the likes of Pogge and Sen has already been domesticated into a neoliberal discursive regime, and this severely limits its ability to contest the parameters of that regime.

Now, if there is any merit in talking in such terms as ‘neoliberal discursive regime’, it will obviously be a characteristic feature of such regimes that they structure and limit what is (acceptably) expressible within them, and this, of course, is one reason why a historically attuned sensibility is needed if political philosophy is to be more than apologetics. Even a philosophy that is resigned to 'reconciling' humans to their predicament will need a historically informed sense of what that predicament is. For a political philosophy that aspires to stimulate and to some extent direct social change in order to overcome certain evident harms, this is doubly true.

How and how far it is possible to step outside dominant ‘regimes of truth’ or the like is a deeply contested philosophical issue, fraught with paradox and accusation of performative contradiction on all sides. But putting this somewhat differently, part of the seeming naivety of liberal justice theory shows up as a lack of reflexive attention to the ways in which theorisations and conceptions of justice are not innocent, being routinely deployed strategically for diverse political projects, and subject to appropriation and usurpation. There is a dialectic of struggle whereby erstwhile egalitarian and liberatory modes of political framing are taken over and subverted, made to carry different meanings and exert different effects than previous usage had assumed. With changes in the material world and the discursive environment, what meant one thing yesterday may mean something quite different today, and something else tomorrow.

The mutability and volatility of normative language is an important feature of moral and political argument. Yet while this is a familiar phenomenon, it tends to be consistently underemphasised within philosophy, and particularly in analytic political philosophy. One of the reasons for this is a prevailing disciplinary decorum which requires that for philosophical purposes, claims should be analysed at face value, as aiming in a relatively straightforward way at capturing the truth of the matter under consideration. This has its advantages as a conversational protocol, but it also creates many problems. Most obviously, philosophical analysis conducted in this vein has considerable difficulty in coping with the complex strategic nature of moral and political argument. But it also breeds a certain complacency
about the nature and implications of one's own reasoning and claims – charitably extending innocent intention to my interlocutors allows me to extend the same charity to myself, relieving me of the burden of reflexive self-suspicion regarding the meaning and effect of my own beliefs and actions. On matters concerning global justice, the assumption of mutual innocence may not be warranted.

Decolonising ‘global justice’?

The publication in 2011 of the *Encyclopedia of Global Justice* may be seen as a sign of the maturity of the field, and to some degree as a move towards broadening the 'global justice' perspective, bringing together theorists and themes of the First World, liberal ‘global justice debate’ along with entries dealing with decolonisation and anti-imperial movements – thereby at least recognising the existence and relevance of radical perspectives. Although written preponderantly by American academics, with an orientation towards undergraduate instruction, and presented from a safely liberal democratic viewpoint, it opens up the prospect of greater cross-fertilisation across an impressive range of topics. (It claims to be 'a complete reference for all key terms and concepts of global justice, broadly conceived.')

But it is notable that as it currently stands, this text graphically demonstrates the disconnection between liberal political theory and critical perspectives on world politics. The text and the citations within entries dealing with themes and theorists from the liberal global justice literature run on what amounts to a parallel track to the entries relating to Third World politics and radical movements, making it evident how little the liberal theory has to offer for an understanding of the politics, and vice versa. Thus we find a listing for 'colonialism' with references to Fanon, Friere, Said, Spivak and the like, but none from the ‘global justice literature’ – a pattern repeated for entries on 'postcolonialism', 'empire', 'imperialism', and so on.

Even more strikingly, there is an extraordinary disproportion between the extensive treatment of liberal theorists and topics, and the cursory treatment of other perspectives. Although the need to go beyond Eurocentric perspectives is repeatedly expressed, across 1200 or so encyclopedia-sized pages, maybe 5% (at best) give any serious attention to subaltern

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27 Chatterjee ed (2011: v)
politics, radical politics, or non-Eurocentric perspectives. An apparent entry for 'New International Economic Order' merely links to an essay on 'globalization' which rehearses some standard philosophical debates, has nothing to say about the history or politics, and makes no mention of the Non-Aligned Movement or the NIEO project.\(^{28}\)

Obviously not too much should be made of this particular publishing project, produced with limited resources, and no doubt directed at a particular audience for commercial reasons. But as the most extensive and prominent published survey of the field, it is hard not to see its failings as symbolic, its apparent promise of inclusiveness little more than an attempt to appropriate more diverse and radical perspectives into a hegemonic discourse which is in many respects hostile and dismissive towards historically situated oppositional movements.

Moreover, given the aspiration and the topics being treated, there is remarkably little evidence of self-critical perspective, no airing of doubts about the kind of discursive shaping which is being performed. Despite the obvious merit in some aspects of the overall project, and some of the individual entries, when these merits are weighed against the projected seriousness of purpose, there is a general lack of criticality, and – to my jaundiced eye – a distressingly inappropriate air of self-congratulation.\(^{29}\)

\(^{28}\) The Sage Encyclopedia of Activism and Social Justice (Anderson and Herr eds, 2007) makes an interesting comparison: less explicitly global in focus, and with a very thin coverage of philosophy, but with a much richer coverage of social and political detail – on a sympathetic view, the two publications can be seen as complementary. But the Encyclopedia of Global Justice does not signal an editorial choice to avoid duplication of existing resources, and gives no indication to unwary readers of the distinctive character and limitations of its own perspective.

\(^{29}\) This is at its most extreme in the editor's Preface:

The two-volume Encyclopedia of Global Justice is a major publication venture toward a comprehensive coverage of this timely topic. The Encyclopedia is an international, interdisciplinary, and collaborative project, spanning all the relevant areas of scholarship related to issues of global justice, and edited and advised by leading scholars from around the world. The wide-ranging entries present the latest ideas on this complex subject by authors who are at the cutting edge of inquiry.

The goal of this timely and comprehensive encyclopedia is to provide a premier reference guide for students, scholars, policy makers, and others interested in assessing the moral consequences of global interdependence and understanding the concepts and arguments that shed light on the myriad aspects of global justice. The Encyclopedia will set the tone and direction of this increasingly important area of scholarship for years to come.

(Chatterjee 2011: v)  What does it mean when the editor of an ambitious project like this mistakes the 'Preface' for a publisher's blurb!
Although it is invidious to point to this particular example, I do so in order to signal what I believe are widely shared difficulties facing the scholarly field that has built up around the problematic of 'global justice'. I do not pretend that these are easily resolved. Some sort of solution may be found by turning aside from attempts to directly theorise on matters of justice, and global justice in particular. But from where things now stand it may be helpful to articulate some of the aporia and paradoxes.

This seems an apt enough place to note that I have struggled long and hard to find an approach and a voice adequate to the questions and literatures I deal with in this thesis, and although I find myself at times compelled to express some fairly sharp disagreements and critiques, this does not mean that I have reached a stable perspective from which to survey the terrain. In deference to potential readers I have tried to moderate the level of qualification, reflexive meta-dialogue and cross-commentary between voices. But amongst the things I find most consistently troubling about, for example, Sen – given the problems he is addressing – is his smoothing out of complexities, and failure to acknowledge objections or explore the often contradictory and paradoxical implications of his own stated positions. So I have tried to avoid falling into the same trap, but am aware that I may have ended up making life more difficult than it needs to be for all concerned.

To avoid becoming completely bogged down, I have chosen to sidestep a full-frontal engagement with the kind of political realism which would claim that the concept of justice should be cut down to size, and should not be given the kind of prominence which it has had in recent Anglo-American political philosophy. Although this critique raises very important and intriguing issues, I believe that the pragmatics of directly espousing this sort of view are as problematic as the pragmatics of an explicitly justice-centric perspective. Given the general tenor of my own thesis, it would be ridiculous to ignore this line of critique, but I sideline my engagement in this territory to serial guerrilla skirmishes in order to focus on other matters.

Numerous reasons could be cited for adopting this strategy, but two stand out: first, while it is not too difficult to point to weaknesses in most individual advocates or schools of political realism, dealing with the complex panoply of political realist positions is another matter – to the extent that it would be distracting to even attempt a sketch of the full problematic.

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30 As suggested, for example, by Raymond Geuss in his 2008 *Philosophy and Real Politics* and elsewhere, and by Robinson and Tormey 2009.
Secondly, while I believe that Realists are correct to challenge the relatively unreflective and complacent emphasis on conceptions of justice evident in most liberal political philosophy, to the extent that 'political realism' pretends to have a general answer to the question of justice – namely that it should be put aside, conceptually downgraded in favour of 'political judgment', or sequestered to particular circumstances, it is rather less convincing.

There have been some important recent contributions to political philosophy within this genre, stimulated in particular by the work of Bernard Williams and Raymond Geuss. But it is regrettable that these writers do not pay more attention to the fate of self-styled Realism within the discipline of International Relations Theory, where it has been the dominant school of thought for over half a century. Apart from its obvious bearing on the question of global justice, IR Realism is important for having explored (and, to some extent, demonstrated) both the strengths and the weaknesses of this way of framing matters. One quick way of putting Realism into perspective is to note that although Morgenthau, Kennan, and Niebuhr may have conceived their theoretical project as a way of restraining American imperial ambitions, they were not successful. As things turned out, Realist rhetoric was appropriated into the complex amalgam of 'idealistic' ideology, and one reason that critics have tended to see Realism as supportive of imperialism is that it did, in practice, end up playing this role. A new generation of Realists such as Andrew Bacevich recognise that the last half-century has seen the buildup of an American empire of extraordinary dimensions, and are amongst its strongest critics. But they have not taken sufficient measure of the role which Realist rhetoric played in the process.


32 See Scheuerman 2011 for a recent restatement of this, in which he attempts to retrieve the reputation of this generation of Realists, and contests the conventional view which sees Realism as an uncritical valorization of power.

Returning for the moment to Sen, and my reasons for taking his work up at length in this thesis, it is worth distinguishing between how his theory plays out in three spheres: (1) the relatively rarefied and insular world of academic political philosophy; (2) practical politics – what it would mean for the strategies of various actors, what sort of politics it may be seen to embody or encourage; (3) the mediating zone of mid-level non-specialist discussion in the ‘public sphere’. Although he is clearly a committed player in the world of high theory, there is little doubt that in this project he also has one eye on the middle-ground, with a view to influencing practice. 34

Thus far, the published commentary on Sen's work has not attempted to probe very deeply into the connections between the theory and what is assumed to be the practical politics. Mostly, this has meant taking a broadly favourable view of its political implications, with questioning directed to the technical merits of his theory of justice. In this thesis, I try to give more attention to the rather fraught and unwieldy questions that arise when these connections are brought into play. The nature of his project, if it is to be taken seriously, actually requires that its practical implications be interrogated. I hope to show that the connections between theory and practice are more complex, more problematic, but also more interesting than has usually been allowed.

There are two overarching reasons to worry about Sen's account of a new, quasi-realist way of thinking about justice for a global era. From a perspective which emphasises the importance of political philosophy as a mode of thought, it is likely to seem that although he

34 This is supported by a rough survey of actual reception. The *Idea of Justice* was widely and favourably reviewed in the 'middlebrow' press, including reviews by writers of a political realist bent noted for their sometimes acerbic response to mainstream Rawlsian and Habermasian normative political philosophy, such as Glen Newey and John Gray; meanwhile Samuel Freeman, one of the most important heirs of the Rawlsian legacy, wrote a respectful review in the *New York Review of Books*. As a (very) rough measure of general influence, in citations registered by Google Scholar, *The Idea of Justice* scores much more highly than any recently published work in political philosophy. As of August 2014, *The Idea of Justice* had 2740 listed citations (with 953 'since 2013'); for comparison, Nancy Fraser's similarly pitched *Scales of Justice*, also published in 2009, showed 557; Nussbaum (2006) 1650; David Miller (2008) 563; Caney (2005) 659; Bohman (2007) 404; Hurrell (2007) 327; Brock (2009) 224; Richard Miller (2010) 72; Risse (2012) 37. While *The Idea of Justice* has had a decent share of attention in the specialist literature, the majority of these citations come from a broader range of public policy and social science journals, with many authors cherry-picking Sen as an exemplar of contemporary thinking about justice, rather than critically engaging with the details of his theory. (For an amusing example of trivial appropriation, see Emil Roy 2012.)
critiques dominant Rawlsian modes of thinking about justice, the orientation which emerges from his own account continues to place too much emphasis on the concept of justice. On this view, while there is merit in many of his arguments and interventions, these would be better brought together within a rubric that was not pervasively structured around the idea of justice. This is well expressed by Chandran Kukathas (2013), who writes

If we take [Sen's] recommendations seriously, however, we might do better to conclude that the way to defend the kind of humane and pluralistic social order [he] has in mind is not by trying to develop a better account of justice. If values are plural in the way Sen suggests, justice is not a master idea that subsumes all else but one value among many. Justice should certainly be pursued; and in many cases, vigorously. But it is not the first virtue of social institutions. Nor is it the notion that should frame all our reflections on ethical and political life.  

While agreeing with Sen's critique of transcendental theory, he observes that '[i]n its stead Sen is determined to offer an alternative systematic theory of justice, namely a comparative approach, as a more promising foundation for a theory of 'global justice.' But in the end Sen offers no such thing. He does not develop a theory of justice and this is all to the good.'  

Replying to Kukathas's commentary, Sen first pushes gently back ('I see [Kukathas's] point of view, even though I am tempted to ask: if having a theory of justice would have been bad rather than good, could it be that Kukathas is not making the right demands on theory?'), and argues that his book does articulate an appropriate form of theory. But then he deftly sidesteps.

Since I am often accused of being too 'theoretical,' I am actually rather pleased by the charge that my analysis is not theoretical enough. And even though Kukathas and I do not agree on what a theory demands and what we need from a theory, I am happy that he expresses agreement with my substantive contentions on the judgments of justice which he cites from my work. He goes on to emphasize their relevance in very clear terms, especially in his concluding remarks. With that reward, I should be satisfied to live with our continued difference on the conceptual – and relatively abstract – issue of what can be legitimately called a ‘theory.’

As suggested by this exchange, Sen may be seen as getting certain critiques on to the table, but also as using the space thus created to recommend a shift of attention to a more practical orientation, focussing on 'the choices that are actually on offer' (IJ 106), with a

35 Kukathas (2013: 203).
36 Kukathas (2013: 196).
37 Sen 2013 'Ideas of justice', 310; earlier (in-text) quote from 309.
tenacious concern for 'realisations' as expressed in actual human lives, and a broadening of view to a more global, and less state-centric perspective. Thus depicted, the practical upshot can be supported, even where the pretensions to develop a new style of justice theory are seen as unsuccessful or philosophically regressive.

But the second overarching reason to question Sen's approach comes from the opposite direction – despite the evidently humane intentions, it is also important to interrogate the political consequences which are implicit in all this. Rather than being benign as practice but questionable as theory, it may be that the way his proposals align with the kinds of political projects which are presently in play make it less innocuous, and less progressive, than it appears.

In a general sense the understanding of politics and justice which emerges from Sen's work is 'historicised': there is no true and eternal meaning of justice which exists outside of history, and it is only through the comparison of historically-situated alternative possibilities that steps towards greater or lesser justice are made. Artificial speculation about ideal worlds serves as a distraction and an encumbrance in this process, tying up attention which would be better focussed on immediate practical reform.

But in a number of crucial ways, the perspective he develops remains merely 'theoretically historicised', because it does not emerge from, and is not subsequently tied into, a sense of the historical dynamics of alternative modes of thinking about justice. He allows that social activism – 'public reasoning' in a very extended sense – is the crucial driver in the movement towards greater justice. But he elides consideration of the complications which this entails – the appropriations, mutations and inversions of meaning which are involved in real-world struggles over alternative possibilities of social order. There is little sense of the dynamics of power and conflict which infuse social and political struggle.

At a first cut, this may present itself as an air of abstraction and ineffectuality, perhaps an inevitable effect of riding above the turbulence of history and attempting to give a generalised philosophical overview. Moreover, it could be said that in a further sense he actually gives a central place to historically situated conflict – that the conception of justice which emerges from his account prioritises accommodation, tolerance, humane concern for individual lives and respect for human dignity, and that the reason for this is precisely because he is mindful of the endemic struggle for power and the suffering caused by rigid pursuit of ideals. The move to eschew ambitious comprehensive schemes, to insist that the means should not contradict the ends, marks a recognition that there will be no cessation of struggle for
power and advantage, that we cannot step outside of history but must do what we can from within it.\textsuperscript{38}

The paradox here is that a generalised 'impartial' perspective such as this, however sincere and persuasively stated, will itself be taken up and deployed within the struggle it acknowledges and seeks to attenuate. As a putatively normative claim, its own meaning and status as a relevant meta-theory can also only be assessed within particular contexts. A theory which insists that judgments can only be made within particular contexts may be seen as a logical step upwards, but it does not thereby escape the dynamic and become a general truth – its own meaning and value will ultimately depend on a complex interplay of events and ideas, a process which may take some time and much interpretive effort to unravel. Both universalist and contextualist ideas have in the past served as alibis of empire, and as leverage for liberation; as protections for the vulnerable, and pretexts for domination and exploitation.\textsuperscript{39}

Writers such as Sen and Pogge are surely aware of this, but the constraints of liberal political philosophy, combined with their concern for immediate practical relevance, leads them to articulate arguments which disguise rather than elucidate this dynamic. While they are

\textsuperscript{38} This orientation has obvious affinity with Judith Shklar's (1989) 'liberalism of fear', but is also dramatically foregrounded by Rawls in explaining his move from the 'comprehensive' doctrine of Theory to a primary concern with 'reconciliation through the public use of reason' in the introduction to the 1995 edition of Political Liberalism (xxx–lx). Here he paints a picture of liberalism emerging from the dire conflicts of the Wars of Religion and the overriding need to reconcile opposing views amongst citizens, rounding off: "The wars of this century with their extreme violence and increasing destructiveness, culminating in the manic evil of the Holocaust, raise in an acute way the question whether political relations must be governed by power and coercion alone. If a reasonably just society that subordinates power to its aims is not possible and people are largely amoral ... one might ask with Kant whether it is worthwhile for humans to live on the earth?" (lx). I agree with Rawls that it is necessary to consider such matters, and am more sympathetic to the fundamental need for 'reconciliation' than it may sometimes appear. But I would also argue that there are some strange displacements and occlusions going on when a conversation styled in these terms moves to the centre-ground of American political philosophy just at the 'unipolar moment' (Krauthammer 1990), when unruly elements were at their weakest, the preponderance of US-based capital and military power became evident for all who were willing to see, and self-styled grand strategists fretted about how to explain, stabilise and preserve their 'inadvertent empire' (Odom and Dujarric 2005).

\textsuperscript{39} See for example Crawford 2004, Manela 2006, Mantena 2010, Sartori 2014, Losurdo 2015a for detailed narratives of some intriguing twists and turns in the co-evolution of liberal ideology and world politics. For a broad spectrum radical counter-history, see Losurdo 2011.
notionally responding to a more globally connected economic and political environment, they make little attempt to situate their views within the rapidly evolving rhetorical context of post-Cold War politics, which has seen 'humanitarian reason' emerge as the dominant liberal ideology of the present era.  

Because Sen casts his project as an alternative way of thinking about justice, and as particularly focused on identifying and rectifying injustice, it is especially pertinent to view it in light of the issues recently raised by Robert Meister, including the reproduction of injustice in a context where revolutionary change is pre-emptively excluded. For Meister, liberal humanitarianism is infused with an understanding of politics as a state of permanent transition from a state of prior injustice, marked by a desire for 'reconciliation' to avoid further cycles of revolutionary violence and retribution, but also an implicit refusal to consider disrupting the privileges held by the beneficiaries of past injustice.

The “worst off” citizens of states recovering from a traumatic past will thus be effectively barred from demanding redistribution if, in making such demands, they must first represent themselves as the unreconciled “victims” of past evil. For this reason, justice-as-reconciliation is, in important ways, reconciliation to continuing inequality as a morally acceptable aftermath of past evil. Because distributive justice will inevitably have a retributive side in states recovering from traumatic histories, the project of “transition” presents itself as a period of grace in which redistributive claims in the name of victims are indefinitely deferred.

And this means that the human rights culture to be established in the twenty-first century is a continuation, by more benign means, of the counterrevolutionary project of the twentieth – to assure that beneficiaries of past oppression will largely be permitted to keep the unjustly produced enrichment they presently enjoy.

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40 Fassin 2012, Barnett 2011, Barnett and Weiss eds 2008. Not attending to present circumstances leads also to the notorious tendency to fight new battles on the basis of strategies developed from past wars – Sen’s work in particular carries striking parallels to the Cold War Liberalism of Karl Popper, Isaiah Berlin, Raymond Aron and others.

41 ‘My claim that actually existing liberalism substitutes a model of permanent transition for the urgent pursuit of justice is not original. For Karl Marx, liberal democracies based on the Rights of Man are always transitional in the sense that feudal oppressors have been morally defeated (or ‘put in the past’) even while the beneficiaries of that oppression continue to prosper ... capitalism, which always follows a presumptively unjust historical precursor, gets a free ride, because its beneficiaries no longer have to justify their unequal starting points.’ Meister 2011: 29-30.

42 Meister 2011: first passage from p29, second from p31
Without diminishing the importance of reconciliation, I suggest it is also a signal element of the concept of justice that it keeps alive challenges of the sort which Meister poses, that these have an ineluctably transcendental character, and that attempts to eliminate unruly views via philosophical finessing of the idea of justice should be viewed with suspicion.

In many respects, an immersion in historical detail makes the enterprise of presuming to make general pronouncements which float above detailed narratives and interpretations seem always to say too little to be much use, or too much to be justified. Yet one of the things that philosophy may plausibly be seen to offer is a 'hermeneutics of suspicion' – including a critique of the implicit understandings of history which inform various lines of normative argument. Since it is absurd in the face of accumulated historical scholarship to adopt the pretence of a singular true standpoint, this will involve some kind of perspectivism, but it cannot be a perspectivism which exempts itself from criticism, erases its own partiality, or serves merely to obstruct the elaboration of strong normative arguments.

Nevertheless, the desirability of an appropriately fluid framework for judgement is itself a kind of regulative ideal – easy enough to propose in the abstract, rather more difficult to enact in practice. It remains an open philosophical question whether any general view can be salvaged which is not simply an apology for the status quo, not pre-emptively crushed by the burden of proposing and defending particular views of the nature and present trajectory of capitalism, sovereignty, institutional multilateralism, constituent power, democratic governance, social cohesion, patterns of domination and sources of resistance.

The kind of politicised 'realist utopia' advocated by Moyn et al carries insights which are important for facing up to the predicament of global justice in the present historical conjuncture. But in my view its most prominent versions – including for instance the recent work of Pierre Rosanvallion, remain strongly shaped by Cold War/liberal-capitalist triumphalism, and a tendency to covertly evoke resonant myths of innocence, exceptionalism,

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43 I note here Ricoeur (1965; 1970) as a mark of respect, but do not engage the details of his work. Scott-Baumann (2009) has an interesting account of Ricoeur’s use of the term, and the development of his thought which let to him eventually moving away from using it.

and fatalism. Although the work of Sen and Pogge is less explicitly historicised, I think it is valuable to see them as representatives, within the zone of analytic philosophy, of this genre of thought. While I am not able in this thesis to discuss this context in anything like adequate depth, I draw attention to it in order to suggest that greater historical attunement is, as it were, a necessary but not in itself a sufficient condition for a more adequate philosophy of global justice. The perspective I adumbrate in this thesis attempts to counterbalance against what I see as residual elements of complacency and status-quo bias in this genre as a whole, including those versions which are more evidently historicised and 'political'.

There is a friction and incongruity between a sense of rough historically-grounded justice and the impoverished sense of human project entailed by contemporary liberal humanitarianism. In the name of justice, it is possible to propose a step beyond humane meliorism, a step informed by Meister's critique. The primary difference between liberal humanitarianism and what I would see as the sensibility of a historically self-conscious 'rough justice' is that the latter would give greater weight to keeping open the prospect of transformative social change, and the need for reform to embody meaningful gestures of reparation. (While the notion of 'reparation' is rather clumsy, it is more apt here than 'repair' because it carries a greater sense of compensating past harms, for acknowledging the deep and persistent effects of past injustice.)

Allowing that any such proposal can only be a contingent gesture at transcendence, it may be possible to imagine an alternative to prevailing humanitarian notions of transitional justice and human rights in the form of a politics of rough justice. Such a politics would be self-consciously constrained by attunement to historical conjuncture, but would respect rather than attempting to overcome or domesticate the sense of justice grounded in intuitions of deep connection and unfulfilled past obligation. Thus envisaged, 'rough justice' picks up some of the intuitions which lie behind recent attempts to theorise a politics of 'post-liberalism' – for instance by affirming the persistence of conflict through the idea of 'agonistic democracy', and

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45 See Calder 2005 for a brief analysis of the way some strands of historiography and ostensibly historically-focussed philosophy contribute to 'a kind of denial of a historicity of depth and consequence'. 'The trouble with much of recent theory has been that it formalises and neutralises a relationship which, to be borne out in its full significances, needs to remain thick, adhesive and messy. The relationship in question is that between the political and cultural priorities of the present, and the "traces of events" of which Ricoeur proposes that we have a duty to tell'. (Calder 2005: 83, 98) For a classic account of the problems of 'silencing the past' in the writing of history, see Trouillot 1995.
by acknowledging the role of 'constituent power' in shaping the world. But – as witness the evolution of the 'global justice movement' – it would also have recourse to a revivified understanding of justice, a notion of justice 'rescued' from the clutches of those who would turn it into an instrument of pre-emptive reconciliation. And it is worth noting, in passing, that both activists in this sphere and academic analysts have gravitated to the identification of a global justice movement – 'international social improvement movement' would not carry the same force – for reasons that go beyond mere clumsiness of words.

The 'end of history' liberal humanitarian view that I suggest informs the work of Sen and Pogge attempts to forestall a return to cycles of revolutionary violence. My argument is that if the idea of justice is to be invoked to prevent this prospect, it will need to carry more of the resonance of rough justice – dialectically attuned to the tension between facticity and evaluative aspiration which the concept of justice has long embodied, and recognising claims to equality and fair treatment on the basis of a broadly connected and deeply reciprocal history. There is an inevitable dialectic to be played between the perspectives of 'without peace no justice' and 'without justice no peace'.

The perspective of 'rough justice' is, it seems to me, the appropriate practical and theoretical response to the present predicament of global injustice. In many respects it represents a standing critique of the tendencies towards erasure and avoidance endemic to liberal theories of justice, and to contradictions and aporia made particularly evident by attempts to extend this mode of thinking to 'global justice'. But it can also be seen more modestly as a complementary addition to the thinking of writers such as Sen and Pogge, aiming to extend their work, and make it more normatively incisive.

As may be evident by now, this dissertation is a preliminary statement of a larger (and even more unwieldy) project. Nevertheless, as intimated through the figure 'predicament', I believe that a radically multidimensional approach is necessary to do any sort of justice to the topic of global justice. And while I realise I am straining the limits of disciplinary indulgence

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46 As per Negri 1999, radical democrats such as Sheldon Wolin 2004, 2008; Wenman 2013 and many others.
48 See Elliott (2008) for a sobering discussion of the present conjuncture and the 'end of history' problematic.
in addressing an account of the sort offered here as a contribution to political philosophy, I note that the aspirations invoked by Sellars provide a degree of license for the contrariness of my endeavour. To achieve some sort of balance between coherence of argument and multiplicity of perspectives, I have adopted the strategy of using extensive footnotes. This makes for tough reading in some places, for which I apologise. No doubt other approaches would have been possible, and perhaps more successful; I merely note that the decision was not lightly taken. Although I have tried to make the main text self-sufficient, the material in the footnotes should not be regarded as merely ephemeral, and at times the development of the main argument relies on observations raised in earlier footnotes.

The work of Thomas Pogge is briefly addressed in Chapter 2, through the lens of what I term the 'paradox of poverty' – a device he uses to motivate his arguments by juxtaposing statistics to demonstrate that extreme poverty, while dauntingly severe in absolute terms, could be alleviated by a relatively small change in distribution relative to the overall scale of the global economy. I see his work as exemplary in its clarity, its earnestness, its appearance of straightforward practicality, and its use of artful argumentative strategies addressed to – and employed within – a conventional worldview. Although I do not canvass the range or detail of his work, I seek in this chapter to show why a different approach is necessary – an approach which gives more attention to history and to social theory, and which is more alert to paradox, and to power.

The treatment of the theory developed by Sen in The Idea of Justice is considerably more detailed. One reason for this, already touched on, is the prominence it has achieved within the discipline and more widely. But the main reason for the greater focus on Sen is that he explicitly frames this work as a distinctive meta-theory of justice. This provides a better focus and springboard for me to develop my account of the predicament facing attempts to develop philosophical theories of global justice, and ultimately also to articulate, through the notion of 'rough justice', an alternative thesis regarding the understanding of justice which is appropriate to the contemporary world. Also, Sen develops a theory which explicitly emphasises a number of the elements I would seek to include under the rubric of 'rough justice' – such as the need to start from a recognition of the deep injustice of the world, the use of plural perspectives, and rejection of false precision in favour of approximation and general orientation. This makes it especially relevant for me to attempt to identify the difference between what I envisage by this notion, and what he has already laid out. Dealing with Sen in

49 As per the quote in footnote 2, above.
some detail helps bring to light what I believe continues to be excluded or misconstrued within the dominant modes of liberal political philosophy.

I begin my analysis of Sen in Chapter 3 with a moderate-level expository survey of the span of his thinking, to give some indication of how it hangs together. I do this on the reckoning that it is necessary to understand the parts in relation to the whole, while the whole is so extensive and complex that I am unable to engage closely with all of the details.

This is followed by several chapters that take a closer and more critical look at a few of his major themes and conceptualisations. In these sections I am particularly concerned with the type of arguments he deploys, and suggest that he consistently opts for a technical solution to various issues, raising the level of logical analysis. Much of what he presents is structured around a pragmatic critique of Rawls and other 'transcendental institutionalists', arguing that their mode of theory is too idealised, that it draws attention away from significant areas of injustice, and fails to offer guidance for the sort of social choices which must be faced to negotiate a path towards a less unjust world. But as it turns out – or so I shall argue – the consistent priority which he gives to abstract, formal solutions serves as a distraction which prevents him addressing and coming to terms with the kinds of practical, real-world issues which ostensibly motivate his project. There are repeated claims that his preferred perspective is both logically and practically superior, but in the event, he does not do enough to demonstrate the putative practical advantages of his comparative 'realisation-focussed' mode of thinking.

I do not attempt to develop definitive interpretations of the component elements of his theory so much as to explore some of the problems, and some of the virtues, of his approach. As its generally favourable reception indicates, Sen's theory is in many respects very persuasive, tapping into numerous themes that are clearly well suited to the tenor of the times. On a favourable, face-value view, this is straightforward enough – it is persuasive because it represents a necessary and constructive reorientation which can help in dealing with issues of global justice which have been neglected by other theories. I suggest that the situation is more puzzling than this – that the sources of persuasion he draws on are not adequate to the problems he presumes to address, and that his claim to be developing an alternative theory of justice is especially suspect. The persuasiveness of his theory is a puzzle which raises intriguing questions about the tenor of the times and the socio-political role of analytic political philosophy.

Chapter 4 investigates the contrast which he sets up between his preferred comparative account of justice, and the 'transcendental' perspective which he claims has dominated thinking in recent times.
Chapter 5 looks at the implications of his institutionalism vs realisation-focus, or 'niti-nyaya' distinction. I suggest that the way he deploys a very weakly theorised notion of 'institution' serves to disguise the way he effectively reorients the primary reference of the notion of justice away from being a description or evaluation of forms of social and political order, claiming that evaluations of justice should focus on individual human lives. Although his articulation of this move is very muted, and his usage is not entirely consistent, it betrays what I call anti-systematist and anti-solidarist biases in his general approach, since he retracts attention not only from emergent political higher-level structures, but also from the zone of basic social interaction. Despite this, I go on to suggest that as a rhetorical manoeuvre, his insistence on the importance of 'realisation focus' may serve as a useful short-term corrective to the seductive tendency of Rawlsian conceptions of justice to legitimate capitalist social relations, by seeming to offer a stable institutionalised corrective to their disordered and exploitative effects.

In Chapter 6 I turn my attention to his notion of 'comprehensiveness', which has been a long-term philosophical project for Sen, and which provides an important connecting link for the other elements of his system, firming up the idea that it is possible to proceed by comparing 'states of the world' in a suitably comprehensive manner – avoiding reliance on 'deontological' approaches to ethics, but also assuaging suspicions that consequentialism poses a threat to humane values. As may be suspected, I do not find this altogether convincing, and suggest that the discrepancy between the theoretical inclusiveness of his approach and the radically under-contextualised nature of his discursive practice raises significant concerns, pointing again to the need for a 'rougher', more multidimensional approach.

As indicated through the initial survey in Chapter 3, there are numerous other features of Sen's theory which are worthy of detailed discussion, and which raise interesting and distinctive issues in their own right. But my aim in these chapters is to illustrate certain patterns in his thought which have particular salience for the perspective already sketched above. Although I am wary of overfreighting the roughness/smoothness distinction, on my view it is particularly useful for dealing with Sen. And this means, in turn, that focussing on both the broad shape and some of the fine detail of Sen's account is particularly useful for clarifying and extending what I mean by the notion of rough justice.
As already mentioned, another reason why I give greater attention to Sen is similar to Sen's reason for focussing on Rawls – on present indications, Sen's theorisation is shaping up to become a primary frame of reference for academic and popular discussions of global justice. By my reckoning, this is largely on the basis of observers picking up on certain plausible and attractive features, and for various reasons taking it at face value without subjecting the theory as a whole to any sustained scrutiny.

On my view, this is partly the result of the 'smoothness' of its articulation. Amongst other things, although he gives the appearance of stretching conversational boundaries, Sen consistently employs very stylised illustrative tropes – what I would describe as 'folkloric history' – and downplays or ignores critical perspectives and literatures. This is partly disguised by the fact that at a meta-level, he is ostensibly laying out a theory which recognises and incorporates issues of plurality and incongruity.

There is, in multiple ways, an unusual degree of slipperiness in both the details and the broad structure of Sen's account. In due course, I try to arrive at a balanced perspective on this – to allow that it is partly due to the ambitious nature of his enterprise, and that despite the appearance of self-contradiction which they entail, some allowance must be made for rhetorical techniques which employ ambiguity and 'smoothness'. But my initial task is to bring to light the combination of technical slipperiness and political/pragmatic ambiguity which characterise his work.

So my aim in these chapters is threefold. Firstly, most obviously in chapter 3, to provide a decent sense of what his project is about. Secondly, especially in chapters 4, 5, and 6, to probe some key elements of his account in greater detail. Apart from the obvious purpose of deepening the engagement with the overall project and (mostly) criticising particular features, I see these chapters as case studies which cumulatively contribute to an understanding of the kinds of evasion, distraction, and narrowing of contextual horizons which serve to limit the understanding of social justice which is in play in Sen's work, and more widely. Thirdly, I seek to contest the impression that through such devices as comparative vs transcendental, realisation vs institutional, and the idea of comprehensive consequences filtered through a social choice perspective, Sen provides a profound conceptual underpinning for a new way of thinking about social justice.

In places, the detail of the exposition and of my arguments here may seem a little numbing, and to distract from the main purpose of this dissertation – to the extent that readers may start wondering why I am going into this sort of detail. There is a paradoxical air about what I am attempting to do here, since while I am implicitly affirming that it is important to delve into this level of detail, I ultimately conclude that the detail is in large measure a
distraction. Nevertheless, both in fairness to Sen, and to avoid this being mere assertion on my part, it is necessary to traverse at least some of this territory.

I should emphasise that I see the chapters on Pogge and Sen as illustrating rather than demonstrating my thesis – the need for a more reflexive and historicised approach to political philosophy, and emphasis on a more dialectical, historically-infused understanding of global justice – the perspective I am calling 'rough justice'. Various incidental claims are made within these chapters regarding particular facets of Sen's work, which I hope are worthy of attention. But I suggest that it is something of a trap for analysis to be held at this level, which effectively reifies ('transcendentalises') the terminology and structure of his perspective as if it had a stable, analysable meaning outside the context of its reception and application. The broadly pragmatist spirit of Sen's approach suggests and requires that primary emphasis be given to how it functions as a perspective within the contemporary world, vexed though it might be to make such assessments.

Indeed, I feel that if I am demonstrating anything here, I am 'demonstrating' (performing) the existence of this trap – by being half-in-and-half-out of it. Already, in order to grapple in close quarters with some of the details of Sen's theory, I forgo the task of providing a more detailed and substantial account of the ways in which it connects to the politics of the present conjuncture. So to no small measure, I am hoist on my own petard in this, the consolation being that by my pratfall I at least demonstrate the existence of the petard. (Moreover, to reload the device, I do not believe that it is quite apt to say that it is 'my own' petard – it is a petard that belongs to the discipline, and Sen and Pogge also deploy it in claiming that alternative views have inadequate or inappropriate practical consequences. This, as they say, is where we came in.)

More soberly, I have chosen to provide a rough sketch of the 'big picture' of the problematic as I see it, on the reckoning that this may be a more helpful contribution to what I see as the presently dire global political and ecological predicament, and to the theoretical predicament of developing philosophical accounts dealing with the concept of justice. Nevertheless, neither the need for pragmatic assessment, nor the rough justice perspective, nor my claims about the need for methodological upheaval in political philosophy, are capable of definitive demonstration, and even the extent to which they can be given purpose and weight within the present work is severely limited.
Compared to the complex realities I am responding to, and the sophistication of serious scholarship in the areas touched on, the accounts I develop in this thesis are obviously wildly simplified, only the beginnings of a possible sketch. Underlying my approach is the belief that a complacent conventional wisdom exercises a malign narrowing effect on discussion in political philosophy, in large measure via a disciplinary decorum which makes it seem either unnecessary or inappropriate to contest certain deep-seated views. But for the sake of a decent understanding of the problematic of global justice, it is not sufficient to insist in a general way that history is more complex than amorphous commonsense views allow. Ultimately, unless some effort is made to push back in specific areas by affirming the plausibility of alternative perspectives, the hegemonic conventional views will continue to prevail. But I leave this task for another project. My argument here largely circles around a preliminary task, arguing for the need to broaden the horizon of historical plausibility which implicitly sets the parameters of debate.
One of the most consistent refrains in Pogge’s work over the years has been the observation that while global poverty is far more serious than many people imagine, its elimination would require a much smaller proportion of global product than is generally thought. The analysis shows that the problem of world poverty is both amazingly small and amazingly large. It is amazingly small in economic terms: The aggregate shortfall from the World Bank’s $2/day poverty line of all those 40 percent of human beings who now live below this line is barely $300 billion annually, much less than what the United States spends on its military. This amounts to only 0.7 percent of the global product or less than 1 percent of the combined GNIs of the high-income countries. On the other hand, the problem of world poverty is amazingly large in human terms, accounting for a third of all human deaths and the majority of human deprivation, morbidity, and suffering worldwide.

Most of the massive severe poverty persisting in the world today is avoidable through more equitable institutions that would entail minuscule opportunity costs for the affluent. It is for the sake of trivial economic gains that national and global elites are keeping billions of human beings in life-threatening poverty with all its attendant evils such as hunger and communicable diseases, child labor and prostitution, trafficking, and premature death. Considering this situation from a moral standpoint, we must now assess growth—both globally and within most countries—in terms of its effect on the economic position of the poor.

Or, more succinctly

World poverty is much larger and much smaller than we had thought. It kills one-third of all human beings born into our world. And its eradication would require no more than 1 percent of the global product.\(^50\)

This poignant juxtaposition is a variation of what is sometimes called the ‘paradox of poverty’, usually referring to the awkwardness of extreme poverty amidst conspicuous affluence.\(^51\) The phrase has obvious alliterative attraction, but there is nothing inherently ‘paradoxical’ here, though we could say that it is a ‘moral paradox’ – not in the stronger sense discussed by Smilansky\(^52\), but in the sense that it naturally elicits the response ‘this is wrong – this should not be’.

\(^{50}\) Pogge, World Poverty and Human Rights (2002, 2nd ed, 2008: 264); hereafter WPHR.

\(^{51}\) See Little 2003, Wachtel 1972.

\(^{52}\) Smilansky 2007.
Contributing to this sense of moral wrongness is the implication that it would not be impossibly demanding to remedy the situation. The sense of hopelessness which arises from the failure of previous efforts is put into perspective – if it requires the redirection of only a small proportion of the human effort and financial resources presently put to other purposes, achieving the goal of eliminating radical poverty is within sight, and this should strengthen our resolve. Shifting between an absolute and a relative mode of evaluation thus brings to light a vital moral perspective – a valuable reminder, a goad to action, and a source of solace and encouragement at the same time.\(^{53}\)

While I do think this is true and important, I also want to suggest that if we turn this aperçu around and look at it from another angle, it suggests something more than this, something darker and more troubling, and something more closely resembling a true paradox.

One way of further elaborating the puzzlement is to say that it presents an impasse – from amongst the spectrum of reasons which might be invoked to justify action in the world, there is no morally satisfactory justification for allowing this situation to continue. We are presented with an aporia, something which can be resolved only by action, by changing the situation rather than dressing it up differently. Unpacking this a little more, we could say that if reasons for action are seen as expressing desired or preferred states of affairs, there is no combination of reasons for desiring or preferring the continuation of global poverty which would be deemed morally acceptable by commonly accepted standards. And so the paradox of poverty sums up Pogge’s task – to demonstrate that according to the routinely professed principles which are used to justify social and political order, we have run out of excuses. There is a clear contradiction between professed principles and the actual state of affairs, so to maintain a minimal sense of moral decency this must be overcome.

The plot thickens, however, if we focus our attention on the question of why global poverty persists. If, in relative terms, only a small reshaping is required, then why has it not happened? Pogge presents the contrast between absolute and relative as if he were uncovering something previously unobserved or insufficiently noted – that massive suffering and death could be relieved at relatively little cost. But something else is also exposed by this same move,

\(^{53}\) Pogge’s most detailed and sustained treatment of this theme, in ‘The First UN Millennium Goal’ (2004, reprinted in Politics as Usual, 2010) is clearly meant to combat, at the same time, claims that (1) action is not necessary or morally required, (2) that the scale is so large that it would require radically reshaping both the personal lives and the cultural fabric of privileged societies, and (3) the kind of complacency which is bred by hopelessness.
and that is his own morally severe but politically benign assumption that there are no profound obstacles at the level of political order which would obstruct the realization of this moral imperative.

Identifying moral failure as the essential cause of global poverty, Pogge then sets out to find the causes – not of poverty seen in a political or historical context, but of this moral failure.

[The] juxtaposition of great progress in our moral norms and conduct with a rather catastrophic moral situation on the ground raises two questions:

1. How can severe poverty of half of humankind continue despite enormous economic and technological progress and despite the enlightened moral norms and values of our heavily dominant Western civilization?

2. Why do we citizens of the affluent Western states not find it morally troubling, at least, that a world heavily dominated by us and our values gives such very deficient and inferior starting positions and opportunities to so many people?

Answers to the second question help answer the first. Extensive, severe poverty can continue, because we do not find its eradication morally compelling. And we cannot find its eradication morally compelling until we find its persistence and the relentless rise in global inequality troubling enough to warrant serious moral reflection.\(^\text{54}\)

One of the entanglements which contributes to the puzzles in Pogge's philosophy of poverty comes from the slack allowed by the vagueness and breadth of his notion of 'institutional order'. Although he frames his account primarily in terms of what needs to be done for the sake of moral decency, he is talking about change at the level of political order. He (rightly) sees the problem as being located in 'institutions', and as requiring change at this level, and his way of presenting this is to talk about responsibility for the institutions in which individuals are implicated. This is true enough, but the vagueness and indeterminacy of his concept of 'institution' allows him to rely on and emphasize the effectiveness of institutions, but at the same time to ignore the fact that within this mysterious systemic interlinkage between persons there are layers and pockets and dynamics which effectively take on a life of their own, and become very stubbornly resistant to change. Taken generally, the idea of a global institutional order pulls both ways – it establishes connections and responsibilities, but it also entails the idea that there are emergent properties which come into play at various levels of

\(^{54}\) WPHR 3
organization, and which require a different sort of analysis and causal attribution than that provided by the idea of individual responsibility alone.\textsuperscript{55}

The ‘paradoxicality’ of the situation, such as it is, lies in the way that from a certain angle, extreme poverty looks irrational and unnecessary, yet attention to history and political economy suggests that this ‘irrationality’ is deeply embedded. So, at risk of confusing things further, we could say that what we are looking at is the paradox of humanity – that human affairs are not essentially rational or ‘moral’. This brings us up against a tacit assumption of much liberal political philosophy – that political order is (effectively) manageable, and that we should expect there to be a straightforward relation between its inner dynamics and the principles which are put forward to justify it.\textsuperscript{56} This is an extremely touchy and difficult thing to discuss, partly because it cannot be subjected to any simple demonstration one way or the other, as it involves very deep levels of interpretation and synoptic judgment made across a very broad range of information and experience. And although overarching attitudes come into play, judgment of such matters will also differ by degree for different circumstances. Yet it is touchy because the difference between what for present purposes I will call broadly ‘liberal’ and ‘realist’ perspectives, while in some respects subtle and indefinable, carries implicit characterizations of the opposing perspective as either naïve or cynical. Clearly liberals do not think they are being naïve – they are likely to believe that they are sufficiently well informed, and even sceptical, but prefer to hold open the possibility of change in order to encourage effort, even if this turns out to

\textsuperscript{55} This is of course the subject of intense debate amongst various schools of social theory, and a central concern for those associated with Roy Bhaskar’s ‘critical realism’. For some interesting recent treatments in this area, see for example Bunge 2009, Poe Yu-Ze Wan 2013, Archer ed 2013, 2014; Vandenberghe 2014, Lizardo 2013. The character and effect of ‘institutions’ is also the subject of large independent literatures in International Relations Theory (for classic contributions see Ruggie 1998, Mearsheimer 1994), and elsewhere. A recurring difficulty and puzzle raises its head here – on one hand the range and depth of scholarly treatments of this subject are so vast and multifarious that it seems safest to stay well clear; on the other hand, given how crucial these matters are, it seems very strange to ignore them. As we will see, this issue recurs with Sen. For an overview of the range of scholarly approaches dealing with political institutions, see Rhodes et al 2006.

\textsuperscript{56} Curiously, this idea is far from being intrinsic to core notions of liberalism – indeed it is in significant measure contradictory to the strand of liberal thought which emphasizes the limitations of government, and critique (in the Kantian sense) of the limits of political action. The kinds of contradictions in actually-existing liberalism criticised by Losurdo 2011 may – on a sympathetic reading – be seen as a consequence of attempting to accommodate liberal ideals to refractory realities. For a sense of the breadth of the liberal tradition, see Ryan 2012, Freeden 2005.
be unsuccessful. Realists, on the other hand, do not generally see themselves as cynical, but as taking a pragmatic approach in order to avoid the failures that will arise if politics is approached moralistically, or insufficiently toughened up against certain harsh and resistant features of the world. (For many realists, allowing space for manoeuvre through prudent political judgment is a higher form of 'idealism'.)

Much about Pogge’s general approach is summed up by the way he introduces the conjunction between the absolute degree of harm and the seemingly small relative costs of alleviating radical poverty. On my reading, his usage only makes sense on the basis of an implicitly benign view of the ‘global institutional order’, which sees it as a flawed attempt to practice conventionally professed ideals.\(^{57}\) He presents this situation as para-doaxical, in the root sense of something which conflicts with existing beliefs, and he moves directly to the implication that ‘we’ (or, ‘relevantly influential citizens’) are failing to live up to our professed ideals, and need to be lobbied and shamed into rectifying this. Pointing out this sort of ‘failure’ has the appearance of criticism, but carries the danger of reinforcing the benign interpretation which motivates it. This draws the ‘critic’ into a kind of collusion over the pretence that the ideals in question truly are the guiding principles of the prevailing political order.\(^{58}\)

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57 Present radical inequality is the cumulative result of decades and centuries in which the more affluent societies and groups have used their advantages in capital and knowledge to expand these advantages even further. This inequality demonstrates the power of long-term compounding more than the powerful centrifugal tendencies of our global market system. It is, then, quite possible, if radical inequality has once been eradicated, quite a small GRD may, in the context of a fair and open global market system, be sufficient continuously to balance those ordinary centrifugal tendencies of markets enough to forestall its reemergence' WPHR 205. All quite painless, except of course for the covert caveat – achieving a genuinely ‘fair and open market system’ may not be all that easy …

58 I am aware that this may look cynical, so to be clear: I am not saying that political actors should not be criticised for failing to live up to professed ideals, only that there is a problem when this style of engagement becomes an habitual reflex and supplants other modes of analysis. It is necessary to exercise judgment about when pretexts deserve to be taken seriously, and when it makes strategic sense to criticize failure to act. To cite the all-too-obvious example, ‘criticising’ the Bush administration for failing to bring democracy to Iraq may in certain contexts have served to expose the fact that this supposed aim was but a hollow pretext, but continuing to ‘criticise’ this ‘failure’ in these terms may serve to reinforce the illusion that this was the actual reason for the invasion, in some more solid sense. As I write this, a replay of this sort of inanely ‘serious’ criticism is occurring over the occupation of Afghanistan, and elsewhere. There are many layers and variations of emphasis possible in assessing the role of professed norms in international politics: ‘normative IR’ theorists like Mervyn Frost (1996, 2002, 2009), while criticized by those of a more realist bent for taking
From a certain (liberal) point of view, to characterize the persistence of widespread radical poverty in terms of moral failure, and to nominate certain reforms as necessary for the sake of moral decency, seems entirely obvious and constructive. But this sort of conceptualization, by focussing attention on the realm of the ideal, tends to distract attention from the realm of the real. Attention is brought to bear on the ‘failure’ of the idealized system, of the system as we would like it to be and conventionally pretend that it more-or-less is. Without necessarily intending to, this predominant focus on the ideal tends in a strange way also to distract attention from fully recognising that this ‘failure’ is in fact a feature of the system as it actually is.\(^59\) The emotional dynamics involved in turning away from persistent and seemingly intractable horror and suffering are extremely powerful, and arguably necessary survival mechanisms.\(^60\) But if we truly wish to be in a position to effect change, it is important that we are able to develop a view of the global system for analytical purposes which is not distorted by an habitual tendency, however understandable, to overemphasize pious hopes and ideals. None of this means that attempts at change are necessarily futile, but it does mean it is likely to be a much tougher task than might be imagined with eyes averted. Much will depend how well embedded and recalcitrant this feature of the system is.

So I believe that the paradox goes deeper than Pogge allows – that it calls into question the salience of the normative beliefs he interrogates and the feasibility of the reforms he proposes. But what does it mean to suggest that the ‘global institutional order’ is resistant to

the appearances of normative structure too seriously, do not take professed norms at face value, but attempt to formulate as ‘norms’ those patterns which are confirmed through diplomatic and strategic practice. Although an outcaste amongst ‘serious’ academic analysts of politics, society, and morality, Noam Chomsky’s political writing is exemplary for combining a sober analysis of causal dynamics and geopolitical strategy with a determination to hold powerful agents and states to account for failing to live up to professed ideals. (See for example Chomsky 1969,1985, 2003, 2006.) Hence the evaluation of Joshua Cohen and Paul Rogers (1991: 27) that Chomsky’s ‘commitment to both reason and moral hope’ constitutes his ‘signal contribution to social thought.’

\(^{59}\) The difference is summed up in an old, somewhat cynical, joke: ‘A liberal looks at the world and says the system is broken and must be fixed; a radical looks at the world and says the system is working just like it is intended to’. One of the conventional responses to radical criticism of ‘the system’ is to insist that that the world is complex – there is no overarching ‘system’. But of course this response is not available to Pogge, whose own argument is premised on the effective existence of a ‘basic structure’ of institutional order.

\(^{60}\) As Stanley Cohen argues in States of Denial (1999).
piecemeal reform? I will admit that this does bear an uncomfortable resemblance to a legacy of Marxist obscurantism, resisting reform in the name of wholesale revolutionary change. But while the sorry history of this sort of rhetoric needs to be acknowledged, the issue remains important. The most evidently non-doctrinaire approach, which also happens to mirror Pogge’s implicit ‘invisible hand’ understanding, is the idea that the world system is simply too large, complex, and chaotic to allow orderly change. Although there is something to this in terms of the chastening of ambitions, it should be noted that what is at stake is not just chaos and complexity. However complex and chaotic, we are talking about the existence of an effectively global, and in some sense effectively 'institutional' order – organisation is necessary for the kinds of coordination which exist, and the generation and maintenance of significant wealth, and I think Pogge is right to suppose that certain features of this organisation also generate significant poverty. As the statistics show, there has been a sustained siphoning out of resources and wealth from the poor to the rich world.

But if mere chaos will not suffice as an explanation, much will come down to whether the aspects of the global institutional order in question are expendable minor features, deeply embedded features, or possibly even intrinsic to the nature of the system, such as it is. Perhaps some constellation of problems of collective action makes it possible to overcome chaos for the sake of accumulating power and capital, but difficult to maintain the levels of solidarity necessary to motivate and sustain a more peaceful and egalitarian global order. Perhaps the organizational problems are indeed intractable, or perhaps with some understanding and experimentation they might be managed and overcome.

To refine this a little more, let us state more clearly what is involved, initially in the Rawlsian ‘basic structure’ terms that Pogge effectively relies on. Although I do not really want to suggest that ‘systemic effects’ are so unified and monolithic that there is a clear line between what is possible and impossible, or between what is deeply systemic and what is peripheral, for present purposes I will emphasize a contrast between these two possibilities.

(A) The ‘basic structure’ of the global system might be characterized as sufficiently benign and plastic to allow the sort of change that Pogge proposes without major systemic disturbance and resistance. This would mean that the persistence of poverty is effectively the

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61 As Nimmz (1999, 2000) argues, Marx and Engels did not themselves fall into this trap.

62 Consistently neglected by mainstream liberal thought is the specific difficulty of maintaining solidarity amidst assault and subversion by those privileged by present circumstances. As Arno Mayer notes, ‘[a]lthough counterrevolution is the other half of revolution, it tends not to be recognized and theorized as such. (Mayer 2000 : 45; the topic is discussed 45–70 and passim) See also Losurdo 2015b.
result of expendable features, or of an endless succession of unrelated accidents of fate, or of path-dependencies, inertia or minor resistance that could be overcome with a modest amount of commitment and effort.\textsuperscript{63}

(B) On the other hand, the global ‘basic structure’ might be seen as deeply resistant to such change, so that although \textit{apparently} small in absolute scale and irrational, poverty either serves a purpose, or cannot be eliminated without broader systemic effects that will be strongly resisted. There are a number of well rehearsed perspectives involving different structures or characteristics which would support such a position, although it is beyond my scope here to seriously assess any one of them, let alone their various combinations. Nevertheless, perhaps a brief sketch of some of the alternatives will help to give some kind of colour and shape to what I am talking about, and indicate something of the dimensions of the issue.

(1) We might begin with a basic Hobbesian perspective, according to which human passions and the limitations of rationality make political order always precarious. Beneath a veneer of civilization things are always threatening to get out of hand, and maintaining effective order requires both the velvet glove of nominally democratic government and the iron fist of significant repression. From a conservative realist view, radical global poverty is the extreme edge of a necessary disciplinary structure, either ineradicable without risking a general dislocation of order, or positively functional as a way of terrorizing the unruly masses into submission.\textsuperscript{64}

\textsuperscript{63} The elusiveness of what I am trying to bring into focus here is indicated by the fact that Pogge, although relying on the notion of an imposed institutional order, does not attempt to pin this down or theorise it as a 'system' or 'structure', preferring the approach of nominating particular reforms he regards as 'feasible'. (As we shall see later; this fits with Sen’s approach of concentrating on piecemeal comparisons and avoiding global analyses.) I suspect Pogge sees himself as neither confirming nor denying the existence of strong systemic/structural effects, and his strategy of proposing particular reforms as having the dual merit of putting actual ideas on the table while artfully avoiding the nigh-impossible task of confronting sundry systemic conceptions. An institutional order which is 'reformed' by the inclusion of a Global Resources Dividend, or adjustments to sovereign borrowing rights, could be expected to have a lower incidence of severe poverty, and can therefore be deemed preferable to a world without such reforms. An alternative way of putting my argument here is that the feasibility constraint is too lax, and gives too little attention to the causal dynamics of the present order.

\textsuperscript{64} While many are happy to support present arrangements on what amounts to this sort of reasoning, there are very few explicit advocates for terrorizing the masses these days. Many versions of International Relations Realism fit this view, with important examples including Morgenthau (1947; 1948 – and many subsequent editions), Mearsheimer 2001, Niebuhr (1932, 1952). Foucault perhaps lies somewhere between this view
(2) Less evidently severe, but not necessarily more tractable, is the view that despite an increasingly homogenised and rationalized surface, the world is still a richly mysterious cultural jungle, with the practical, symbolic, mythic and identity shaping dimensions of social systems so profoundly and complexly interconnected that broad-scale changes will have unpredictable effects which are hard to manage. One variant of such a view would see the extremity of global poverty as an atavism – no longer strictly functional, but left over from a regime of colonial terror in which it did serve a purpose, and culturally embedded in ways which are difficult to eradicate.65

(3) There is then a family of broadly Marxist views which would see global poverty as a necessary part of labour discipline, which in turn is necessary to maintain the level of return to capital, which is required for the system to sustain itself. Global poverty on such views may be seen as an indication of the contradictions intrinsic to capitalism, leading to recurrent crises through overproduction, underconsumption, and the general tendency for the rate of profit to fall, or as the result of ‘combined and uneven development’. Also, class struggle in the West has been defused through systems of trade and production which have effectively exported the most extreme exploitation overseas, and this will not be turned around without momentous struggle.66

(4) Situated somewhere between the Hobbesians and the Marxists would be the views based on various forms of neoclassical, Schumpeterian and Austrian economics, which see poverty as a regrettable imperfection, not necessarily functional, but also not eradicable without interfering with the functioning of an otherwise benign or at least necessary system. Pogge addresses the Panglossian views of neoliberal apologists who justify inaction with the claim that things are generally getting better, but not the views of those who simply believe that

and the cultural/symbolic emphasis mentioned next, and although he is less resigned to, and more critical of, present regimes of power, the implication of his work is that systems of domination are deeply entrenched, and not amenable to ordinary sorts of liberal reforms. Related perspectives can be seen as far afield as the portrayal of revolutionary and counter-revolutionary passion in Mayer, The Furies (2000), and Smail’s discussion of the exploitation of human biochemical vulnerabilities in On Deep History and the Brain (2008).

65 Clifford Geertz is the obvious point of reference here – see for example his 1973, 1980, 2000, 2010. (A succinct piece of particular interest for present purposes is the essay ‘What was the Third World Revolution’ – originally published 2005, republished in 2010). But pretty much the entire discipline of anthropology sits in this camp, including those (for example Roseberry 1988) who place more emphasis on history and political economy, and criticise the likes of Geertz for excessive emphasis on ‘culture’. On the symbolic dimensions of ‘excess’ colonial violence, see Taussig 1984, 1987.

66 A fair idea of the range of thinking in this area can be gleaned from Bidet and Kouvelakis eds 2008.
intervention will run up against deep and poorly understood structural forces, and will thus be strongly resisted, effectively for systemic reasons rather than simple moral turpitude.\(^{67}\)

(5) Another group of perspectives, especially salient when considering world poverty and justice, would encompass ‘dependency theorists’ such as Andre Gunder Frank, ‘world systems theorists’ like Immanuel Wallerstein and Giovanni Arrighi, and theorists of global capitalism and international political economy such as David Harvey, William Robinson, Kees van der Pijl.\(^{68}\) Drawing on Marx, but also Weberian historical sociology and other sources, these views see geographical polarizations of wealth and income as intrinsic to the functioning of contemporary capitalism. Some of the debate in this field focuses on whether and in what ways capitalism has from the beginning been based on global expropriation and exploitation, and the degree to which recent forms of ‘globalisation’ represent a significant evolutionary change.\(^{69}\)

(6) Of more diffuse relevance is a vast body of historical and sociological research which, while less programmatic in its depiction of systemic evolution and structure, emphasizes the power-infused complexity of human affairs. While the work of Braudel and Hobsbawm might be thought to belong in the Marxist category, the depth and complexity which emerges from their pages must still be reckoned with. Michael Mann’s magisterial attempt in *The Sources of Social Power* to map the coevolutionary interaction of ideological, military, economic and political forms of power has obvious bearing, as does the work of Barrington Moore and Pierre Bourdieu. And many more conservative sociologists and historians could be added to this list.\(^{70}\)

(6) More focused histories of international law and the machinations involved in the setting up and functioning of existing global institutions. There has been an impressive


\(^{70}\) See especially Mann 1986, 1993, 2012, 2013; Parker 2013 and Osterhammel 2014 for a couple of monumental recent histories, focussed on the seventeenth and nineteenth centuries respectively. But almost the whole cohort of serious historians belongs in this category, in the same way that a large proportion of the discipline of anthropology belongs in category 2. (The primary exceptions being those who hew so far towards particularity and complexity as to deny effectively systemic patterns.)
cumulative evolution of critical work in this area in the last couple of decades, stimulated by the work of Martti Koskenniemi, amongst others.\textsuperscript{71}

(7) A grouping of perspectives with direct bearing on the present prospects for global political change, but often coming from outside the Academy, and fitting rather untidily into the classification advanced so far: anti-imperialist accounts of military imposition, the suppression of radical nationalism and emancipatory politics worldwide.\textsuperscript{72}

(8) At risk of overkill, one final group also has particular interest, because it is the school of mainstream social science research which is probably most directly aligned with Pogge’s project, constructivist and ‘English School’ International Relations Theory. This work is (sometimes justifiably) criticized by their Realist colleagues for downplaying material forces and power in favour of norms and ideas, and for making change towards a more cosmopolitan future seem possible. Nevertheless much of the work in this area can also be read as demonstrating how difficult it is to achieve change, and how complex the relations between explicitly articulated norms and political reality have ever been.\textsuperscript{73}

This list could be further elaborated, but it seems already awkward to the point of obnoxiousness to have stretched it this far. Although I have pulled back on referencing to avoid complete overkill, I have dragged the survey to the limit of tolerability to make a point – although it is impossible to adequately address these multiple perspectives, it is also quite bizarre to completely ignore them.

What I hope to have indicated by this brief-yet-overblown tour is that there is no shortage of reasons to suppose that, even though the amounts seem to be small, overcoming extreme poverty is likely to require significant systemic changes, and that these will be strongly resisted from a number of directions. While there is a degree of conflict between some of the views sketched above, they are not mutually exclusive, and it is plausible to suppose that all of these perspectives, along with others that would emerge from a more detailed taxonomy, have some bearing on the present world situation. The ‘paradox of poverty’ – the persistence of global poverty in conflict with nominal beliefs and with the necessary resources apparently available – should, given his enthusiasm towards interdisciplinary research and real-world understanding, lead Pogge to those areas which have attempted to grapple with these issues. For a minimal


\textsuperscript{73} See Navari and Green eds 2014 for a recent survey.
example, if we are to assess what institutional reforms are feasible, it is surely relevant to consider the explanatory balance between Prashad’s account of the ‘assassination’ of the Non-Aligned Movement and the ‘Third World Project’, and Westad’s account which places greater emphasis on the internal failures of post-colonial societies.  

It is a puzzle in its own right why this large body of research data and analytical perspectives are so comprehensively ignored. No doubt there is much of interest that could be developed in the form of a sociological explanation of this very situation – in terms of Pogge’s own social position, the milieu of professional Anglo-American philosophy, and so on. But for now I will stay within a ‘philosophical’ frame and look at those factors which are largely internal to the structuring of his argument, and which throw an intriguing light on certain styles of moral and political theorizing.

Despite his stated interest in ‘social science’, there are indications that Pogge is neither familiar with nor sympathetic towards interpretive social science, and in particular with historical materialist attempts to develop causal accounts of social and political developments, and that he sees the enterprise of moral philosophy as largely in conflict with such perspectives. His view here, briefly developed in the introduction to WPHR, seems to be that materialist history and sociology calls into question the intrinsic force of moral reasons in human action, and is thus by nature hostile to moral philosophy, which requires that moral reasoning be taken seriously on its own terms. To the extent that this is his view, the response is quite simple – he is mistaken.

But suppose that he agrees in principle with the view that moral and political philosophy should be grounded in an understanding of social and political circumstances, and that it is therefore likely to benefit from work done in history, sociology, and other disciplines. Even

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74 Prashad, 2007, 2013, Westad, 2005. Pogge’s argument that both local and global factors are involved in causing radical poverty may be adequate for purposes of establishing responsibility, but does not begin to grapple with the issues involved in the feasibility of reform, let alone strategy.

75 Although there has been some published discussion of such matters, there has been no sustained research project such as Bourdieu’s 1988 study of French academic life.

76 Although, interestingly, this is more strongly stated in the 2002 first edition than the 2008 second edition.

77 While not the dominant tradition in the Anglo-American academies, there is no shortage of advocates for such a view, including Alasdair MacIntyre, Charles Taylor, Bernard Williams and Raymond Geuss, along with Jürgen Habermas, and many influenced by him and the ‘Continental’ critical theory tradition. It is hardly surprising to note that a serious engagement with Marx tends to be a common feature of such thinkers. (Williams, whose historicism is inspired more by Nietzsche and Thucydides is an exception here). For recent
granting this, there is still another reason which would lead to the approach that he has taken. If the chosen task is to develop arguments which will justify intuitions about global justice, and which will be persuasive to a broad range of people in the world as it stands, it may be thought – even allowing a familiarity and sympathy with the available historical accounts – that the details of such work are too esoteric and too contested to be usefully employed. Although one’s own understanding may be informed by the study of history and sociology, there is no clearly dominant orthodox perspective to invoke or work with. This could be seen to mean that if one hopes for a relatively quick fix for a truly dire situation, there is a better chance of enlisting the cooperation of elites and governments by framing arguments for reform in ways which are minimally threatening to the legitimacy of their status – indeed, one will ideally appeal to the pretexts which they themselves use to legitimize their status.

Both lack of consensus at the level of detailed theory, and the hope for broadly accessible and ‘appealing’ arguments, conspire to make attractive the idea of what might be called a ‘normative shortcut.’ If compelling arguments can be developed ‘internally’, within the professed normative pretexts of the present dispensation of power, it may not be necessary to be drawn onto the contested terrain of social theory. If there is an alternative route with reasonable prospects of success, one may avoid the challenges of historical and sociological explanation, and choose for essentially pragmatic reasons to pursue a relatively unthreatening line of ‘moral argument.’ And having chosen this path, it will be seen to be counterproductive to introduce too much in the way of ‘inconvenient’ facts and arguments – one wants just enough challenge to goad one’s chosen audience into action, but not so much as to appear deeply hostile to their status and interests.

Whatever the actual social influences and processes of reasoning which led him to it, I believe that this is a reasonable characterization of Pogge’s approach. The result is a constellation of pragmatic arguments deployed for normative reasons, and normative arguments deployed for strategic reasons. This sort of interlayering is, in my view at least, characteristic of most human action and argument, and would not be especially noteworthy if it did not in this particular case have a significant bearing on how we evaluate his argument.

As it happens, I am not unsympathetic to the possibility of what I have characterized as a ‘normative shortcut’ on the issue of global poverty, but I worry that the path that Pogge has chosen is too slippery to achieve the desired goal. His work is especially interesting for the way

discussion of Marx’s influence on MacIntyre and Taylor, see Ian Fraser 2003, Blackledge 2009, Knight 2008, and for an interesting crossover from historical sociology, see Barrington Moore 1978.
that it conveys an appearance of being both strongly normative and strongly pragmatic, and yet on my analysis, it ultimately fails on both counts.

Pogge’s strategy, simply put, is to play the normative and the pragmatic off against each other, thereby pulling short of a detailed articulation of either problematic. His decision to emphasise discussion of Lockean-style ‘imaginary histories’ in place of real history, and ‘feasible institutional reforms’ without reference to how present institutions have evolved, and how prior reforms were subverted, can be justified pragmatically as being more likely to convince those who are privileged by the present order. And his choice to play along largely within the system of pretexts which make up the conventional sociodicy of the present age, and to seek only minor reforms, can be justified normatively through the earlier amelioration of suffering which such reform ostensibly promises. However, as I have been arguing, despite the small proportion of global wealth and effort which would need to be redirected, and professed beliefs which would appear to support such change, there is a catch – the ‘paradox of poverty’. Although there is no clear scholarly agreement over the exact causes, there is ample reason to believe that even the modest changes which he proposes will, in the absence of broader changes, be bitterly fought, and if nominally instituted will be abused and subverted.

This is not, in itself, fatal – either to Pogge’s picture of negative duties via institutional connections, or to the reforms he proposes. If this is indeed the most appropriate way of framing things, we can still put our shoulder to the wheel, Sisyphean though the task. The problem, as I see it, lies in the sorts of conceptual framings, evidence, and reasons which he emphasizes, since these are conceived for, and matched to, a relatively benign understanding of the world – a view which has spent too much time imbibing the protestations of the powerful, and too little time considering the historical and social contexts of such views. Although he scrutinises and counters the claims that poverty has been decreasing, and criticizes the public theatre of the UN

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78 We can assume that those who fare badly under the present order do not need much convincing of its injustice and the desirability of change, although perverse effects can occur when a perspective constructed around its palatability for the privileged becomes a hegemonic ‘general’ view, framing also the perspective of the non-privileged. Despite appearances, there is some danger that Pogge’s account may contribute to such entanglements.

79 Of course, ‘broader changes’ will also be fought; nevertheless, without getting bogged down in a general discussion of incrementalism vs revolutionism, if both will be resisted there may be less reason to prefer the ‘feasibility’ of smaller as against larger changes, which may sometimes offer a more stable and defensible configuration.
Millennium Development Goals as a step backwards from the similar goals set by the 1996 World Food Summit, he does not sufficiently digest the meaning of these data.  

Extrapolating from a trajectory which can be drawn from the disavowal of slavery, racism, and sexism, nominal beliefs in democracy and universal suffrage, decolonisation, self-determination, and the culture of human rights, Pogge sees moral argument as an important motor of social change, and the contemporary world as substantially shaped by ideas of equality and respect for all persons. I certainly do not want to gainsay these changes, or the role of normative thinking in the world. But it seems like irresponsible folly to look only at this well-polished side of the record, especially since it tends to downplay the sort of radical social struggle that was required to make these changes. And it is especially pertinent to his case – to issues of global justice – that many of these ‘normative gains’ have themselves been part of larger structural changes which have transformed the world, and which are deeply implicated in the sorts of radical poverty and insecurity with which he is rightly concerned.

What I am suggesting is that in this world, with very deeply entrenched mechanisms of power and social control, and with highly developed systems of normative pretence and denial, the sorts of abstract arguments which Pogge invokes suffer from serious weaknesses. One of the most important is that they are insufficiently motivating, since they are composed around the conceit that necessary changes will be difficult but not extremely difficult. But on my account, to seriously contemplate the elimination of poverty means to envisage fundamental changes, and in the face of the sorts of pressure resisting change in the real world, his abstract arguments are unlikely to do the work required of them. A richer and more historically grounded understanding of human interconnection is needed than we get from ‘institutions’ and imaginary ‘state of nature’ narratives. Because Pogge’s argument is crucially shaped by pragmatic concerns, this is a serious issue: if the strategy has been chosen in order to effect real-world change, but it turns out only to have bearing in a hypothetical, more benign world, this amounts to failure. He presents his project as if it was part of a new crusade for new times, but this is very misleading – the struggle for global justice does have a history, and present strategy needs to be based on an understanding of previous successes and reversals.

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81 See, for example, Neta Crawford (2004) for an account which attends to some of the complex interweavings of normative argument and material history, most notably the connection between the abolition of slavery and the ‘humanitarian imperialism’ of European powers in Africa in the 19th Century. See also the constructivist work referred to above, especially Reus-Smit 1999, Linklater 1998.
I would suggest that Pogge has fallen into a sort of trap created by the artificiality of much recent academic discussion of justice and politics. In the context of academic philosophy, serious discussion of global justice and poverty is relatively new. So, having spent years engaged in a conversation centred around the theories of Rawls and Nozick, he takes these to be the leading contenders to be addressed by arguments about global justice, and therefore concentrates his attention on them. At risk of seeming dismissive, it is worth standing back to see what this comes down to. He has no difficulty showing that the ‘Lockean proviso’ is abrogated by present arrangements, since the poor are excluded from the benefits of global resources. But what is gained by this sort of framing? Apparently, eager to appeal to American libertarians, he fails to note that Locke’s framing was already deeply suspect for its association with expropriative colonization in the Americas. But more importantly, he also fails to note that in the context of contemporary global affluence and poverty, this argument merely states the obvious. Whatever the uses of Locke in other times and contexts, there is no argument justifying global poverty on such grounds which deserves to be taken seriously; arguing for remediation of global poverty on these grounds is simply otiose.

Having moved out of the Rawlsian camp, Pogge does not employ its detailed terminology or procedures, but he nevertheless retains the core focus on vaguely specified institutional schemes as the appropriate way of understanding justice. And as we have seen, he concentrates particularly on the idea that if a feasible institutional reform can be formulated which would eliminate evident harms caused by the existing structure, this shows the existing structure to be unjust, and that reform should therefore be pursued. This is all very well, but stripped of the embellishments of original positions, reflective equilibria, and lexically ordered principles, it looks a lot like saying that if something is a good idea then we should do it – and thereby shows how much work ‘feasible’ has been doing all along, while we were thus distracted. Moreover, it turns out that ‘feasible’ in this context mostly means ‘fits with the

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83 A strong case could be made that Lockean metaphorics continue to play an important part in popular imaginaries and literary constructions, but that is a different matter – these spheres are unlikely to be influenced by philosophical discussion of Locke, and require engagement on their own terms.
general world-view of recent liberal political philosophy’, rather than being based on serious comparative or historical analysis.

While this obviously does not do full justice to the detail of his arguments, I have put it in this reductive and exaggerated way because I want to bring into relief something which tends to be hidden by the conventional repetition of these sorts of arguments, and further obscured in Pogge’s case by the seriousness of the subject and by his own evident sincerity. When we move out of the sphere of his discourse and into the real world, where real consequences and real power are in play, and where dispositions and practices are deeply ingrained, these sorts of arguments simply lack normative weight.

I have tried to show in this chapter that although he introduces a certain amount of real-world data into his work, given the gravity and difficulty of his chosen task, Pogge cannot avoid the burden of a much deeper and more critically interpretive engagement with history and politics. Moral philosophy allows no exemption from such labour – particularly if one sets out to investigate issues of global justice. Without a sustained sense of how normative justifications and conceptual framings are implicated in political projects, moral philosophy is too readily ensnared in the webs of pretext and argument it sets out to unravel. Pogge’s early ambitions to forge a practical, multi-disciplinary approach to matters of global justice, eloquently expressed in Realizing Rawls, have suffered a similar fate to the diagnosis he puts forward of Rawls’s project.

Amongst other things, Pogge argued that Rawls had made a number of unnecessary concessions to conservative critics, and that he needed to ‘make clear what his criterion of justice means, how it is to be used to assess the institutions of a particular social system and to guide their reform’\(^84\). It is worth remembering that when first put forward in the 1960s and 1970s, Rawls’s work was welcomed by many for its readiness to engage with the social science of the day.\(^85\) Although forewarned, Pogge has also been dragged down by the limited range and

\(^84\) Pogge1989: 7, emphasis in original.

\(^85\) For a retrospective analysis which places emphasis on this, see Kukathas and Pettit 1990 (especially ch. 1: ‘A new departure’, pp 1–16) This was less than enthusiastically noted in a critical early review of A Theory of Justice, by R.M. Hare, who wrote: ‘Rawls does not conceive of moral philosophy as depending primarily on the analysis of concepts in order to establish their logical properties and thus the rules of valid moral argument. Rather, he thinks of a theory of justice as analogous to a theory in empirical science. It has to square with what he calls “facts” ’ (1973a: 145). Although it is strange some decades later to think of Rawls
Despite the aspirations expressed in Realizing Rawls, and despite the empirical ‘Real World Justice’ face it presents within the context of Anglo-American philosophy, what is most striking about Pogge’s work is how abstract and disconnected from history it is. When he discusses human rights, there is no sense of the social struggles and political machinations which have been involved in forging this conceptual framework, or of its uses and abuses in recent times. When he articulates a view on the nature of sovereignty, he makes no reference to the complex historical uses of the term, and the varying political practices with which it has been associated historically and in the present world. As already mentioned, the existence of a global institutional structure is central to his case, but no reference is made to the historical evolution of this system, or to the diverse attempts to theorise the nature of the present global order. And although the feasibility of certain nominated institutional reforms is essential to his argument, he makes no effort to review the very sobering history of opposition – sometimes dramatic, sometimes surreptitious – to previous attempts at reform, which has led to them being thwarted, or colonized and subverted.

Being either praised or criticized for being too empirical and not sufficiently philosophical, Hare’s observation has some bearing on Pogge, and on my argument here – an overly simple idea of social science will deliver an overly simple idea of what the relevant ‘facts’ are. Unlike Hare, I do not propose a more ‘pure’ analysis of the grammar of moral statements, but a more robust and critical understanding of science.

While I do not want to get involved here in debating the delineation between analytic and continental philosophy, and despite the criticisms of French and German philosophy made by Bourdieu (for example, 1991, 2000), it must be noted that the level of historical and cultural engagement taken for granted by the likes of Adorno, Sartre, Habermas, Honneth, Badiou, Ranciere, Foucault, Zizek, Rainer Forst et al is of a different order to that found in writing which is taken to represent ‘philosophy’ in the Anglo-American-Australian tradition. Broadly speaking, from an Analytic perspective, Continental writers will be seen to fold in too much by way of historical/cultural background with too little rigour. But – to restate my general thesis noch einmal – the ‘rigour’ achieved by working with a very spare, commonsense understanding of history and culture is at least as troublesome.

In terms of recent history, with the USA being the most notable agent of such suppression, one is reminded of Harold Pinter’s 2005 Nobel acceptance speech: ‘It never happened. Nothing ever happened. Even while it was happening it wasn’t happening. It didn’t matter. It was of no interest. The crimes of the United States have been systematic, constant, vicious, remorseless, but very few people have actually talked about them. You have to hand it to America. It has exercised a quite clinical manipulation of power.
Caught up in the conventions of academic political philosophy, he attempts to formulate simple arguments which float above the turbulence of political contestation. In the process, he effectively downplays and occludes the intensity of political struggle, to the point of becoming seemingly blind to the complex forces that his 'normative' project confronts. He fails to grapple with the complexity and power-infused recalcitrance of the world, and this means that his arguments – however sweetly they may glide in a more ideal world – simply lack traction. Because of this, Pogge’s project does represent something of a genuine paradox. On the charitable interpretation that he has consciously chosen to avoid a more politically confronting approach, motivated by a sense of the seriousness of the problem and its apparent intractability to more ambitious theoretical and political projects, it turns out that this has steered him into a style of moral argument which fails to engage the actual gravity of the situation which ostensibly informs this choice.

It is customary to observe that cosmopolitanism is naïve, and that academic philosophy is impractical. The variation on this theme which I have been working towards is that although he aims to break this pattern, because he does not seriously interrogate the real-world connections of the arguments he employs and engages, the positions Pogge develops end up mirroring the defects of those that he criticizes. Amongst other problems, this means that outside of academic contexts, the arguments he concentrates on are simply not sufficiently persuasive. To say that they are impractical, then, does not just mean that there will be difficulties in working out exactly how his reforms could be made to work, but also that the moral force of the reasoning he employs is too weak to motivate the task.

The evaluation of pragmatic philosophical arguments is, of course, a vexed business. I believe that despite the appearance of empirical connection, his project is too abstractly framed, and that its moving to a position of dominance in academic discussion of global justice means worldwide while masquerading as a force for universal good. It's a brilliant, even witty, highly successful act of hypnosis.'

88 This is by no means unique to Pogge, and seems to be particularly notable amongst liberal cosmopolitans. As Nicholas Rengger has observed, ‘cosmopolitan theory most emphatically sees itself as being a contribution to the world of practice, and yet on all of the things on which at least the political world of practice most obviously relies – rhetoric, motivation and how to change it, the psychology and ethics of conversion – it is largely silent.’ (2005; 368)
displacing more historically informed perspectives which have a better chance of effecting real change. But these are of course complex assessments, subject to all kinds of quirks in the playing out of history. Just possibly he has found exactly the right balance of challenge, palatability and plausibility for this particular moment, and his perspective can act as a useful part of a larger conversation, and as a bridge to something better. For reasons discussed in this chapter and elsewhere, I think its usefulness is limited – but still, no strong claim can be made that it is bound to fail pragmatically/historically.

It is important to note how awkward it is to criticize Pogge’s project. Again, this observation has a paradoxical feel – the conventional reading of his work is that it is strongly stated, challenging towards accepted views, and well backed up and connected into the world by factual detail. One would assume then, that it would generate significant resistance and controversy – perhaps generating more heat than light, but at least creating friction, and stirring things up. And yet, this seems not to be the case. Looking broadly at the reception-history of his work, it has on the whole received a respectful hearing within academic philosophy, and to a limited extent also beyond that very constricted field – but it has generated very little in the way of fruitful, politically engaged contestation.89

If I am right about the unfruitfulness of this kind of conversation, one possible factor, in addition to what I have discussed in terms of abstraction and an associated lack of weight and traction, is the way that the rhetorical face it presents to the world structures and limits possible responses. To put this bluntly, one is made to feel somewhat shabby and querulous for questioning his way of framing issues, and his project in general. And while on one way of viewing things this can be seen as the sign of a successful moral argument, it may turn out that in dealing with issues of global inequality and poverty in the contemporary world, the combination of abstraction and moral judgment in Pogge’s work has certain distinctive disadvantages. Although we are working in large measure with hunches and informed guesswork in this sort of evaluation, it is fairly clear that patterns of collective self-deception and avoidance are crucially at work in sustaining the political structures in question – certainly such factors are at least as significant as ignorance, selfishness, or ill-will conceived in a straightforward fashion. Pogge's

Socratic arguments bring some of these deceptions into focus, but at the expense of occluding others.

The primary interest and novelty of Pogge’s approach is his persistent focus on negative duties, which gives his account an appearance of having greater philosophical rigor and more political backbone than other cosmopolitan egalitarian accounts, which tend to rely on a generalized sense of altruism and sympathy, but often fail to articulate reasons for this, or overemphasize the scope of its motivating power when set amongst a range of other commitments.

Yet despite this sense that he has been able to make stronger and more rigorous claims for the alleviation of global poverty than those developed by Peter Singer and others, it is a curious feature of Pogge’s approach that behind the at times harsh moral rhetoric, the political changes he seeks are quite minimal, occasional grand claims notwithstanding.

By helping to impose the present global institutional order we are participants in the largest human-rights violation in human history. By supporting its reform along the lines I have sketched, we can take a great and highly cost-effective step toward eradicating systemic poverty in our lifetimes.90

I have argued above that Pogge’s moral philosophy of poverty is based on a misunderstanding – that it relies on a view of the world as not structurally resistant to egalitarian change, and that this lulls him into relying on normative arguments that are weaker than he needs to motivate real change. Committed to a voluntarist understanding of moral progress in history, he avoids any differentiated account of material interests, political struggle and of contemporary capitalism in particular – as if the resistiveness of the world to moral improvement does not come from structured and coordinated ignorance and mischief, but from a generalized, universal propensity for self-interest.91

The apparently stringent and challenging nature of his negative duties account, with claims of active harm, its identification of global institutions as a causal link on which to base attributions of responsibility, and its reference to the statistical facts of global poverty, tends to obscure not only the modesty of his political conclusions, but also the vague and passive nature of the ‘global institutional structure’ he invokes. Because the nature of this institutional structure and the manner of its imposition are not developed in any detail, it serves as much to occlude

90 WPHR, 2nd ed, 264
91 It will be noted that this voluntarism sits oddly with his ‘institutional’ emphasis, but because no account is given of the evolution of institutions as the result of historical struggle, they are seen implicitly as passive, accidental accretions.
questions of responsibility as it does to clarify them, making little distinction between those with different roles, especially between those who are significantly privileged and those who are effectively co-opted and caught up in a system beyond their control. From Pogge’s perspective the whole thing is an accident and a misunderstanding – no-one is really responsible, and whatever blame accrues from participation is mostly mitigated by the whole system being unintentional and out of control. While there are good reasons to temper attributions of blame, and to steer away from overly conspiracist and accusatory perspectives, Pogge does not articulate these, because his abstract notion of institutions does not allow the question to arise in any substantive way. One result of this is a sense of unreality – despite his preference for moral rather than material analysis, we end up with a surprisingly passionless, mechanical view of history. Things are broken and so they should be fixed.92

A further irony is the way his emphasis on negative duty, which ostensibly takes human agency into account and differentiates between types of harm, serves primarily to diminish the kind of generalized responsibility he ends up with. When taken at the level of generality involved in Pogge’s arguments, the distinction between positive and negative duties is much attenuated. Pogge seems not to notice that a libertarian-friendly argument for generalised reciprocity must either change the core understandings which make up the libertarian position, or else be satisfied with a very thin notion of generalised responsibility. If an erstwhile libertarian can be brought to believe that human lives are effectively so richly interwoven as to require an expanded sense of general reciprocity, then they have come around to accepting the importance of positive duties. If, however, they continue to insist that duties to others exist only in restricted circumstances of demonstrable and direct harm, Pogge’s account will do little to satisfy them, and can only gain the appearance of doing so by backing out of stronger and more specific responsibility-claims. Behind his tough-sounding rhetoric, this is largely what has happened. His increasing engagement with libertarian arguments has seen him, for the sake of ‘ecumenical’ acceptability, and to accord with sensitivities about how people are treated by institutions, trim back his more egalitarian agenda to an apparently less ambitious focus on eliminating extreme poverty.

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92 I am not suggesting here that he should be more judgmental; what I am trying to get at is that the type of blame/responsibility gesture which he makes – which is indeed his signature theme – does not function as advertised. No account at this level of abstraction can be expected to result in clear and precise attributions of responsibility.
In my view, radical global inequality is best seen as part of a process of domination and the maintenance of hierarchy, and this can be seen as a further application of an argument that Pogge has used to support his emphasis on negative rather than positive duties. On his account it is misleading, in addressing those who are causing harm, to use the more benign framing of positive duties, of asking people to help rather than demanding that they stop injuring. But if the aim is to cajole a reluctant audience into actually doing something, the more benign framing may be a useful or necessary tactic. Perhaps there is something to be said for erring on the side of a more palatable presentation? Responding to this suggestion, he argues:

One may well think that being misleading is a very small price to pay for political success against the catastrophic problem of world poverty. But, for better or worse, it does not seem that we are actually facing this choice. The appeal to positive duties has been well presented by Peter Singer, Henry Shue, Peter Unger, and others. If citizens in the affluent countries were minimally decent and humane, they would respond to these appeals and would do their bit to eradicate world poverty. If they did this, my argument would be of much less interest and importance, and I might not see the need to elaborate it at such length.  

Elsewhere, he offers a different kind of pragmatic assessment of Sen and Nussbaum’s ‘capability approach’

The 1990s have been a stunning failure in terms of global poverty reduction. Despite a huge post-Cold-War peace dividend and unusually strong economic growth, the rich countries have drastically curtailed their foreign aid and used their bargaining power to impose highly uneven terms of trade on the poorer countries. … (69)

I am not suggesting, of course, that the ascent of the capability approach contributed to the appalling economic history of the 1990s. But I am suggesting the reverse: That the large increase in global inequality and the consequent persistence of massive severe poverty in the developing world have contributed to the stunning success of the capability approach in international organizations as well as in popular and academic discourse. Capability metrics tend to conceal the enormous and still rising economic inequalities which resource metrics make quite blatant. And they may also exaggerate the relative aspects of poverty, thereby lending new respectability to the old nationalist exhortation that protecting our own poor (in the rich countries, where our normative reflections are produced and consumed) must take precedence. (70)

93 ‘Real Word Justice’ p35. He refers here to Singer 1972, Shue 1980, and Unger 1999. There is a slippage in his rhetoric here – presumably he meant to say that ‘for citizens in affluent countries to maintain a credible pretence of decency and humanity’, since if he is claiming that these citizens have already shown themselves not to be minimally decent and humane, there is little point to his own attempts at moral persuasion.

94 Pogge 2002, ‘Can the capability approach be justified?’; quotes from pages 69 and 70; a revised version of this paper can be found in Brighouse and Robeyns eds 2010.
(Note that he is not saying here simply that the capability approach, despite significant institutional adoption and support via the United Nations Human Development Program, failed to prevent increasing inequality. He is suggesting that one plausible reason for the popularity of the capability style of analysis is that it served to obfuscate significant increases in inequality.)

It is clearly to Pogge’s credit that he has brought vigorous, sustained, and unambiguous attention to the scale and severity of global inequality. But he seems to have lost sight of how very peculiar the situation is whereby he has for the last two decades repetitively articulated simple arguments and statistics to a mostly unresponsive or resistant audience. Over this period, he has fine-tuned and elaborated some of these arguments and reform proposals, and adjusted his approach in several ways, most notably by giving greater emphasis to the language of human rights. Through dedication and persistence he has managed to gain a small constituency, and, along with a few others, brought into existence the rudiments of an academic sub-discipline which rehearses these arguments. How to view this? On a world-historical scale, this is not much – but how much can we expect? After all, more robustly political perspectives have also been articulated over the same period, with similarly little obvious success. It might be said that he has at least contributed towards domesticating discussion of global justice – but this is not necessarily something to celebrate.

Pogge conveys the impression that he is talking truth to power, and challenging the comfortable rationalizations of the rich world. Within the field of Anglo-American moral and political philosophy, he is seen as advocating and practicing an engaged, empirically informed style of theory. His invoking of the notion of ‘real world justice’ says something about this aspiration, but also about its limitations. It is indeed important to remain attentive to certain obvious facts, such as the numbers of deaths from extreme poverty, the actual state of inequalities in wealth and income, the effects of WTO rules, of sovereign resource and borrowing privileges, and so on. But it is also important to reflect on the meaning of this combination of ‘facts’, especially by seeing them in a broad, and critical, historical context. And this is something he signally fails to do. By framing the problem as a moral failure, thereby

95 Though even here, it is notable how abstract this is – one gets only a very attenuated sense of the character of contemporary global poverty, such as that conveyed by, for example, Mike Davis in his 2007 Planet of Slums. Less graphic, but more comprehensive and much richer in sociological, historical, and political context and strategic orientation than Pogge, and hence on my reckoning carrying greater normative weight, is Therborn 2013.
implicitly accepting and subtly reinforcing the construction that global poverty is an accidental episphenomenon resulting from generalized self-interest, a failure of ‘institutions’ to adequately constrain powerful interests, his analysis is in danger of adding one more layer of deception and denial to an already confusing situation.

In a political world reliant on heavily mediated communication, and where moralized imposture is the norm rather than the exception, maintaining adequate levels of mutual evaluation of action against professed moral ideals is extremely difficult. Problems of deception and distrust were already well noted in the Athenian polis and astutely analysed by Machiavelli and Hobbes, but keeping some reasonable connection between simulation and reality is now a problem of a different order. 96 Abstract ideas which do not have well-articulated connections to the real world are sitting ducks for pretence and subversion, as Pogge recognizes in the case of ‘humanitarian intervention’, and as the sorry history of the World Bank and the IMF – nominally committed to the elimination of poverty – attests. 97 Because he does not develop any substantial enquiry into why inequality and poverty persist, and especially why and how previous attempts to deal with the problem have failed, he allows the impression that the rationalisations which he analyses have a greater explanatory role in the matter than is really the case. 98

We thus return to what I have called the ‘predicament of justice’, in which the impossibility of adequately articulating the dimensions of the problem encourages modes of abstract theory which not only fail to address important elements of the problem, but end up actively occluding recognition of this failure. It is impossible for Pogge – or anyone – to really fill out the explanatory side of the story. The attempt to develop forms of transparent argument with practical effect is admirable; but it leads him to succumb to a disciplinary dynamic in which he is prevented from even signalling the existence of alternative frames of reference, or the salience of more historically robust forms of analysis.

96 For a classic account of the dimensions of the contemporary problem, see Sloterdijk 1987. (And in the rapidly advancing age of digital communication, even this has a distinctly ‘retro’ feel.)


98 I recognize, of course, that they do play a role in justifying the present order, but attending exclusively to the theatre of rationalisations gives a misleading sense of actual motivations and causal relations, and Pogge fails to balance his discussion with any analysis of these dimensions.
Although he usually presents a severe, truth-telling face, Pogge is still prepared to soft-soap his proposals to the powerful. For instance, invoking the spectre of an ‘Axis of Evil’ type of geopolitical resistance to present arrangements, he argues

Deflecting this development in a more reasonable direction realistically requires considerable support from those other 85 percent of humankind who want to reduce our economic advantage and achieve our high standard of living. Through the introduction of the GRD or some similar reform we can gain such support by showing concretely that our relations to the rest of the world are not solely devoted to cementing our economic hegemony and that the global poor will be able peacefully to achieve a considerable improvement in their circumstances. In this way and only in this way can we refute the conviction, understandably widespread in the poor countries, that we will not give a damn about their misery until they have the economic and military power to do us serious harm. And only in this way can we undermine the popular support that aggressive political movements of all kinds can derive from this conviction. 99

But a glance at history would indicate that ‘we’ are beyond this stage. The problem is not that ‘we’ are failing to communicate our always benign intent through sufficiently concrete means – and the solution is not to ‘undermine the popular support’ of ‘aggressive political movements of all kinds’, but to encourage, organise, and participate it political movements of particular kinds. And yes, some of these political movements will need to be ‘aggressive’. To pretend otherwise is to fuel the collectively affected ignorance he elsewhere appears to confront. 100

Having identified the need for interdisciplinary engagement with social theory, he seems to have lost sight of how far he has to go to meet this aspiration, and become content with the semblance provided by a veneer of empirical data. Perhaps this is because he tends to be waved through on appearances, even by some who work in the social sciences. This can be seen, for instance, in the way that international relations scholar Chris Brown, in a recent survey of work on international/global justice, briefly sketches the work of dependency theorists Frank, Galtung and Wallerstein, and then declares that

Dependency theory is no longer widely supported in the academy – although for political reasons it remains popular in those parts of the South where development has not taken place and where local elites wish to deflect the anger of the people away from themselves – but the general argument has

99 WPHR 214.
100 Since strings of references may be becoming wearisome I will note only Losurdo 2015a, whose account of the convolutions in notions of non-violent struggle through the 20th century is particularly relevant to several of my themes, especially the multivalent strategic deployment of ‘normative’ perspectives.
been taken up with great rhetorical force recently by Thomas Pogge, whose *World Poverty and Human Rights* is a seminal work.¹⁰¹

Yet Pogge gives no recognition of this school of thought, and has little sympathy for their analysis of the historical roots and systemic effects of global capitalism.¹⁰² If he is seen as the successor to the likes of Frank, Galtung, Wallerstein, and Arrighi it is not because he has taken up a baton that has been passed to him, but because he has displaced them. And this would mean that his abstract moralism with an empirical face comes *at the expense* of historically informed attempts to identify and analyse the deep and persistent dynamic towards polarization in the global economy. While Pogge’s claims of moral responsibility follow naturally from dependency school and world systems perspectives, the reverse does not hold, and the main way that his work could be said to be an ‘advance’ on Frank and Wallerstein is the degree to which it is palatable to elites in the North who wish to deflect anger away from themselves.

Critical analysis and understanding of the statistics of global poverty is foreclosed when the paradox of poverty is used simply to confirm a moral diagnosis. Pogge fails to ask seriously why poverty persists, putting it down to inertia, to moral obtuseness and the insulations of distance, and proceeds with his moral re-education campaign on this basis. But by playing this game, he validates and endlessly revitalizes a dialogue of denial, in which important issues are kept out of the script, and a theatrical appearance of critical confrontation with privilege is endlessly re-enacted. Without a reasonable dose of *critically interpretive* history, sociology, and political economy, he is adrift – unable to contest the ‘court history/sociology/economics which set the commonsense framework for the pretexts he is ostensibly criticizing.

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If Pogge’s stripped-back pragmatic versions of Rawls and Nozick lack normative weight, what other arguments and reasons can be invoked to support and give shape to the idea of global justice, and to confront the evident evil of global poverty? Is there anything worth saying ‘morally’ about global poverty and inequality? Or do we here move from the ‘paradox of poverty’ to the ‘puzzle of Marx’, who famously disdained the use of explicitly normative language, and the idea of justice in particular, and yet whose massively sustained labour was

¹⁰¹ Brown 2006, ‘From International to Global Justice?’ quote from 627. Brown has some claims to attention as an IR theorist and advocate of ‘Normative International Relations Theory’ (see for example 1992, 2002), but this strange claim is probably partly due to inattention and partly to lack of political acuity.

¹⁰² As he makes clear in his ‘Reply to Critics’ in Jaggar 2010: 208.
clearly a normative project motivated by an idea of justice?\textsuperscript{103} Can we only talk about such things obliquely while concentrating on historical and sociological research, and political action?

Although at times strongly expressed, it can still be said that much of the criticism I have made of Pogge comes down to disagreements about emphasis – rather than fact, or inference, or conclusion. I believe he is wrong to exclude certain sorts of information and analysis from his work, and I have argued that to the extent that his project emphasises ‘soft’, essentially technical arguments, it fails on pragmatic grounds, because such arguments lack the necessary normative weight to stand against resistance and subversion from those privileged by present arrangements. But there is an alternative ‘normative shortcut’, which he has himself sketched – he simply chooses not to emphasise this line of argument. I refer to his discussion of ‘the effects of a common and violent history’, as part of his ecumenical argument for a global resources dividend\textsuperscript{104}. He clearly believes this to be sufficiently obvious that it needs little elaboration, but, perhaps because it seems philosophically banal, he relegates it to the role of mopping up for those not convinced by the Rawlsian and Lockean arguments.

Pogge’s strongest statement of the theme of historical harms is made in an impressive 2004 paper criticising the UN Millennium Development Goal, where he argues, \textit{inter alia}

Our world is marked by enormous inequalities in economic starting places. Some are born into abject poverty with a 30% chance of dying before their fifth birthday. Others are born into the civilized luxury of the Western middle class. These huge inequalities have evolved in the course of one historical process that was pervaded by monumental crimes of slavery, colonialism, and genocide – crimes that have devastated the populations, cultures, and social institutions of four continents. ... We are implicated, first, because our great privileges and advantage as well as their extreme poverty and disadvantage have emerged through one historical process that was pervaded by unimaginable crimes. To be sure, we bear absolutely no moral responsibility for these crimes, even if we are direct descendants of people who do. Still, we are at fault for continuing to enforce the extreme inequalities that emerged in the course of that deeply unjust historical process. Second, and independently, we are implicated because we are using our economic, technological, and military advantages to impose a global institutional order that is manifestly and grievously unjust.\textsuperscript{105}


\textsuperscript{104} WPHR 203-4.

\textsuperscript{105} Pogge 2004: 389–90. This paper is reprinted in Pogge and Follesdal eds 2005, and goes some way towards meeting the challenge I attributed to Meister 2011 in my Introduction. Curiously, this is the same paper which I have already cited as carrying the strongest intimations of a ‘paradox of poverty’, and it may
It is interesting to note that although, on my reckoning, Pogge does not pursue the implications of this situation in sufficient theoretical depth, this does not prevent writers who are hypersensitive to the implications of such views from reading it as the major theme of his work. Thus Howse and Teitel (2010) roundly criticise Pogge for his failure to engage the detail of international law and evolving transnational institutionalism, but from the opposite direction to that I have taken here – they see him as simplistically overemphasising the legacies of colonialism, and failing to engage the possibilities for gradualist progressive change within existing structures.

The lesson I would draw from this is that since libertarians, neo-conservatives, and occupants of the 'extreme centre' refuse to take his arguments seriously, and continue to push back aggressively from the right, his choice to downplay the historical dimension of his normative critique is counterproductive – he may as well give it a more open and extended treatment. The sense of connected history is an important part of the underlying structure of Pogge's thought – it is part of what makes his arguments persuasive for some, and unpersuasive for others. Pogge prefers to let this element of his thinking circulate *sotto voce* under the surface of his 'philosophical' arguments. There are obvious reasons in favour of this strategy, some of them touched on above. But it also creates problems and weaknesses, some of which are also touched on above.

What I will call ‘the rough argument from real history’ does not rely on detailed claims about causal linkages, but takes as its central premise the existence of a long, deeply interconnected, and deeply violent, expropriative, and exploitative history. On my account the sustained recognition of this fact is the most likely, and possibly the only real source of the normative ballast that will be required to persevere and prevail in an ongoing struggle to eliminate global poverty.

In addition to its apparent philosophical banality, there are pragmatic reasons to demur on extensive deployment of the rough argument – it is likely to raise the hackles of the currently privileged, and to amplify unproductive *ressentiment* amongst the poor; it will certainly lead to

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be said in Pogge’s defence that he is intentionally employing the deep implicit tension between these views. The most developed articulation of reasons for giving only limited attention to historically grounded 'rectificatory justice' comes in his reply to Charles Mills in Jaggar ed 2010: 232-8. But here, as elsewhere, Pogge's reasoning shows little recognition that attending to real history is important for understanding causal patterns, that these are crucial for seriously addressing questions of 'feasibility', and that a focus in this direction gives greater prominence to a sense of deep and extensive human interconnection.
its own forms of 'pretext abuse' through posturing and moral blackmail; it is not exactly action guiding – and so on. Nevertheless, pending the sort of massively detailed knowledge of the causal linkages in history that is unlikely ever to arrive\textsuperscript{106}, we are faced with the alternatives of effectively ignoring this history, or attempting to come to terms with it. On my account, the rough argument is the appropriate 'moral' response to the tragic shadow of history. Regenerating a visceral sense of shared humanity to disturb the slick contemporary surface of collective delusion, it sits close to the heart of struggles for global justice – unsettling entitlement claims, and motivating more generalized reciprocity, recognition, and reparation. I am calling it ‘the rough argument’ for three reasons. Firstly, it relies on only a rough sense of history. Secondly, it understands enough of that history to recognize, deeply, that the path towards justice is unlikely to be smooth. And thirdly, by calling the existing dispensation fundamentally into question, it shifts the burden of proof over arguments for global justice in favour of rough equality.

**The Struggle for Global Justice – A Very Brief Excursus**

As mentioned in the Introduction, I suggest that the contemporary 'Global Justice Movement' – the famously amorphous 'movement of movements' which exploded onto the world stage in Seattle, and convenes most conspicuously through the World Social Forum – draws energy and commitment from understandings of the world which have strong affinity with what I am calling 'rough justice'. Since plurality and unruliness feature prominently in both the politics and philosophy of the Global Justice Movement, it is tempting to draw out the extensive parallels between the organisational features and ideological tropes associated with this movement and some of the diverse associations carried by the notion of 'roughness'. But I will resist doing this here, since in any case I make no claim that 'rough justice' adequately sums up or represents the thinking of the global justice movement, or vice versa. (And questioning presumptions of representation is of course a characteristic theme of this movement.) So I don't believe it would be appropriate to develop here a detailed account of this sort, or pretend that the Global Justice Movement is a 'concrete example' of what I am calling a rough justice perspective.

\textsuperscript{106} Moreover, there are good reasons to suppose that if, \textit{per impossibile}, such an account were to emerge, the problem is simply rolled back, since it would require something more than ordinary human powers of comprehension to understand its implications for present action.
Nevertheless, it is worth noting a few of the connections, and for purposes of brevity and succinctness I will draw on the work of Manfred Steger and his associates. In a recent study based on analysis of the websites, press releases, and other statements and declarations from 45 key affiliates of the World Social Forum, Steger et al identify a configuration of ideas and practices which form a distinctive ideology – 'justice globalism'. On their account this perspective amounts to a substantive ideology in its own right as well as a critical orientation towards the presently hegemonic ideology – 'market globalism'. Seven 'core concepts' are brought into focus through their textual analysis:

- the need for transformative/paradigmatic change
- participatory democracy
- equality of access to resources and opportunities
- social justice (noting that 'dominant notions of justice amongst these organizations ... focus on restoration for past wrongs and accepting responsibilities for past forms of injustice such as colonialism and imperialism')
- universal rights
- global solidarity
- sustainability

Thus stated, these are obviously very general and vague (although they are given somewhat more detail in their discussion.) But I have spelled out the full set in order to retain the sense that it is the intersection of these views which characterise the movement as a whole, and so as to indicate that the world-view of 'justice globalism' entails more than self-consciously articulated notions of social justice. In this regard I draw attention in particular to 'the need for transformative/paradigmatic change', (necessarily rough) 'equality of access to resources and opportunities', 'global solidarity', and 'sustainability'. Moreover, as Steger et al argue,

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107 Steger, Goodman and Wilson 2013. Obviously there are losses in conceptual nuance in employing their methods, but these are outweighed for present purposes by their obvious advantage – allowing a broad-based, representative survey of a range of thinking actually in play. (Their methodology is discussed in some detail in the book.)

108 'Despite its hegemonic status as the dominant ideology of our time, market globalism has been challenged by new global movements on the political Left, which project alternative visions of a global future based on values of 'social justice' and 'solidarity with the global South'. For more than a decade, this 'global justice movement' (GJM) has demonstrated its popular appeal on the streets of major cities around the world' (p2)

109 These are detailed and discussed in pages 33-44; the social justice quote is from p36.
what makes these overlapping core concepts of justice globalism quite distinct from those of market
globalism are their associated meanings – that is, the ways they are understood and applied. For
example, justice globalists argue that ‘democracy’ should be participatory, not merely representative.
‘Justice’ is understood to be more than a formal procedural justice. It is meant to refer also to social,
restorative, and redistributive justice involving generations and communities, not just individuals.110

Although it is awkward and presumptuous to make any claim to adequately articulate
the views of this passionate and disparate movement, it is a strange feature of the politesse and
decorum of liberal political philosophy that it has become conventional to proceed as if this
contemporary upswelling of unruly oppositional consciousness did not exist. There is an
extensive sociological and activist literature dealing with social movements in general, and the
Global Justice Movement in particular.111 On a charitable view, the tendency of liberal political
philosophy to ignore these literatures, and these movements, can be seen as a sign of modesty –
an unwillingness to seem to encompass, appropriate, or represent these diverse and fractious
forms of politics.112 But it is a feature of the paradoxical predicament of philosophical theorising
about 'global justice' that by developing accounts which effectively ignore these movements,
they are implicitly made to seem marginal and irrelevant. While a philosophical perspective of
rough justice needs to avoid an exaggerated pretence of speaking on behalf of them, it will
attempt to recognise their importance. And from a perspective of political theory, in my view
part of the importance of recognising these movements is that it makes it more difficult to gloss
over and underplay the sense of deep and diffuse social connection which they embody.

In a suitably 'predicamental' fashion, this brings us back around the circle: how do we
assay the importance of various radical and not-so-radical forms of social movement politics?
On my view, as just noted, the kind of activism associated with the World Social Forum is
particularly congenial and interesting for its celebration and cultivation of a fabric of deep

110 Steger, Goodman and Wilson 2013: 24, (emphasis added.)
111 See Tilly 2006; Conway 2013; Pleyers 2010a; 2010b; Eschle and Maiguashca 2005, 2010; Tarrow 2005;
Eschle 2001; Della Porta ed 2009; Della Porta and Tarrow eds 2005; Graeber 2009, 2010; Featherstone
112 Of course, on a less charitable view, it is because liberal political theorists operate from an underlying
assumption that radical political change is either not possible or not necessary, and that activism aimed at
radical change is irrelevant or pernicious. Part of my own not-so-secret agenda is to bring to the surface
some of the ways that liberal political theory is informed by these sort of assumptions, even though they are
rarely if ever discussed in any depth, or with appropriate reference to serious historical analysis.
transnational connectivity and commitment. Nevertheless, it must be acknowledged that from the perspective of academic political theory, much of the discourse which circulates in this area can seem naïve and unsophisticated. More importantly, when one moves beyond relatively straightforward documentary mode into a mode of critical engagement, things start to get messy. It is not as if the zone of 'global civil society' is free of the complications of politics in general – the posturing, the inversions of meaning, the subversion and hollowing out of oppositional politics by powerful interests, the pursuit of domination-by-other-means where the left hand seems not to know what the right hand is doing. If we take a broader sample than that used by Steger et al, these rather more suspect characteristics and manifestations would seem, in fact, to dominate the territory.¹¹³ There is, after all, no clear bright line between the advocates and activists of 'justice globalism' and 'market globalism' ... nor any easy way of factoring out geopolitical gamesmanship, and the manipulation of global connections and adventures for partisan domestic projects, which often have little to do with any serious conception of global justice.


Amartya Sen has an impressive record of achievement in diverse theoretical and practical fields, and this lends particular weight to the views expressed in his most recent contribution, in which he presents a grand synthesis of his life’s work, framed as an alternative approach to thinking about justice.\textsuperscript{114} One reason I draw attention to his background is that this recent work, particularly as presented in \textit{The Idea of Justice}, has a number of features which make it unusually difficult to assess. As a major work by a highly regarded thinker, \textit{The Idea of Justice} deserves serious scrutiny; and more than is usually the case, it also \textit{requires} serious scrutiny. The range of his conceptual proposals, and the textual complexity with which they are presented, create a formidable challenge in evaluating the strength of his proposals, and their coherence and meaning as a package.

Sen’s ambitious attempt to shift the conversation about justice is informed by his having been a high level participant-observer in political philosophy over several decades, and articulates a distinctive version of recent trends towards ‘non-ideal theory’. But his project has a definite ‘left-field’ quality, and the style of his argument seems in places to trade on his status as an unorthodox yet authoritative, broad-minded, and benignly motivated thinker. He effectively redefines a number of key terms, not always explicitly, and deploys some questionable interpretations of other writers, particularly John Rawls.\textsuperscript{115} Depending on how much leeway one allows him on some of these moves, the overall complexion of his work can be seen as either an intriguing but uncontroversial variation on already well-rehearsed positions, or else something genuinely new, with quite radical – but possibly also radically uncertain – implications. This is not straightforward reading, and there are numerous traps for the unwary.

Another layer of interpretive complexity is imposed by his unusual cross-disciplinary background, his engagement in public debates, and his history of involvement in practical attempts to evaluate and intervene in matters of global poverty and development. This is an

\textsuperscript{114} See Sen’s 1998 Nobel website autobiography for a charmingly modest account; Bagchi 1998 has a detailed review of Sen’s earlier work, and general background is provided in many of the contributions to the two volume \textit{Festschrift} edited by Basu and Kanbur 2009, including the editors’ Introduction.

\textsuperscript{115} This is discussed below, although I do not have the space to explore it properly. Sen discusses Rawls at some length, but the characterisation of the Rawlsian project that he uses as a foil for his own view remains contestable.
attempt to develop a ‘philosophy of justice for the real world’, and although parts of it are formulated in a highly abstract fashion with references to the academic literature, it is explicitly put forward as addressing the current state of the world.\footnote{Seeking a relatively unmediated effect, in contrast to Rawls, who believed that it was in the nature of the enterprise of philosophy that its most distinctive contribution could only have a delayed and diffuse effect.}

My engagement with Sen will be conducted in three stages. I begin, in this chapter, with an outline of the general shape and basic features of his account, and a survey exposition pitched at a mid-level. My aim here is develop a preliminary sense of his ideas while retaining a sense of the project as a whole. The three following chapters proceed to a more detailed engagement with some of his primary claims and arguments; this will involve a substantial degree of critical probing, but the main focus remains on getting a deepened sense of what he is trying to achieve, the details of the argument as he presents it, and the resources which it has to offer for thinking about questions of justice and world politics.

In the concluding chapter of this section, I develop a more expansive and critical engagement with some of his main ideas, and with the overall structure and implications of his conceptual scheme, revisiting and expanding on some of the concerns outlined in my Introduction. I do not attempt to cover the full range and subtlety of Sen's thought on all matters: my aim is to grapple seriously with a few of the multi-dimensional issues which his work presents. Sen’s project is premised on the recognition of widespread, globally pervasive deprivation and injustice. My eventual goal will be to explore how his theoretical agenda plays out in terms of contemporary world politics seen in this light, and how his commitment to a practical politics shapes his theoretical approach to the idea of justice.

As already discussed in the Introduction, Sen's work is currently positioned as the leading contender amongst mainstream theories offering a fresh, globally-oriented perspective on the notion of social justice for a neoliberal, globalised era.\footnote{It would be nice to think we are now on the threshold of something different – a post-neoliberal era, so to speak. But as Crouch 2011 argues in The Strange Non-Death of Neoliberalism, this seems not to be the case. See also Mirowski 2013, Streeck 2014, Dumenil and Levy 2011, Mirowski and Plehwe eds 2009.} Because his theory includes a number of features which fit within the rubric of what I am calling 'rough justice', I hope that interrogating his work at some depth will help to bring a little more clarity and substance to what I mean by this term. But to take one more step in this direction before we start, what I envisage by the use of this term is in large measure a critical perspective – a perspective which
acknowledges the deep injustice of the present world, and offers a mode of thinking which attempts to avoid too much smoothing out and narrowing down of what is in play, and also some internal resistance to overly-facile presumptions to include and encompass other perspectives. On my view, this requires some substantial measure of self-criticality and reflexiveness – including an awareness that gestures in this direction can themselves lapse into meta-level laziness and self-confirmation. So while I want to bring out, initially, the face-value shape and implications of Sen's theory, I will ultimately want to interrogate it at other levels, as well.

Sen uses a number of convergent arguments and claims to develop three basic themes: 

(1) theoretical critique – presently dominant modes of philosophical thinking are conceptually flawed, parochial, too abstract, narrow-mindedly perfectionist, and ineffective in addressing the problems of the world; 

(2) practical need – the world is full of evident injustice and suffering, and a less state-bound, more globally-oriented approach to identifying and rectifying injustice is sorely needed; 

(3) constructive alternative – several already developed and understood conceptual innovations and evaluative techniques, underappreciated in the theoretical environment of the recent past, can be brought together to form the basis of an attractive new approach, which is able to overcome the limitations of existing theories, and to respond intelligently to real-world needs.

However, in a characteristic move, Sen side-steps the expectation for the sort of theory of justice which has been assumed necessary by recent political philosophy, and offers something more like a meta-theory, or a methodology of justice. With this in mind, the alternative which Sen presents might nevertheless be called a distributed theory of justice, in that it emphasises plurality of contexts, plurality of relevant principles, and plurality of modes of evaluation. It might also be described as theoretically distributed, in the sense that it relies on a constellation of theoretical foci, a basic list of which would run something like as follows:

I try to preserve this view in what follows, but for simplicity of expression will often refer to Sen's 'theory of justice'. ('Full compliance' is an onerous requirement, here as in other matters.) The awkwardness arises partly because Sen wants to criticise others for pursuing an over-refined form of theory that he claims is impractical. But since he is himself arguing for a change in the normative orientation associated with the idea of justice, a change which he claims will have practical effect, this cannot but amount to something like a theory, and an 'ideal', of justice.
plural conceptions: there can be no stable conglomerate ideal of ‘true justice’,
direct comparison of alternatives,
‘realisation’, or objective states-of-the-world as the primary object of comparison
formalised social choice evaluation,
employment of incomplete and partial rankings,
orientation towards incremental movements which decrease injustice
capabilities as the appropriate measure for distribution and evaluation,
freedom as a connecting link between capabilities, equality, and justice
open impartiality,
comprehensive outcomes – causal processes included in states of the world,
positionality objectivity, with approximation emphasised over (unachievable) precision
public reasoning, with ‘reason’ neither excluding nor a slave to passion
deliberative democracy, and
a model of rationality which incorporates both commitment and sympathy.

First developed in a 2006 paper called ‘What do we want from a theory of justice?’ and then elaborated in his 2009 *The Idea of Justice*, Sen’s approach is structured by the characterisation of two contrasting ways of thinking. ‘Transcendental institutionalism’, which he claims is associated with the thought of Hobbes, Locke, Rousseau, Kant, and Rawls, has two primary features.

First, it concentrates its attention on what it identifies as perfect justice, rather than on relative comparisons of justice and injustice. It tries only to identify social characteristics that cannot be transcended in terms of justice, and its focus thus not on comparing feasible societies, all of which may fall short of the ideals of perfection. The inquiry is aimed at identifying the nature of ‘the just’, rather than finding some criteria for an alternative being ‘less unjust’ than another.

Second, in searching for perfection, transcendental institutionalism concentrates primarily on getting the institutions right, and it is not directly focused on the actual societies that would ultimately emerge. The nature of the society that would result from any given set of institutions must, of course, depend also on non-institutional features, such as actual behaviours of people and their social interactions. In elaborating the likely consequences of the institutions – if and when a transcendental institutionalist theory goes into commenting on them, some specific behavioural assumptions are made that help the working of the chosen institutions. (5-6)\(^{119}\)

\(^{119}\) Sen (2009: 5-6) All subsequent page references refer to this text, unless indicated otherwise.
He allows that some writers whom he places in this tradition, particularly Kant and Rawls, ‘have sometimes also presented deeply illuminating analyses of moral or political imperatives regarding socially appropriate behaviour’, but they have nevertheless been ‘“arrangement-focused” … with the arrangements including right behaviour by all as well as right institutions.’ (7) According to Sen ‘today’s mainstream political philosophy largely draws on’ (7) this way of thinking, so that ‘characterization of perfectly just institutions has become the central exercise in the modern theories of justice’. (8) This sets the context for his identification of an alternative way of proceeding.

In contrast with transcendental institutionalism, a number of other Enlightenment theorists took a variety of comparative approaches that were concerned with social realizations (resulting from actual institutions, actual behaviour and other influences). Different versions of such comparative thinking can be found, for example, in the works of Adam Smith, the Marquis de Condorcet, Jeremy Bentham, Mary Wollstonecraft, Karl Marx, John Stuart Mill, among a number of other leaders of innovative thought in the eighteenth and nineteenth centuries. Even though these authors, with their very different ideas of the demands of justice, proposed quite distinct ways of making social comparisons … they were all involved in comparisons of societies that actually existed or could feasibly emerge, rather than confining their analyses to transcendental searches for a perfectly just society. Those focusing on realization-focused comparisons were often interested primarily in the removal of manifest injustice from the world that they saw. (7)

The distinction between ‘arrangement-focus’ and ‘realization-focus’ is also seen to align with two justice-related terms in Sanskrit – *niti* and *nyaya*.

Among the principal uses of the term *niti* are organizational propriety and behavioural correctness. In contrast with *niti*, the term *nyaya* stands for a comprehensive concept of realized justice. In that line of vision, the roles of institutions, rules and organization, important as they are, have to be assessed in the broader and more inclusive perspective of *nyaya*, which is inescapably linked with the world that actually emerges, not just the institutions or rules we happen to have. (20)

According to Sen, it is a fallacy to suppose that idealised modellings of deliberation such as that used by Rawls can produce a determinate choice or ranking of principles of justice which will hold up across time. One reason for this is that there are a number of ‘principles’ which are all strongly connected to the idea of justice – such as equality, need, and the right to the fruits of one’s labour – which will often conflict when used as decision rules for actual situations. No stable ordering of these principles is possible, and it is necessary to find ways of accommodating

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(120) I will discuss below the rhetorical licence which this device allows.
this diversity. But this is not such a problem, according to Sen, for the world has been getting along, and can continue to get along, without agreement in the abstract about a perfect solution.

Transcendental theory simply addresses a different question from those of comparative assessment – a question that may be of considerable intellectual interest, but which is of no direct relevance to the problem of choice that has to be faced. What is needed instead is an agreement, based on public reasoning, on rankings of alternatives that can be realized. 17

Moreover, the discipline of ‘social choice theory’, originating with Condorcet and revived in the mid-twentieth century by Kenneth Arrow, can be used for just this purpose. Essentially this involves developing formalised models of various situations involving choice and social coordination, which can then be tested for consistency, and subjected to mathematical manipulations. Sen’s own contributions to this field have been most notable for attempting to incorporate greater complexity, to allow a more realistic modelling of human action.

Since the literature of social choice theory is typically quite technical and largely mathematical, and since many of the results in the field cannot be established except through fairly extensive mathematical reasoning, its basic approach has received relatively little attention, especially from philosophers. And yet the approach and its underlying reasoning are quite close to the commonsense understanding of the nature of the appropriate social decisions. 17-18

As an evaluative discipline, social choice theory is deeply concerned with the rational basis of social judgments and public decisions in choosing between social alternatives. The outcomes of the social choice procedure take the form of ranking different states of affair from a ‘social point of view’, in the light of the assessments of the people involved. 95

The sophistication offered by social choice methods allows for evaluations and decisions to extend beyond those where there is an overall best choice, allowing the ranking of ‘social realizations’ with disparate distributions of opportunities and resources. Sen lays particular emphasis on the use of partial and incomplete rankings, arguing that by pairwise comparison of available possibilities, it will often be possible to identify incremental improvements. The ultimate goal of justice is to work towards improved distributions of quality of life and life opportunities – using whatever combination of distributive principles are considered relevant for the particular domain in question.

Particularly important here is the concept of ‘capabilities’, which is designed as a detailed representation of life quality and opportunity in a form which can be used in social choice techniques. First introduced in 1979 and now the subject of an extensive literature\textsuperscript{121},

capabilities are intended as a differentiated objective measure which can replace simpler unitary estimates of welfare and resources. As a way of representing fundamental needs, but also more extended aspects of the freedom that individuals have in terms of what they can ‘be’ and ‘do’, capabilities are more sensitive to human diversity and subjectivity than measures of income or resources, but also more objective than ideas of happiness or welfare. The conceptual framework offered by the ‘capabilities approach’ is seen as both practically oriented and closer to what really matters in human lives, and thus a superior means of socio-economic evaluation.  

Capabilities were given extended treatment in Sen’s *Inequality Re-examined*, where he used them to elaborate an egalitarian conception of justice which emphasised the perspective of ‘freedom to achieve’. This was presented as a response to the question ‘equality of what?’ and he also developed here an argument about why it was important to address this question, emphasising the role of ‘basal equality’ in moral and political thinking.

My personal view, which I will not attempt to defend in any detail, is that the claimed combination of attention to diversity and practicality is achieved by underestimating the suggestibility and plasticity of human consciousness and modes of being – something that a greater exposure to the literatures of psychology, psychiatry, psychoanalysis, cultural studies, and anthropology would make clear. (For some relevant philosophical excursions into this territory, see Hacking 1995, 1998, 2002.) But more sympathetically, see the attempt by Martins 2014 to ground the concept in social theory, economics, and philosophy. He depicts capabilities as ‘primary causal powers’ within a distinctive social ontology.

122 My personal view, which I will not attempt to defend in any detail, is that the claimed combination of attention to diversity and practicality is achieved by underestimating the suggestibility and plasticity of human consciousness and modes of being – something that a greater exposure to the literatures of psychology, psychiatry, psychoanalysis, cultural studies, and anthropology would make clear. (For some relevant philosophical excursions into this territory, see Hacking 1995, 1998, 2002.) But more sympathetically, see the attempt by Martins 2014 to ground the concept in social theory, economics, and philosophy. He depicts capabilities as ‘primary causal powers’ within a distinctive social ontology.

123 Sen 1992, *Inequality Re-examined* pp12 and 17. Another passage illustrates this view:
As we have seen, one of the main themes of Sen’s new theory is the emphasis on ‘realisation focus’. But it needs to be noted here that he sees this ‘focus’ as being able to capture an enriched picture of states-of-the-world. Although he wants to shift attention to outcomes (rather than processes, ideals, institutions, or principles), he recognises that the way in which outcomes come into being must also be considered, along with the responsibility of human agents. To accommodate such factors, he has developed the (social-choice-friendly) notion of ‘comprehensive outcome’ – an outcome-description in which extra information is embedded. So when he writes of ‘realizations’, it is on the reckoning that this kind of complexity can potentially be considered.\textsuperscript{124}

The role of human agency cannot be obliterated by some exclusive focus on what happens only at the culmination; for example, there is a real difference between some people dying of starvation due to circumstances beyond anyone’s control and those people being starved to death through the design of someone wanting to bring about that outcome (both are, of course, tragedies, but their connection with justice cannot be the same) … if a presidential candidate in an election were to argue that what is really important for him or her is not just to win the forthcoming election, but ‘to win the election fairly’, then the outcome sought must be something of a comprehensive outcome.\textsuperscript{21-22}

But while comparison between richly envisaged states-of-the-world is an important part of Sen’s idea of justice, it is not the whole story. In addition, Sen also insists on the separate importance of freedom and democracy, and of impartial process at various levels of political relations. It is ultimately through open-ended processes of public reasoning that injustice must be challenged, and steps taken towards greater justice. Intuitive judgments, and comparative evaluations brought in via the formal modellings of social choice theory, must also survive the rigors of being viewed from diverse alternative perspectives. To the extent he envisages a process which can confer the authority of ‘justice’ on comparative evaluations of outcomes, it is therefore a model of ongoing democratic deliberation. And here, although Sen’s view on the ‘distributive justice’. For example, Robert Nozick may not demand equality of utility or equality of holdings of primary goods, but he does demand equality of libertarian rights – no one has any more right to liberty than anyone else.\textsuperscript{(12-13)}

\textsuperscript{124} Developing a form of ‘thick consequentialism’ – in which responsibilities and agent-relative considerations are intrinsic to a full description of ‘consequences’ or states of affairs – is a long-standing project for Sen. His strongest articulation of the idea can be found in ‘Consequential Evaluation and Practical Reason’ (2000), where he defends it against alternatives and objections from the literature.
shape and significance of public reason seems closer to that of Habermas than Rawls, he seeks to ride above such differences.

There are, clearly, many differences in the distinct ways in which the role of public reasoning in politics and discursive ethics can be viewed. However, the main thesis that I am trying to explore here is not threatened by the existence of these differences. What is more important to note is that the totality of these new contributions has helped to bring about the general recognition that the central issues in a broader understanding of democracy are political participation, dialogue and public interaction. The crucial role of public reasoning in the practice of democracy makes the entire subject of democracy relate closely with the topic that is central to this work, namely justice. If the demands of justice can be assessed only with the help of public reasoning, and if public reasoning is constitutively related to the idea of democracy, then there is an intimate connection between justice and democracy, with shared discursive features.

Underlying Sen’s faith in democratic deliberation is a critique of theories of rational choice, under which social and political analysis is based on modelling interactions between rational agents who are held to be purely self-interested. Although widely used in such fields as economics and political science, according to Sen these theories are conceptually flawed, and cannot be taken as an adequate basis for understanding human societies.

125 Unlike Rawls he does not try to specify constraints on ‘public reason’, or articulate background conditions which would condition procedural outcomes. See Habermas 1995, Rawls 1995. Finlayson and Freyenhagen eds 2011 constructively re-opens this debate, reprinting these articles along with a range of commentary and a concluding response by Habermas. See especially the discussion by Gledhill 2011 on the relation between substantive and procedural elements in the respective positions.

126 This passage comes on the back of a discussion of some differences between Rawls and Habermas, and references to the standard literature such as Benhabib 1996, Gutmann and Thompson 2004, Elster 1998, and Bohman and Rehg 1997. Although he distances himself from the baggage of any of the writers he cites, Sen does not develop any substantive reasoning of his own to support his claims about ‘the intimate connection between justice and democracy, with shared discursive features’. It is worth noting that while Habermas develops an extended historical back-story to add weight to the way he couples these terms, he concedes that his joining of these ideas is ‘transcendental’ (in the normal, non-Senian sense).

127 Sen’s distinctive move here is to go beyond attempts to employ ever-wider conceptions of self-interest. On his account, an adequate theory of rational choice requires more than moving from narrowly conceived immediate self-interest to broader conceptions which incorporate notions of sympathy and longer-term indirect benefits. The idea of commitment marks the crucial step in recognising actions based on reasons other than self-interest as straightforwardly rational, short-circuiting elaborate explanations in terms of underlying strategies of maintaining social standing, signalling evolutionary fitness, or the like. See especially
routinely involves a component of commitment in addition to self-interest, and this clears the ground for a different, more socially progressive approach to the resolution of conflicts of interest – and once again, this involves taking a more informationally rich perspective. ¹²⁸

A theory of ‘open impartiality’ is also developed, influenced heavily by Adam Smith’s ‘impartial spectator’ device, which requires that agents take into account the imagined perspective of an outside, notionally impartial, observer. According to Sen, this admittedly loose and imperfect method of self-reflection can be used for dealing with the multiple contexts in which questions of justice arise, particularly when one moves to a global perspective. By contrast, he frames contractualist devices such as Rawls’s Original Position as methods of ‘closed impartiality’, claiming they rely on the views of the actual participants amongst whom an agreement is being sought, with impartiality being modelled as the result of behavioural and informational constraints on the deliberative situation. On his account such methods are too prone to parochialism, flawed by their use of narrow conceptions of self-interested rationality, and tend to privilege the bounded juridical entity of the state as the primary site in which questions of justice arise and need to be resolved.

As noted in the preamble to this chapter, Sen’s philosophy is grounded in a detailed knowledge of the dimensions of global disadvantage, and he is responsible for major empirical and theoretical studies of famines¹²⁹, and of poverty and endemic hunger (in collaboration with

Peter and Schmid eds 2007, Rationality and Commitment. (Sen’s coverage of this topic in The Idea of Justice largely repeats what he says in his opening and closing remarks to this collection.)

¹²⁸ This needs to be seen in the context of a long-running turf war between advocates of ‘social choice theory’ and ‘rational choice theory’, and it will be necessary to consider (1) that the differences may not be as great as Sen makes out, and (2) that the two fields may be complementary, and able to serve different purposes. While it will not be possible to deal with the issues involved in much detail, they deserve some scrutiny since the sense of providing a deep conceptual underpinning for a hopeful view of human society is an important part of the attractiveness of Sen’s project. (See eg Henaff 2009 for an example of such a use of Sen., but also Amsperger 2008 for a strongly developed critique of his failure to allow for critical rationality)

¹²⁹ Especially the 1981 Poverty and Famines: an essay on entitlement and deprivation, in which Sen uses detailed empirical analysis of case studies to argue that in each case the decisive problem was not an absolute lack of food, but systems of entitlement which denied vulnerable groups access to necessary nutrition. The ‘entitlement approach’ arising from this work established new methodological benchmarks for the study of hunger and prevention of famine. Osmani 1993 provides a useful analysis of the arguments about the usefulness and limitations of this approach, and suggests that it should not be judged in the light of particular hypotheses but as a framework of thought, or methodology. This is a consistent pattern of Sen’s
Jean Dreze. His 1999 *Development as Freedom* draws on this background to articulate a theoretical/philosophical account of economic and social development. Here he presents the realisation of freedom as the true goal of human life, and hence of social policy – but also emphasises the role of freedom and human agency in achieving this vision. As with his work on equality, capabilities, and rationality, Sen is attempting a sort of intellectual ju-jitsu here – provocatively redefining other values in terms of ‘freedom’, but also in the process redefining the notion of freedom.

We live in a world of unprecedented opulence, of a kind that would have been hard even to imagine a century or two ago. … And yet we also live in a world with remarkable deprivation, destitution and oppression. … Overcoming these problems is a central part of the exercise of development. We have to recognize … the role of freedom of different kinds in countering these afflictions. Indeed, individual agency is, ultimately, central to addressing these deprivations. On the other hand, the freedom of agency that we individually have is inescapably qualified and constrained by the social, political, and economic opportunities that are available to us. … It is important to give simultaneous recognition to the centrality of individual freedom and to the force of social influences … To counter the problems we face, we have to see individual freedom as a social commitment.

Another feature of this work, by now familiar, is his attempt to find an abstract conceptual formulation – here, his distinctive use of ‘freedom’ – to provide a background coherence for apparently conflicting attitudes and goals. In *Development as Freedom* Sen insistently affirms the importance of market-based economic systems as a framework for the exercise of freedom, but also argues that this needs to be accompanied by an extended commitment to social provision, informed by the sensitivity to diverse needs allowed by the capabilities approach. Affirmation of ‘freedom’ reconciles state and market, with democratic political freedoms, the pursuit of gender equality, and respect for human rights prioritised in the interventions in various fields, and casts an interesting light on the ‘approach’ he offers to justice, which amounts to something like a ‘meta-methodology’.

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131 Sen 1999, xi-xii. He has toned down his rhetoric of freedom somewhat in the meantime, but still holds essentially the same views. Based on lectures delivered at the World Bank in 1996-7, this work can be seen as falling in with the mood of liberal-capitalist triumphalism of that time, but also attempting to moderate and re-orient it. Opinions vary as to both the intention and the success of his strategy. (For a variety of critical views see for example Corbridge 2002, Bagchi 2000, Gasper 2000, Selwyn 2011, 2014, Seabright 2001, Northover 2012, 2014.)
pursuit of ‘human development’. Political economy is throughout discussed in terms of ‘the market’ – mostly arguing for the benefits of the ‘market mechanism’, viewed as ‘a basic arrangement through which people interact with each other and undertake mutually advantageous activities’. Some limitations are acknowledged, but ‘[t]hese have to be dealt with not by suppressing the markets, but by allowing them to function better and with greater fairness, and with adequate supplementation.’

Sen’s main concern is to argue (obliquely) against authoritarian and solidaristic developmental-state policy models, by insisting that development and freedom can and should be pursued together. Many of the ideas and themes of *The Idea of Justice* are already present here, but at this stage he does not frame his thinking in terms of ‘justice’, and is still thinking in terms of state policy. (Such matters as global capital flows, the constraints posed by structural power in the global political economy, and issues of political and economic sovereignty are not discussed.)

As evidenced by his latest body of work, Sen’s thought has now taken a global turn. He does not rely on sociological, historical or political analysis to explain this change – he simply takes it for granted that a global perspective is required, and this understanding is deeply integrated into the various moves of criticism and advocacy which he uses to establish his new theory. It is a fundamental feature of Sen’s new approach that ideas of justice apply across multiple intersecting and intermeshing contexts, that justice can and should be invoked in processes of democratic contestation and deliberation extending from the local to the global. The concept of human rights has a key role to play here, as an important way in which demands may be made and contested, and partial agreements embedded in global and local practices. By shifting perspective to open-ended deliberation and flexible evaluation of states-of-the-world, and by freeing the idea of justice from the stultifying embrace of state institutions, the way is cleared for addressing the multiple sites of injustice in a world of complex social and political interactions.

The theory of justice, as formulated under the currently dominant transcendental institutionalism, reduces many of the most relevant issues of justice into empty – even if acknowledged to be ‘well-meaning’ – rhetoric. When people across the world agitate to get more global justice … they are not clamouring for some kind of ‘minimal humanitarianism’. Nor are they agitating for a ‘perfectly just’ world society, but merely for the elimination of some outrageously unjust arrangements to enhance global justice, as Adam Smith, or Condorcet or Mary Wollstonecraft did in their own time, and on

132 Sen 1999: 142
which agreements can be generated through public discussion, despite a continuing divergence of views on other matters. (26) ^133

As prefigured, and as I have tried to indicate in this survey, Sen’s understanding of justice involves a complex combination of challenges to existing views and proposed conceptual re-orientations. There are a number of interlocking pieces to this puzzle, many of them quite tricky to evaluate independently, either because they are very technical (social choice) or vague (deliberative democracy as a practical politics). The transcendental-institutionalism vs comparative-realisationism contrast is the framework which brings the other parts together as a new and distinctive theory of justice, although it could also be said that some components – the capabilities approach, social choice theory, and deliberative democracy – contain freestanding implicit conceptions of justice. On the basis of what is laid out in The Idea of Justice, the complexion of the whole could change considerably depending on where the emphasis is laid. There is also scope for stronger and weaker interpretations at various points, particularly on the question of ‘realisation focus’, where Sen shifts ground between claiming that comparison of realisations should be the exclusive focus to being one among several. As the niti – nyaya quote above shows, he at times seems to suggest that the realisation view actually encompasses the ‘institution’ view. And while the notion of ‘complex outcomes’ is intriguing, it may be difficult to bring into practice in a consistent way, and offers a lot of rope to equivocation. Many questions inevitably arise – for instance, how much weight is put on social choice theory, how much on open impartiality and democratic deliberation? What does it mean for the larger vision if, say, capabilities or social choice formalisation turn out to be impractical in dealing with the actual problems at hand? Or if deliberative democracy is too easily thwarted or hijacked by organised power interests? Does this way of thinking stand or fall on the basis of being ‘technically correct’, or on its ability to have practical effect in the world?

^133 At first sight, this simply shows Sen as seeking a middle path between exaggerated and minimal expectations for social and political reform. But note the rhetorical character of this passage, which styles his approach as both more realistic and more practical than the ‘transcendental institutionalists’, and implicitly lays claim to the additional weight which beliefs about justice are seen to have compared to ‘minimal humanitarianism’. I will return to this below, and suggest that although the content and form of his work may be ‘well-meaning’, he consistently uses conjoined displacements of meaning to achieve effects of this type, deflecting direct scrutiny of vulnerable features of his own theory. (If his theory does not adequately accommodate the grounds on which claims of justice are generally made, it risks turning the ‘idea of justice’ into an empty intensifier, but one set at a lower level of expectation – closer to ‘minimal humanitarianism’.)
But in addition to its conceptual complexity, Sen’s perspective also invokes a number of moral, emotional, and aesthetic registers. There is a strong emphasis on practicality, but other aspects carry a high level of moralism – for instance, the notion of capabilities is held to be both practical and the best measure of what is truly valuable in human life. There is an aesthetics of technical sophistication and scientific authority in play, but also an aesthetics of humaneness and cultural breadth. Missing from the compressed summary sketched thus far, but an important feature of Sen’s presentation in *The Idea of Justice*, are the diverse literary sources, personal stories and popular legends of world history and philosophy which he deploys liberally throughout. These flourishes and interludes lighten the tone and provide breathing space between patches of academic prose, but they are not mere embellishments. They serve rhetorically to humanise his project – evoking a sense of the multidimensional character of human lives, of cultural and historical breadth, and the depth of the human commitment to the idea of justice.

Thus, providing a suitably plangent punctuation for the end of the Introduction, he offers a quote from Seamus Heaney’s *The Cure at Troy*:

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History says, Don’t hope
On this side of the grave,
But then, once in a lifetime
The longed-for tidal wave
Of justice can rise up,
And hope and history rhyme.
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Sen is playing for high stakes, and I believe it is a genuine merit of the book that he reminds readers – in some measure at least – what those stakes are. But a worrying aspect of his approach is signalled here also, as Sen steps in.

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Hugely engaging as this longing is for hope and history to rhyme together, the justice of transcendental institutionalism has little room for that engagement. This limitation provides one illustration of the need for a substantial departure in the prevailing theories of justice. 27
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It seems that the stakes are so high that he will not fight fair – as this comment shows, he is prone to using these devices to gain unwarranted ground for his theoretical agenda. (Under the resonant echo of history’s rhyme, it would be churlish to quibble that ‘institutionalists’ might try to lock in some of the gains from the longed-for tidal wave of justice, as for instance with the social-democratic settlements after the Second World War, or the anti-colonial push for formal
independence from European empires. Perhaps Sen wants to gain traction in the philosophical contest by invoking other registers, and to then use the philosophical credibility to add weight to his claims in general public and policy zones. We may want to grant him this license, but in his terms, this will depend on how we assess the ‘comprehensive outcome’ of his account. If Sen is signalling that there are poetic, chthonic, spectral dimensions of the idea of justice which are not well captured by Rawlsian-style theories, there are few who would disagree. But he does not develop any extended discussion of why this is so, or what it means, nor any explicit account of how his own mode of theory is better able to comprehend and give voice to these elements.

In what follows, I probe a little further into some of the components of Sen’s perspective. Although there are a lot of fascinating questions raised at each step of his account, I will have to leave most of them hanging. My aims here are strictly limited. In the space available, it will not be possible to provide the level of exposition, context and critique required for a serious evaluation on any of these lines of enquiry separately, let alone collectively. Unable to go into the full details, I take a Senian step backwards, with a view to assessing the kind of evidence, argument, and rhetoric he uses to establish his perspective. As noted in my Introduction, in addition to its intrinsic importance, I see an engagement with his work as particularly apt for bringing to light the need for a more historically contextualised and politically incisive ‘rough justice’ perspective.

Because the issues are serious, and because of the ambition of his claims, I do take a somewhat combative approach, erring more towards a case for the prosecution than a cautiously impartial summing up. Sen’s work consistently raises troubling questions of interpretive charity, since much of it hinges on the use of distinctions and terminology which do not align fully with

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134 See for example Canfora 2006, Hobsbawm 1994, Sassoon 2010, Halperin 2004, Halliday 1999. As noted in the Introduction, this tide ran globally until the 1970s, with the decolonisation and national liberation movements, and the civil rights movement in the USA. Sen’s approach can be seen as a successor project to this global wave of radicalism and struggle, and how one interprets his relation to the turning of this tide, and the re-orienting and lowering of expectations of the neoliberal era, will have an important bearing on how his project is evaluated. The doomed attempt to institutionalise the tide through a New International Economic Order is discussed in Prashad 2013.

135 As many readers will be aware, there are extensive literatures on Rawls interpretation and the character of allegedly ‘transcendental-institutional’ theories of justice, on Social Choice Theory and Rational Choice Theory, on the capabilities approach, on deliberative democracy, on human rights – and on the shape of global society, political economy, and world politics. To put it mildly.
existing debates and usage, and shifts between descriptive, methodological, and normative viewpoints. Partisans of his work see this as a valuable way of bringing new perspectives to bear and extending existing frameworks of thought, and sometimes complain that critics have been too hasty and uncharitable in dismissing or modifying his claims. On balance I believe the opposite is the case – that on the whole the reception of his work has been too uncritical, that partly because of their rare combination of attractiveness and unwieldiness, his novel formulations tend to be given the benefit of the doubt more often than would otherwise be the case. I aim to give him a fair hearing, but this is complicated by a number of features of his thought which tend to elide criticism, making it necessary to identify and counterbalance some of these as I proceed in order to get – so far as is possible in the space available – a robust sense of the shape and viability of his project, and mine.

For recent arguments to this effect, see for example Wells (2013: 2-10, 39-58, and passim)
4. The comparative and the Transcendental

What moves us, reasonably enough, is not the realization that the world falls short of being completely just – which few of us expect – but that there are clearly remediable injustices around us which we want to eliminate. This is evident enough in our day-to-day life, with inequities or subjugations from which we may suffer and which we have good reason to resent, but it also applies to more widespread diagnoses of injustice in the wider world in which we live. It is fair to assume that Parisians would not have stormed the Bastille, Gandhi would not have challenged the empire on which the sun used not to set, Martin Luther King would not have fought white supremacy in ‘the land of the free and the home of the brave’, without their sense of manifest injustices that could be overcome. They were not trying to achieve a perfectly just world (even if there were any agreement on what that would be like), but they did want to remove clear injustices to the extent they could.

The identification of redressable injustice is not only what animates us to think about justice and injustice, it is also central, I argue in this book, to the theory of justice. (vii)

Most of the argument for a turn to comparative thinking takes the form of showing, at a purely abstract level, that comparison between items can proceed without the need for reference to an ultimate overall standard. For Sen, the idea of justice comes into play when there is a need to compare states of affairs in certain ways for certain purposes. As noted above, he argues that in many situations where evaluation in terms of justice is relevant, the options are complex, each having different desirable and undesirable features across a number of dimensions, leaving no single option which is superior in all respects. And he claims that ‘transcendental’ theories, which attempt to formulate the relation between different desiderata and principles for general purposes, are unable to help when it comes to solving the ills of the world. They offer little or no guide to feasible change in many of the contexts in which questions of justice arise, and since evaluation can proceed without them, they are redundant. Transcendental theories of justice, then, are neither necessary nor sufficient.

A situation of ‘choosing’ paintings is introduced as analogous.

To illustrate, if we are trying to choose between a Picasso and a Dali, it is of no help to invoke a diagnosis (even if such a transcendental diagnosis could be made) that the ideal picture in the world is the Mona Lisa. That may be interesting to hear, but it is neither here nor there in the choice

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137 Sen has very little to say about what ways, and what purposes, come specifically under the rubric of justice, compared to other terms of social and political evaluation – this is important, but I leave it aside for now.
between a Dali and a Picasso. Indeed, it is not at all necessary to talk about what may be the greatest or most perfect picture in the world, to choose between the two alternatives that we are facing. Nor is it sufficient, or indeed of any particular help, to know that the Mona Lisa is the most perfect picture in the world when the choice is actually between a Dali and a Picasso. (16)

And later, ‘comparing’ the heights of mountains:
The possibility of having an identifiably perfect alternative does not indicate that it is necessary, or indeed useful, to refer to it in judging the relative merits of two other alternatives; for example, we may indeed be willing to accept, with great certainty, that Mount Everest is the tallest mountain in the world, completely unbeatable in terms of stature by any other peak, but that understanding is neither needed, nor particularly helpful, in comparing the peak heights of, say, Mount Kilimanjaro and Mount McKinley. There would be something deeply odd in a general belief that a comparison of any two alternatives cannot be sensibly made without a prior identification of a supreme alternative. There is no analytical connection there at all. (102)

But perhaps what is best illustrated here is that Sen conducts his analysis at too high an altitude. To compare the mountains in the relevant respect does not require a supreme exemplar, but it does require a concept of height. Also, although Sen does believe that justice/injustice should be seen as a matter of degree, it is even by his reckoning a complex rather than a simple dimensional quantity. And to top it off, in the case of mountains there is, generally speaking, a true answer, but getting there requires theory – estimating the height of mountains involves quite a bit of knowledge and expertise, particularly if we are talking about height above sea level. This does not augur well.

The ‘ideal picture’ example appears more promising. Nevertheless, if the ‘choice’ is allowed to be purely subjective or whimsical, then the example is without point; it is only if we accept that there are collective practices of judgment involving articulated and negotiated standards – that is, in the context of a loose assemblage of shared ‘aesthetic theory’ – that the idea of ‘choosing paintings’ reaches any approximation to judgments about injustice. Presumably what Sen has in mind is that numerous standards and criteria are in play with no authoritative structure, so that while there may be grounds for negotiated agreement in some cases, this will not apply to others. But since the criteria are almost certainly even more disparate

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138 This example betrays a worrying aspect of social choice theory, which is inclined to throw different kinds of things together under the category of ‘choice’, making it difficult for analysts to manage them with appropriate sensitivity. An unmotivated choice between paintings is hardly an appropriate parallel for the kind of comparisons between real options involving deprivation and oppression that Sen insists we face up to.
than is the case with justice, the illustration is hardly felicitous, and some obvious objections remain. (1) Without moderately settled standards, or at least some degree of shared commitment to developing complex theories of artistic merit, the exercise does fall to ground as being effectively subjective. The question is how well formulated the background understandings need to be for the practice to continue functioning. Also, judgments about justice are more likely to transfer between cases than choices of paintings. (2) The process of articulating and arguing about the relative standing of different rules and criteria plausibly contributes to the development of shared judgments, and it could be argued that ‘theories of justice’ serve exactly this purpose in their respective field, creating the space for articulating and exploring alternative understandings. (3) More pointedly, the scenario is a caricature – the idea of a ‘world’s best painting’ may be a good way of bringing into focus the silliness of excessively fetishised notions of ‘justice’, but does Sen really think that (for instance) Rawls, whom he admires so much, was suffering from a delusion this extreme? Wouldn’t it make sense to enquire a little more into exactly what these supposed ‘perfect justice’ ideas are, what role they actually play in the thinking of serious theorists, and what role they have played in historical struggles to maintain or to change various kinds of social and political order?

As may be anticipated, I try to suggest in this chapter that Sen's apparently radical reconceptualization actually understates the predicament of thinking in terms of justice – that his attempt to loosen the grip of transcendental theorisation serves paradoxically to steer attention away from the multiple dimensions of concrete analysis, abstract conceptualisation, and historical understanding which are inevitably invoked when the notion of justice is brought into play. His attempt to displace transcendentalism in favour of comparativism implicitly advances a reformist meliorism as a substitute for more troublesome challenges to political order, and downplays the demanding forms of mutual recognition and expectation which have historically accrued around the notion of social justice.

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139 Sen is not saying that the concept of justice is so contested and variously understood that arguing about ‘justice’ should be put aside as a waste of time. At face value, he is fuelling the practice of framing political projects and arguments in terms of justice, although it may be that the usage he advocates amounts to covertly abandoning ‘the concept previously known as social justice’.

140 This said, it is also possible to read the anodyne and rather unreal quality of these illustrations of pure comparativism as artfully stepping aside from the arena of normatively infused contestation, on the reckoning that general conceptions of justice are notoriously prone to manipulation and appropriated for radically conflicting ends.
An extended encounter with Rawls runs through *The Idea of Justice*, and it is through this engagement that Sen fills out his conception of justice, and makes his most substantive claims for the comparative approach. He writes with great respect about being influenced by Rawls, extols his contribution to political philosophy, and dedicates the book to him. Overall, at least as much space is devoted to outlining the areas where Sen agrees with him, and draws inspiration from him, as to their disagreements.141 But ultimately it is the disagreements that drive Sen’s account, and in particular it is by positioning Rawls as a ‘transcendental institutionalist’ that Sen finds the Archimedean point from which to set his own system in motion.

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 very well. (89)

For example, the two principles of justice in John Rawls’s classic investigation of ‘justice as fairness’ … are precisely about perfectly just institutions in a world where all alternatives are available. (11)

[The Original Position exercise] is aimed entirely at identifying appropriate principles for a fully just society and at isolating the institutional needs for such a society. The working of these institutions, in turn, leads to further societal decisions at later stages in the Rawlsian system, for example through appropriate legislation …The sequence moves forward step by step on firmly specified lines, with elaborately characterized unfolding of completely just societal arrangements. (2006: 217)

Rawls explores in depth the nature of an entirely just society (2006: 216)

In his analysis of “justice as fairness,” Rawls takes the principal question to be: What is a just society? Indeed, in most theories of justice in contemporary political philosophy, that question is taken to be central. This leads to what can be called a “transcendental” approach to justice, focussing – as it does – on identifying perfectly just societal arrangements. (2006: 216)

141 See, for example, pages 62-5, where he summarises seven ‘positive lessons from the Rawlsian approach’.
Whereas elsewhere he contends that the Rawlsian approach is too indeterminate, and offers no guidance for actual situations of social choice, the main criticism initially is that it is too rigidly and ambitiously specified, leading to a narrowness of focus in crucial areas, and parochialism. For Sen, Rawls’s theory is ultimately ‘decisive in the wrong way’.  

But is there too much decisiveness here? If the reasoning presented so far is correct, then this degree of specification requires us to close our eyes to a number of relevant, indeed vitally important, considerations. The nature and content of the Rawlsian ‘principles of justice’ and the process through which they are derived may have the effect of leading to some seriously problematic exclusions, including:

1. ignoring the discipline of answering comparative questions about justice, by concentrating only on the identification of the demands of a perfectly just society;
2. formulating the demands of justice in terms of principles of justice that are exclusively concerned with ‘just institutions’, ignoring the broader perspective of social realizations;
3. ignoring the possibly adverse effects on people beyond the borders of each country from the actions and choices in this country, without any institutional necessity to hear the voices of the affected people elsewhere;
4. failure to have any systematic procedure for correcting the influence of parochial values to which any society may be vulnerable when detached from the rest of the world;
5. not allowing the possibility that even in the original position different persons could continue to take, even after much public discussion, some very different principles as appropriate for justice, because of the plurality of their reasoned political norms and values (rather than because of their differences in vested interests); and
6. giving no room to the possibility that some people may not always behave ‘reasonably’ despite the hypothetical social contract, and this could affect the appropriateness of all social arrangements (including, of course, the choice of institutions), made drastically simpler through forceful use of the sweeping assumption of compliance with a specific kind of ‘reasonable’ behaviour by all. (89-90)

142 Although he does not use this expression.
143 Sen notes that the last item, dealing with compliance, ‘has received some attention in the standard literature, in a somewhat stylized form’ in terms of ‘non-ideal theory’ (90n), but suggests that his list of concerns is broader and does not fit within this rubric. This is partly because he refers only to a limited range of ‘non-ideal theory’, and does not engage for instance with Charles Mills (1997; 2005), Pateman and Mills 2007. Although Mills is perhaps less philosophically ambitious than Sen, his work is grounded in a more explicitly historicised social theory, and for this reason arguably more politically incisive. Finlayson 2013 artfully brings out some of the entanglements between ideal and non-ideal theory, in ways which throw an interesting light on Sen’s project.
These charges vary in merit, and Rawls has resources to respond to most of them, but they do gain in interest by being put together like this. Allowed breathing space from the language of ‘transcendental’ and ‘perfect justice’, we can see that Sen is presenting variations on the theme that Rawls’s system is too closed, and that he is attempting in various ways to justify tying things down and setting limitations, whereas on Sen’s view these matters should be left more open to contestation. These claims can be seen as indicating a difference in sensibility – of judgments about what interests these sort of limitations serve, and which way things would be likely to move in situations of more contestation and less regulation. But some are more plausible than others, and the effects of conceptual and regulatory loosening may have quite different effects from case to case. To the extent that putting them together like this establishes implicit support for the same opening up response in each case, some caution seems to be warranted.

Although nowhere explicitly theorised, there is an implicit dialectic running under the surface of Sen’s engagement with Rawls that involves differing understandings and conceptions of systematicity. At face value the ‘transcendental’ depiction presents Rawls as too ambitious and systematic in his theorisation, and Sen as preferring something simpler and more practical. But a close look at the passage above suggests an alternative reading – that it is not so much the ambition as the crudeness of Rawls’s idealised view that he objects to. Sen is looking for a mode of theory which is actually more comprehensive, but also more flexible and adaptive. Although he presents it in terms of commonsense and improvisation, hovering in the background is the prospect of an alternative way of understanding social systematicity, in simple terms a confrontation between statist bureaucratic modernism and post-statist governance perspectives. But if we allow that there is a more subtle and sophisticated understanding of social order and political action in play within Sen’s theory, it should also be noted that putting such a theory into effect may also involve more pervasive and comprehensive interventions.144

144 Spelling this out differently, Sen can be seen as theorizing what in Foucault’s terms amounts to a form of biopolitical governance, whereas Rawls’s theory relies on a conception of sovereignty that is more formal, and less socially enmeshed. See Foucault 2008, Esposito 2008. But while his theory may be congruent with social and political theory more radical and sophisticated than those drawn on by Rawls, Sen does not himself identify or acknowledge these connections, apart from incidental anecdotal references to Sraffa and Marx. Although Rawls does not have a well-developed critical theory of historical power-formations and processes, nor does Sen; and if the conception of historically-embedded ‘social union’ developed by Rawls is highly idealised, it is by no means unsophisticated. (See for example Rawls 1999 §79, pp 456–463.)
When Sen wants to back Rawls into a transcendental box, he often uses very reductive readings, but these are interspersed with more open expository passages, and passages where he extols Rawls’s profound contribution. The disagreements – over capabilities vs primary goods, open vs closed impartiality, and comparative-realisationism vs transcendental-institutionalism – are important: but the ‘transcendentalist’ diagnosis does not emerge from detailed textual engagements, or systematic consideration of alternative interpretations. This is very puzzling for readers familiar with Rawls, although it does mean that when the unsatisfactoriness of his depiction of Rawls as transcendentalist is pointed out, he is able to point to the more charitable parts of his account.  

Although there is not space to develop this case in detail, I do not believe that Sen’s depiction of Rawls as a theorist of ‘perfect’ justice is a very helpful way of portraying their differences, and that his comparative vs superlative framing serves to obscure several central features of Rawls’s theory. At least in theory, Rawls believes – and explains at some length that there is a particularly important type of justice which is relevant to the basic structure of modern liberal democratic societies, and that because it has profound effects within these societies, it is worth trying to understand and theorise this in some detail – to think it through as an ongoing system functioning within a context of conflicting values. Rawls does acknowledge that the kind of justice appropriate to this situation is not definitive of justice as such, and is not the only thing that matters in social and political evaluation. It is a special case, which sets particular demands on – but also particular limitations to – the sort of reciprocal obligations that

145 See his seminar responses to Laden and Moellendorf 2013. Against Laden’s (2013: 205) claim that ‘Rawls is no transcendental institutionalist, and Sen’s construal of their opposition occludes a third, relation-based position and a valuable and practical form of ideal theory’, Sen (2013: 312-3) replies “The ‘principles of justice’ that emerge in Rawls’s ‘justice as fairness’ relate only to ‘ideal institutions’ – and in that sense that particular approach (not to be confused with all that there is in the immensely capacious writings of Rawls, as I made clear in The Idea of Justice) is focused on ‘institutions’ and on ‘transcendence’ (in the sense of being engaged in identifying ideal institutions, rather than assessing the relative suitability of different institutional combinations).” Note how the element of truth in this – that Rawls’s ‘principles’ do not directly achieve a determinate comparison without mediating interpretation – is used to imply that Sen’s alternative (social choice theory mediated by deliberative democracy) is actually able to perform this task.

146 See Theory of Justice 4-15, Political Liberalism 3-22; it is true that Rawls does not always maintain this discipline – there are many passages where he does not keep this distinction clear and drifts into an inflated justice-in-general talk – but this is his declared purpose.
may be mutually agreeable for these circumstances. It is consciously and explicitly constructed as a special theory for a (supposedly, relatively) defined task.

The second major distortion that arises from Sen’s depiction of transcendentalism is that it exaggerates how prescriptive Rawls’s theory claims to be. Rawls aims to settle on some very general principles, not a fully specified social blueprint. And related to both of these is that his theory is focussed on the long term, and attempts to theorise an ongoing system over time. Between what is actually said and how it gets taken up and interpreted, there is scope for disagreement on all of these points, but if (as I believe) they are roughly correct, they bring into view an interesting contrast. Rawls is (ostensibly) seeking (1) very general guidance for (2) the long-term background shaping effects of (3) a particular context. Sen by contrast seems to be looking for (1) more direct or fine-grained guidance, for (2) more immediate circumstances, over (3) a broad range of contexts.

In addition to questions of detail, there are certainly problems and losses in the broad shape and style of Rawls’s approach, as many have argued. One is that the complexity and subtlety of Rawls’s account means that a large proportion of readers glaze over, and pick out only a very crude approximation, as Sen appears to have done at crucial places. For others, the complexity and the ‘father knows best’ style of Rawls’s prose exercise a seductive fascination, so that despite his admonitions to the contrary, it comes to seem that something more is being delivered than was ever really possible. And it is entirely arguable that for all sorts of reasons

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147 Crucially, the circumstances include a prominent role for a market economy: the polarising, inequality-generating effects of this creates a powerful need for a constraining background structure. For Sen this is too constraining, although he is also a believer in markets and in the need for social constraint of markets. Sen emphasises realisation-focus as an ongoing check on market-type processes, lessening the need for a predefined background structure, and implies at various points that Rawls is attempting too much of a ‘set and forget’ approach; the Rawlsian response would invoke ‘reflective equilibrium’ and adjustment at legislative and judicial stages to allow for ongoing attention to ‘realisation’.

148 For a range of mostly sympathetic analyses, see the five volume collection edited by Richardson and Weithman 1999, also Mandle and Reidy eds 2014. For a witheringly critical response, see Geuss 2003 (reprinted in his 2005 Outside Ethics)

149 As already noted, a similar difficulty arises with Sen, because of the range and complexity of his proposals. (Hence my desire to fix the whole in view before addressing the details.)

150 Quite probably (and despite the admonitions) Rawls himself drifts into believing more is being delivered, and Sen consistently supposes that Rawls is setting out a detailed blueprint.
This project has held a generation and more of political philosophers spellbound.\(^{151}\) It is not unreasonable for Sen to want to break this spell, but the way he goes about it raises troubling questions about his own enterprise.

One interesting modification of Sen’s line against Rawls would be to argue that confusion and slippage occurs between whether he is putting up a specialised theory of ‘liberal-democratic-state-basic-structure-justice’ or what amounts to a general ‘theory of justice’. Technically speaking, Rawls’s approach involves formulating very generalised principles for a \textit{supposedly} specific\(^{152}\), though still very broad and hugely important, context of application. However, when articulated in the general environment of a liberal political theory which retracts the idea of justice from the private sphere, and which has only a very vague sense of the historical particularity of, say, the USA 1950–2000, and a view of international politics which also restricts the use of the notion of justice transnationally, it can easily come to seem – despite all the disclaimers – that a theory devised to apply at the level of state regulation really is definitive of justice \textit{tout court}.\(^{153}\) Parts of Sen’s argument amount to a critique of this sort, but he is inhibited from getting a proper focus on this because he has these theories locked in his sights as ‘transcendental’. But also, if Sen were to acknowledge that Rawls is \textit{technically} not guilty of making universal claims, and advance instead the \textit{pragmatic} claim that the way Rawls’s theory is articulated and taken up makes this technical immunity moot, it would open up for scrutiny the way that Sen has similar problems going on.

\(^{151}\) In my view the key problem with the Rawlsian project is that it draws on anodyne and constricted received views of history, and of the politics of actually-existing capitalist democracies. In the guise of reforming and ennobling this vision, the elaborate Rawlsian problematic serves to reinforce its apparent validity and generality. While this does involve various kinds of ‘inattention to injustice’, Sen’s failure to address the character and the source of this inattention makes his diagnosis in these terms unhelpful.

\(^{152}\) As indicated above, Sen effectively relies on claims that this sort of view exaggerates the independence of the state as a modular form and understates interconnection. But as discussed below, he does not advance any evidence or analysis to support a strong globalism, or argue explicitly that the state form is likely to be superseded in the short to medium term. The validity and meaning of a conception of justice focussed on the state is not opened up to philosophical scrutiny, sociological critique, or historical contextualisation.

\(^{153}\) G.A. Cohen (2008; 2011) has developed powerful lines of argument from the ‘personal is political’ side to the effect that Rawls’s theory ends up improperly confusing justice with rules of (state) regulation. Sen distances himself from this critique as being too ‘transcendental’: “Cohen’s just world may stand above the one that Rawls outlines in justice as fairness, but the main use of the theory of comparative justice would be in making comparisons between feasible possibilities less exalted – in terms of justice – than both Cohen’s and Rawls’s ‘just’ worlds.” (62)
Sen moves between claiming that ‘transcendentalism’ is too prescriptive at an institutional level, and that it is not prescriptive enough when it comes to the things that matter, closer to the ground. Social choice comparativism, on the other hand, is admirably flexible:

The individual rankings that serve as informational inputs in the process can be interpreted in many different ways, and that versatility is important for the reach of social choice theory and its ability to adapt the social choice format to varying problems of social assessment. 95n

The fact that social choice theory is a general framework which requires interpretation is seen as an advantage, whereas in the case of transcendentalists this is a problem, since it means they cannot produce determinate results. Social choice comparativism is superior because it is a more general approach, able to be fitted to many different situations, but transcendentalism is too general, and unable to orient us towards the details which matter for diverse particular circumstances.

The characterization of spotless justice … would not entail any delineation whatever of how diverse departures from spotlessness would be compared and ranked. 99

It is hard to keep a balanced and attentive evaluative stance while Sen piles on a litany of assertions of this sort: some of his claims contain such blatant special pleading for the virtues of comparativism, or such a caricature of the alleged transcendentalists, that one has to wonder what is going on. 154

But on the other hand, he does have a point: there is something odd about finessing the fine details of distant ideals when there is so much indeterminacy in the middle ground – surely it makes sense to pay attention to moving things in the right direction, for which elaborate theories may indeed be neither necessary nor sufficient. As an expression of anguish about the artificiality of much recent political philosophy, and the scope that it offers for a kind of mutually satisfying hypocrisy and the avoidance of dire problems, there is something at the heart of his enterprise which is hard to turn away from.

154 "As an evaluative discipline, social choice theory is deeply concerned with the rational basis of social judgments and public decisions in choosing between social alternatives. The outcomes of the social choice procedure take the form of ranking different states of affair from a ‘social point of view’, in the light of the assessments of the people involved. This is very different from a search for the supreme alternative among all possible alternatives, with which theories of justice from Hobbes to Rawls and Nozick are concerned."
(95-6) "A transcendental approach cannot, on its own, address questions about advancing justice and compare alternative proposals for having a more just society, short of the utopian proposal of taking an imagined jump to a perfectly just world." (96)
However, it is one thing to hope for and strive for practical effect, and something else to achieve it, and the way that Sen incorporates the desire for practicality into his theory by identifying excessive ‘idealisation’ as a key problem obscures the fact that aiming for a theory which has practical effect is itself an ideal. The persuasiveness of the claim that pursuit of a fully delineated and integrated superlative ideal of justice is neither possible nor necessary seems to have led him to believe that the less unified, implicit notions of justice and injustice which remain in play no longer amount to ideals, and that by avoiding the impracticality of seeking a perfect world his own form of theory immediately becomes practical. Sen writes, for instance, that

a theory of justice that can serve as the basis of practical reasoning must include ways of judging how to reduce injustice and advance justice, rather than aiming only at the characterization of perfectly just societies (x)

This relies on both the obvious desirability of ‘reducing injustice’ (as a normative ideal) and the dramatic simplification of painting the alternative as seeking a ‘perfectly just society’. But a closer look at this sentence suggests that he also sees this as a simple matter of logic – a theory which does not in some sense provide guidance for reducing injustice cannot ‘serve as the basis of practical reasoning’ on such matters, for it is in the nature of ‘practical reasoning’ that it aims to have some effect. Sen consistently relies on a combination of the obvious, intrinsic appeal of ‘reducing injustice’ alongside various logical claims about the necessary form of a suitable theory, the possibility of partial solutions in complex situations of incomplete agreement, the possibility of encompassing all normatively salient factors in the form of ‘comprehensive consequences’, or the conceptual superiority of capabilities as a social metric.

The idea of raw comparison without an intervening ‘ideal’ still relies on the existence of a general background sense of which considerations are relevant to justice, something that is obscured by his illustrations involving the ‘height’ of mountains and unmotivated ‘choice’ of ‘best’ picture. This is an important issue for Sen’s account, but he never articulates a direct response – the style of his argument serves to glide over or deflect it. Nevertheless, his anti-transcendentalism is in general consistent with the broad perspective signalled by some of his

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Note the irony that this is a form of transcendental argument, something I return to below because it is a very consistent feature of his work. At multiple sites of conceptual contestation, Sen attempts to show that his preferred solution wins by logical default (comparativism, capabilities, comprehensive outcomes, equality in multiple spaces, development as freedom.) While the sense of contradiction and irony that this generates casts doubt on his enterprise, I will be ultimately more concerned with the practical consequences of his formulations.
world-historical references. So it seems fair to fill this in for him, and to allow that for Sen the idea of justice has emerged from a history of diverse practices of reciprocal engagement, negotiation, and communication, with different languages, different conceptualisations, and different social interests entangled for millennia: that the idea of a fully articulated theory on such matters has always been more of a dream than a reality. While some vague coherence amongst diverse implicit understandings is necessary if they are to be seen as belonging within the ambit of justice, these have always been contested matters.

It could be argued that the formulation of coherent theories is made more difficult, but also in some respects more necessary, by the size and diversity of modern societies, the expanded role of the state, and the expanded scope of global interaction. Nevertheless, what gives weight and plausibility to Sen’s comparativism is his insistence that there are many urgent situations in the world that can be judged as evidently wrong/bad without needing a high level of agreement about the nature of justice. What he seems to assume, sometimes signals, but again never effectively argues, is that no reasonable claims regarding desert, efficiency, reciprocity, or the like could possibly justify the deranged distribution of power and resources which characterises the contemporary world.

Sen attempts to give historical depth to his comparativist theory through his pantheon of Smith, Condorcet, Bentham, Wollstonecraft, Marx, and Mill, lining them up against a contractualist team of Hobbes, Rousseau, Locke, Kant and Rawls. The range of sensibilities, styles of thought, and political orientations on both sides is quite striking, particularly on the comparativist side, but there is little attempt to round out his distinction by discussing the cross-cutting differences and similarities between groups. Frequent favourable references are made to

\[156\] As MacIntyre (1981; 1988) famously argued, no coherent theory is able to capture the full depth of meaning of conceptions of justice which have arisen from divergent practices. To the extent that Rawls seeks a ‘thin’ theory which will bridge differences within modern liberal societies, Sen proposes flexible adjustment to context, which may allow more thickness in some situations than others. To some degree he could therefore be seen as resolving MacIntyre’s dilemma. But since he achieves this largely by jettisoning historical and sociological specificity, it looks more like the apotheosis of MacIntyre’s nightmare.

\[157\] Sen’s refusal to seriously address the distinction between ‘wrong’ and ‘bad’, while possibly acceptable for the extreme cases he invokes, is frustrating and problematic for his claims to be articulating some sort of theory of justice: he routinely helps himself to claims about ‘comparative assessments of justice’ without establishing that it is understandings of ‘justice’ which drive the comparisons.
Smith, and use is made of his ‘impartial observer’ modelling of open impartiality and theory of moral sentiments; but otherwise this heritage plays no real role in Sen’s argument. Apart from Rawls, there is no attempt to develop detailed interpretations of the thought of any of these figures – the opposition are brought out now and then to be accused of plotting perfect societies\textsuperscript{158}, and the reformers are duly praised for their progressive politics.\textsuperscript{159} He concedes that ‘the writings of Hobbes or Kant or Rawls demand arduous deliberation and intricate reflection’, but only so as to query whether their work is in fact ‘easier to absorb and use, compared with … social choice theory.’(95) It is certainly arresting to see references to ‘the diagnosis of perfection in the frameworks of Hobbes, or Locke or Rousseau’ and how this would not ‘take us to decisive comparisons among imperfect alternatives’ (96-7), but it does not add much in the way of subtlety or depth to Sen’s account.\textsuperscript{160} There is no ‘intricate reflection’ on either the conceptual structure or the historical context of any of this work. Why these writers sought to develop systematic theories about political authority and social order, why they have been influential, and the potential meaning of their views for present circumstances, are among the many questions not pursued.

As it turns out, he can be forgiven for not expounding the views of his pantheon on ‘justice’, since (with some exception made for Smith) none of them attempted to theorise specifically in this territory – their thought was not really focussed on justice, but social improvement. Analysing the views about social order which cluster around the concept of justice was not an essential part of their political theories, and proposing social reforms in terms of justice/injustice was not seen as crucial to the kind of specific aims which he commends them for pursuing.\textsuperscript{161} This complicates Sen’s case, although it does not necessarily embarrass his core

\textsuperscript{158} Idea of Justice pp 5, 6, 8, 16, 70, 97, 411.

\textsuperscript{159} Idea of Justice pp xvi, 7, 9, 21, 26, 86, 92, 94, 107, 111, 112, 398.

\textsuperscript{160} While Hobbes as a theorist of ‘perfection’ seems particularly risible, this is one instance where Sen’s terminology of ‘transcendental’ may actually be apt, to the extent that Hobbes was intent on setting matters of justice – authoritative views of proper political order – outside the realm of civil discord. See Hobbes 1996, Tuck 2006, Harrison 2002.

\textsuperscript{161} As John Gardner 2012 points out in a thoughtfully critical review. Cambridge School historians of thought have been heavily critical of the central role given to justice in Rawlsian normative philosophy – because they recognise its relative novelty. (Sadly, however, they have contributed little in the way of historical analysis of the Rawlsian project. Michael Freeden’s (1996: 226–275) analysis of ‘philosophical liberalism’ begins this task; as does Wolin 2004: 524–556 and elsewhere. But to my knowledge a comprehensive world-historical
claims about the mismatch between elaborate systematic theories of political order and a focus on the remediation of deprivation. In fact it would potentially help rather than hinder his cause of social reform if he were to draw out the question of whether the idea of justice is always the best way to think about such matters – to provincialise the Rawlsian project, as it were.\textsuperscript{162}

Given the dismissiveness towards Marx in recent Anglo-American political philosophy\textsuperscript{163} it is significant that he is included in the A team, although it could be said that he is a double agent – an activist committed to close analysis of material possibilities and immediate political reforms\textsuperscript{164}, but also an analyst of deep structures with a view to long-term fundamental change. Also, although famously disparaging about moralistic constructions of politics generally and ‘justice’ in particular, Marx was arguably of all these writers the most driven by a passion for justice in a deeper sense (as opposed to ‘social improvement’).\textsuperscript{165} But while it is notable that Sen includes Marx in his lineage, he would need to say a lot more than a couple of throw-away references before this affiliation could be taken at all seriously. Although it is understandable contextualisation has yet to be attempted.) The marginality of ‘justice’ to Eighteenth-Century European political thought is variously confirmed in Goldie and Wokler eds 2006.

\textsuperscript{162} Chakrabarty 2000 developed the trope of ‘provincializing Europe’ as a critique of Eurocentrism, but also as a critique of various ways of reading history through the lens of the present; Sen attempts to bring a wide historical and geographical range into his thought, but at some expense to the distinctiveness of particular cultural and historical forms. However my point here is more specific – it would potentially help Sen’s project if he were to acknowledge and draw out the distinctiveness of contemporary Rawls-inflected notions of justice, and political theory constructed around such notions. Sen recognises that there is something peculiar about this hypertrophied conception of justice, but nevertheless wants to claim its authority and potency for his own project. More attention to historical differences would problematise this move, but might ultimately provide a firmer base for his humanitarian project.

\textsuperscript{163} With honourable exceptions for Allen Wood, Andrew Levine, Richard Miller, Jeffrey Reiman, G.A. Cohen, Alan Gilbert, Rodney Peffer, Charles Mills and others. (And MacIntyre, in a past life: Blackledge and Davidson eds 2008). Even Rawls (2007: 319-72) discussed Marx respectfully in his Lectures on Political Philosophy – so the exclusion has not been so extreme. Nevertheless it is notable that most of these writers have chosen for various reasons to omit or de-emphasise discussion of Marx in their later work. For a critique of philosophical deployments and avoidances of Marx, from outside the Anglosphere, see Henning 2014.

\textsuperscript{164} See Nimtz (1999, 2000) for Marx and Engels’s prominent roles in the democratic reform movements of the nineteenth century.

that he does not want to be drawn too deeply into the extensive and factionalised interpretive literature, it is deeply misleading for him to write that ‘Marx’s analysis of justice went well beyond his fascination … with “the ultimate stage of communism”’ (22), since Marx conspicuously did not offer an ‘analysis of justice’. Marx’s refusal to theorise in terms of ‘justice’ is an important philosophical puzzle, and may provide a fruitful optic for understanding the nature and limitations of Sen’s project.

Little mileage is gained towards extending, clarifying, or justifying Sen’s comparativism by invoking any of these figures, and he never really acknowledges that serious questions are raised for his project by longstanding understandings which see justice as involving something different from making the world a better place. The closest he comes is when he notes that:

[Transcendentalists] may point in particular to their understanding that a ‘right’ social arrangement must not, in any way, be understood as a ‘best’ social arrangement … The absoluteness of the transcendental ‘right’ – against the relativities of the ‘better’ and the ‘best’ – may or may not have a powerfully reasoned standing on its own (I refrain from going into that issue here). But it does not, of course, help at all – and that is the central point here – in comparative assessments of justice and therefore in the choice between alternative policies. (100)

There are real questions to be explored here, about how judgments of right resist comparability yet are routinely equilibrated in practice – sometimes agonisingly, but often with minimum distress and barely noticed. Is it the case that what seem to be conceptions of the right are for the sake of such judgments actually functioning as conceptions of the good, via some sort of intuitive translation, or by ignoring an exoskeleton of 'rightness' that normally protects their soft underbelly? If so, what implications does it have for conceptions of right? What are the effects in various actual social and political arenas of using what amount to conceptions of right or of good? What purposes and interests are served by forms of normative understanding that diverge towards right or good, what types of cooperative or conflictual practices tend to cohere around one or the other? If the now familiar conceptions of right have largely evolved alongside and within ‘modernity’ or ‘the enlightenment project’ what does this mean? What relation do they have to changing conceptions of the self, to changes in political economy? Since he has other

166 A more charitable reading would say that this is just a quick and clumsy way for Sen to counter the impression that Marx was so focussed on revolutionary change that he was not concerned with broader questions and proximate reform. I call the statement ‘deeply misleading’ because it is important, and because it involves a nested set of dubious interpretations, so that an assertion which in this context is only trivially false (that Marx was fascinated by the ultimate stage of communism) serves to occlude an implication which is significant – that he had an ‘analysis of justice’ which can be meaningfully assimilated into Sen’s perspective.
fish to fry, some discretion is obviously necessary, but Sen does not simply sidestep. Eyes focussed elsewhere and appearing not to identify the issues he brushes against, he first stacks the rhetorical deck (the absoluteness of the transcendental right) and feints to sidestep. But look closely – in a flash he lays a quick garrotte of circular argument – absoluteness is not helpful in comparative assessments, 'justice' entirely a matter of comparative assessment (by benefit of repeated assertion), the right has no place in this ... and the whole business is over. This is not so much sidestepping as covert concept-assassination.

Although he repeats again and again the uselessness of strongly formulated notions of right and the need to invoke notions of relative goodness, and his great commitment to 'reasoning', he does not discuss this central distinction in a serious way, or make an honest case for the priority of the good. He does not provide an analysis of what is at stake conceptually between notions of the right and the good, or an excursus on historical usage. There are no references to the Rechtslehre nor to Rawls on this, to the role of Christianity, to the social struggles and political upheavals leading to capitalism and modernity, no discussion of whether Hume’s attempt to develop a naturalistic account of justice ended up grounding it in something other than its beneficial consequences, nor even to Smith’s criticism of Hume, to the effect that the ‘sentiment of approbation always involves in it a sense of propriety quite distinct from the perception of utility’. And so on. But nor does Sen attempt to illustrate, anywhere, through realistic detailed examples, the sort of instances he has in mind of real-world problems where other theories are flat-footed, but the comparativism he advocates is able to secure progress. This is not because he is short of space, but because he prefers to talk in general terms about how alleged transcendentalists refuse to face up to reality. The above demurral on exploring one of the central questions for his ambitious redefinition of the meaning of justice segues into th:

To be sure, members of any polity can imagine how a gigantic and totally comprehensive reorganization might be brought about, moving them in one go to the ideal of a fully just society. A no-nonsense transcendental theory can serve, in this sense, as something like the grand revolutionary’s ‘one-shot handbook’. But that marvellously radical handbook would not be much

167 See Kant 1996, Flikschuh 2000 for an illuminating recent analysis; Rawls 1988, 1993, Darwall 1993 on Hume; Pack and Schliesser 2006 on Smith. Quote is from Smith’s Theory of Moral Sentiments IV.2.5, in Pack and Schliesser p53. For a serious historical account from a position which prioritises ‘the good’ see Irwin 2007, 2008, 2009, especially 2009 ch 96, ‘Rawls: The Right and the Good’ p 931-961. To the extent that such contests are won and lost, this is ‘winnable’ from Sen’s position – depending of course on how we understand ‘Sen’s position’, since it would involve opening out the meaning of the terms being employed in ways which will likely interfere with other parts of his agenda.
invoked in the actual debates on justice in which we are ever engaged. Questions on how to reduce the manifold injustices that characterize the world tend to define the domain of application of the analysis of justice; the jump to transcendental perfection does not belong there. … [T]he diagnosis of injustice does not demand a unique identification of ‘the just society’, since a univocal diagnosis of the deficiency of a society with, say, large-scale hunger, or widespread illiteracy, or rampant medical neglect, can go with very different identifications of perfectly just social arrangements in other respects. (100)

Again and again, Sen uses the transcendental trope, combined with an assumption that direct practical guidance is the primary requirement of political theory, not to open up any extended reflection on the possible contribution of different types of political analysis or theorisations of justice, or political activism, but to close it down. The ‘priority of the right over the good’ and the general problems of moral and political thinking based on notions of right have been much discussed in recent philosophy, and Sen could easily draw on some of this to flesh out his position – but he avoids such discussion on the basis that it will not help ‘in the choice between alternative policies’. While it makes good sense to sidestep complex philosophical debates when faced with immediate policy choices, this move is inappropriate for the kind of fundamental rethinking he insists is required, and the actual claims he is making regarding political theories of justice. Sen is not discussing the choice between any actual ‘policies’. He is proposing something resembling a methodology for policy choice, and using this to suggest that ‘justice’ cannot be used to describe a contingent ideal which is specifiable in advance, but only as the product of a sequence of distributed comparative judgments. 168

Perhaps the strangest thing here is that all this is framed as a contribution to philosophy, and that in the process of criticising the abstraction and disconnection of others, he ignores the substance of both the historical and contemporary literature, sidesteps important conceptual issues, and piles on more and more of the sort of speculation which (rightly) brings philosophy into disrepute. Thus he continues:

> Even if we think of transcendence not in the gradeless terms of ‘right’ social arrangements, but in the graded terms of the ‘best’ social arrangements, the identification of the best does not, in itself, tell us much about the full grading, such as how to compare two non-best alternatives, nor does it specify a unique ranking with respect to which the best stands at the pinnacle … To consider an analogy used

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168 Consider by contrast Brian Barry’s 2005 Why Social Justice Matters, which also aims for a practical confrontation with evident injustice and thus avoids detailed theoretical argument, but opts for robust discussion of policy issues. In Sen’s defence it could be said that his desire for global relevance makes this more difficult, but there remains an uncomfortable mismatch between his rhetoric of practical urgency and his focus on metatheory. (But note also the different approach – also global – of Therborn 2013)
earlier, the fact that a person regards the *Mona Lisa* as the best picture in the world does not reveal how she would rank a Picasso against a Van Gogh. The search for transcendental justice can be an engaging intellectual exercise in itself, but – irrespective of whether we think of transcendence in terms of the gradeless ‘right’ or in the framework of the graded ‘best’ – it does not tell us much about the comparative merits of different societal arrangements. (100-101)

Although anti-utopianism haunts the pages of the book, it is never brought into focus, and Sen consistently evades engagement with any substantial theorists of radical politics or utopianism, along with the work of historians and sociologists who explore the role played by such ideas in the making of the present world.\(^{169}\) While he is capable of more subtle formulations, the above passages do accurately represent his habit of arm’s length, straw-man treatment. Although it is unseemly to point this out, lack of critical commentary in this regard represents a genuine puzzle, only partly explained by the high regard accorded his more specialised work.

In a paper written for a recent symposium on *The Idea of Justice*, Ingrid Robeyns argues that Sen is mistaken in proposing that transcendental theories are redundant, since thinking about justice requires both the use of comparison *and* the use of ideals. Suggesting that Sen’s ‘redundancy claim’ is unnecessarily strong, she proposes the friendly amendment that Sen should substitute a weaker ‘priority claim’: ‘that theorists of justice should shift their attention from transcendental thinking towards thinking about justice-enhancing change’. She suggests, for instance, that

the only way to argue for a claim of an injustice which is not blatant is by arguing for ideals of justice … and empirically showing these ideals are not met. … [S]ocial activists make ample use of such transcendental principles of justice and of this kind of public reasoning, for example when they invoke an ideal of substantive equality of opportunity… judgements about the comparison of complex cases of injustice implicitly or explicitly do refer to ideals of justice: not just in academic work but in real-life public discussions.\(^{170}\)

What Robeyns is pointing to is the routine use, in practical argument, of multiple dimensions or levels of abstraction. This seems uncontroversial, but there does also seem to be a confusion here, in that the idea of the ‘transcendental’, in Sen’s terms originally a putatively


\(^{170}\) Robeyns (2012: 159, 160)
ideal ordered assemblage of sub-principles, is now being applied to the base level principles themselves. In his arguments against ‘transcendental’ formulations, Sen does not deny the importance of a class of justice-related ‘principles’ – indeed he uses the plurality of principles, and the existence of widespread differences of belief about the application of these principles, to insist that no settled, all-purpose, optimal configuration is attainable. (This is his ‘feasibility claim’.) But in his reply, Sen does not clarify and qualify his ‘redundancy claim’ by pointing this out. Instead, among other responses, he insists:

Why do I find Robeyns’s arguments for the rejection of the redundancy claim to be unconvincing? There is, I would argue, an inadequate appreciation, reflected in all the arguments she presents on this issue, of the basic recognition that the redundancy claim is entirely analytical, to wit: to show that a certain state of affairs $x$ is comparatively unjust, we merely have to show that there is another feasible alternative $y$ (whether or not ideal) that is less unjust (or equivalently, more just) than $x$. We do not have to get into the question whether $x$ is less just than some ideal state $z$. The idea of an ideal state is not directly involved, in any way, in the appreciation of this analytical issue. 171

Robeyns’s arguments have leverage against Sen’s more expansive and exaggerated deployments of the idea, but not against the core notion according to which ‘transcendental’ applies to rigidly and elaborately formulated compound conceptions of a fully just society. Sen has the opportunity here to explain that he only intends the description to apply to the limited case of this type of theory, and that for this limited case the redundancy thesis holds. Instead he declares that what is at stake is a logical misunderstanding – but this would only be true if the more extended usage Robeyns is relying on did actually belong within the class of ‘transcendental theories of justice’. This seems to be a fairly simple case of equivocation between a strong sense of ‘transcendental conceptions of justice’ – against which Sen’s arguments are effective – and those weaker and more vague senses where he is only really in a position to argue in terms of emphasis – the ‘priority claim’ way out which Robeyns offers him.

For Sen, the matter is settled not by interpreting philosophical positions or complex practices in the real world, but as a matter of logic – having established to his own satisfaction

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171 Sen 2012, ‘Reply’ 174-5. Against Robeyns’s raising the issue of pathway effects (short term gains may end up in a cul-de-sac, taking a view with greater perspective may allow a better long term result) he responds: ‘Why cannot we usefully talk about, for example, the unacceptability of the catastrophic – and preventable – predicament of future generations, bereft of fresh air or drinkable water, or submerged in rising oceans that sink huge parts of the population, without having to make some claim, at the same time, about what would be ‘the perfectly just’ division of fortunes and misfortunes between people today and people in the future?’ (ibid 175). As I suggest below, there seems to be a confusion between frustration with academic finessing and real-world causality going on here.
that the practices in question amount to the positing of ‘some ideal state z’, there is no need to revisit the matter. He does follow up with some brief speculations on how actual situations might be argued in comparative terms, but neither here nor anywhere else does he attempt any sort of thorough analysis of real practice. He neither questions the adequacy of his rigid characterisation of what is involved, nor risks a serious on-all-fours comparison between the alleged ‘transcendentalism’ and the logically superior ‘comparativism’. Later, I shall outline several senses of the term ‘transcendental’ and suggest that differentiating them may be helpful for understanding Sen’s project, and some of its problems.

As we have seen, a large amount of Sen's argument hinges on the depiction of Rawls as a transcendentalist. Within the confines of academic political philosophy it is reasonable, and perhaps necessary, for Sen to attempt to displace Rawls. But in the context of his declared practicalism, it is rather an odd contest to take on – because it is tricky and requires him to rely on dubious readings of Rawls, but also because despite Rawls’s high academic reputation, it is less clear that what is distinctive about his thinking is well known outside fairly narrow circles, or that it exercises much direct influence in the world. From a focus on the sort of evident real-world injustice Sen invokes, it is hard to see excessive zeal towards the practice of Rawlsian justice as high on the list of causal factors, except as a distant source of ideological dignity for a political system that bears little resemblance to the sophisticated details of his theory. Complacent understandings which see ‘justice’ as a unified ideal approximated by actual states may be seen as a problem, and Rawls can be seen as a source of comfort for this sort of thing – but if so this dynamic tends to be occluded as much as clarified by Sen’s alternation between reductive reading and panegyric.

So it is tempting to see the whole ‘transcendental’ business as largely a distraction and an irrelevance – something he could do without, with his substantive thesis in this area boiling down to the promotion of social choice techniques and ‘realisation-focus’. Sen sets up the ‘transcendental’ distinction as an affirmation of plural principles and the folly of attempting to

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172 This is framed crudely here for the sake of expediency. But treating this as a genuine puzzle may be a helpful way of opening up difficult questions about the status and function of different styles of political thinking in the contemporary world. For complex reasons, normative liberal political philosophy has a kind of commonsense appeal which undercuts various forms of critical theory, but its sense of high-theoretical disconnection from politics and ambiguous relation to existing power regimes may also allow it to confer a certain kind of authority, despite appearances to the contrary.
lock in a determinate ordering of those principles. But then, with the terminology in hand, he slips into using it to discredit the use of rules and principles more generally. However, his slipping into this broader usage serves a number of purposes – most obviously it gives weight to his way of carving up the territory, since if the idea was seen only to apply to extreme cases, with most actually existing theory already employing different types and degrees of comparison, it would not seem to matter very much. But also, without being able to dismiss alternatives as unrealistically ‘transcendental’, Sen would need to develop different sorts of arguments to support the need for more attention to ‘realisations’: he would need to engage in a more robust comparison of different schemes of making attributions of justice and injustice, and how they functioned in practice.

The transcendentalist/comparativist distinction plays an important role in establishing and maintaining the metaphoric structure of Sen’s revised way of thinking about justice – it draws on and expresses his commitment to practicalism, but in the process shapes that practicalism in particular ways. The ‘transcendental’ label enables Sen to claim the authority of a certain sort of practicality, without having to actually demonstrate the practicability of his alternative. Repeated invocation of this central rhetorical device implicitly affirms reformist humanitarian meliorism as the only decent and realistic approach to contemporary politics. Through the rhetoric of ‘transcendentalism/comparativism’, Sen’s meliorism is presented not on the basis of what it can achieve, but as the only plausible way of understanding and dealing with existing injustice, since more ambitiously analytic approaches have been (implicitly) discredited.

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Coda : In the tracks of transcendental materialism

Several troublesome features of Sen's project can perhaps be better understood by differentiating a number of senses suggested by the notion of 'transcendental'. On my view these play a background role in shaping his theory, and his account is weakened by a failure to be more explicit about the complexities they throw up.

T1 — The sense which he actually states – an elaborated comprehensive ideal which spells out the relation between various component principles and is presented as a picture of a fully just society.

T2 — Transcendental arguments, which Sen himself uses quite liberally, and which attempt to lay out the formal conditions of possibility for a theory of justice, an appropriate conception of equality, quality of life, and so on.
T3 — The aspect or quality of normative concepts that point beyond instantiation in actually existing conventions. In this sense, normative concepts can be seen as comprising a descriptive aspect and a transcendental aspect in varying proportions. Viewed this way, the transcendental element is what allows normative concepts to have a critical and evaluative sense, and it is the presumed possibility of this which gives them a normative valency that rises above the merely associative/mechanical or coercive. Sen’s usage of the concept ‘justice’ is located in this aspect, and in fact he tends to deny the validity of the descriptive aspect as properly belonging under the rubric of justice. 173

T4 — A further sense is involved in his antipathy to ‘deontology’ and various other places. What is at stake here is a strongly symbolised – ‘fetishised’ in the non-pejorative sense – version of T3. From a rational, consequentialist position such as Sen’s, this amounts to a crystallisation of meaning which then resists rational analysis and critique. Most evident in religious formulations of gods and the like as external, inscrutable sources of authority, the social practice of employing such devices is steeped in mystification and historically prone to abuse. 174 But in differing degrees it is widespread and deeply embedded in human culture. 175 The idea of singular ‘cultures’ then returns us to T1 – the fitting together of a relatively integrated set of norms may form a mutually supporting constellation, with the ‘validity’ of individual norms partly contingent on the fact that they do function together to allow a flourishing form of life.

T5 — Without wanting this to get out of hand, in the context of thinking about global justice we need to differentiate a final sense, which is a transhistorical universalisation of T3. Platonic forms would be a wholly abstract member of this class, but it can also be argued that after a long history of extensive engagement, the restricted normative understandings of erstwhile or putatively insular cultures and societies become entangled and to some extent merged, leading to what amounts to an extended horizon of cumulative critical perspectives.

173 I suspect that lack of clarity about this, and the belief that his account somehow overcomes the dialectic between facticity and evaluative aspiration, contributes to a power-blindness in Sen’s approach.
174 As emphasised by Eric Wolf 1999; 2001 Kapferer 2012 and many others – once again, we stand on the threshold of a vast, deeply contested literature.
175 This is the territory, then, of an anthropological theory of value generation and circulation, such as that proposed by Graeber 2002. Parts of this are expanded into an engaging historico-political polemic in his 2011 Debt: The First 5,000 Years, which also has relevance to sense (5) below. Also worthy of particular note is Duara 2014, an ambitious recent contribution to historical sociology constructed around the notion of different forms of ‘transcendence’ (with what he calls ‘dialogical transcendence’ being more hospitable to multiplicity and coexistence, and having historically played a greater role in most Asian societies.)
Claims to universalism are notorious for projecting the views and interests of particular socio-cultural interests as the ultimate horizon for humankind – thus the dreaded ‘enlightenment universalism’ in which European bourgeois values were effectively taken to represent a universal human nature by Adam Smith, and others. Sen’s project needs to be seriously questioned in these terms, despite his broad-ranging historical and geographical illustrations. By attempting to formulate a theory of global justice without engaging real human history and cultural diversity in a serious way, he implicitly employs a universal normative perspective, something that is occluded by his idiosyncratic use of ‘(anti-)transcendentalism’.176

I formulate this range of meanings in terms of ‘transcendental’ in order to show their entanglement with Sen’s usage, without meaning to suggest that ‘transcendental’ is necessarily the best word to use for all of these purposes. What I want to bring out is that meanings 3, 4, and 5 are strongly linked in the functioning of actual human societies, the dynamics of political contestation, and historical change, and Sen’s mode of presentation tends to obscure this. Failing to note the distinctness of different senses of ‘transcendental’, he also fails to note their connectedness – and the same is true of his failure to analyse the relation between justice as embodied practice and justice as a mode of critical evaluation. Eradicating transcendentalism may not be as simple as Sen suggests. And nor, were it possible, would the consequences be altogether benign.

**Coda 2 : Comparisons**

Having bailed out of serious Rawlsology, I nevertheless close this chapter with an illustration of the vagaries of this territory, from a letter written by Rawls to James Buchanan in 1976. (Rawls

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176 Amongst Anglo-American political philosophers, James Tully (eg 2008) is an important proponent of the view I am gesturing at here. I should note that Tully (2013) takes a much more favourable view of Sen’s theory than I do, based on reading it as primarily an account of ‘public reasoning’. In response, Sen (2013: 317-8) is happy to endorse this emphasis, although he disputes Tully’s claim that he ‘prioritizes political and civil rights over social and economic rights’, pointing to his statement that ‘keeping the space reserved only for liberty and first generation rights attempts to draw a line in the sand that is hard to sustain’ (2009: 385). The very low-key subtlety of this statement illustrates the extent that my criticisms come down to questions of emphasis and the need for a more robust and articulate account of the contexts of public reasoning, a view which emphasises historicity as against Sen’s attempt to strip things down to a skeletal logic free of contentious detail. And, to reiterate, the distraction created by his inarticulate yet radically overstated ‘anti’-transcendentalism does not help.
abbreviates ‘principles’ to ‘prins’, which serves quirkily to emphasise one of the primary points of difference with Sen.) 177

You query the suggestion, which you believe I make, that the deliberations in the initial contract situation must always settle on the two prins of justice.

But actually, that is not how I proceed. I always assume that the choice of prins is made by the parties from some list with which they are presented. They decide between the two prins of justice (as I state them, say) vs the prins of utility, or equality of distribution, or whatever. I take up only a few pair-wise comparisons. With other lists of prins, other choices would be made; and conceivably the two prins may not win in all comparisons, probably will not (on this, see p581). … Of course, I do think the two prins have many supporting grounds; it is conceivable that they are pretty close to the best one could ever do, but I don’t know how one could claim, or argue for, any thing so ambitious as that!

Rawls goes on to agree with Buchanan’s strategy of looking for some other principles that would be chosen over Nozick’s prins in a pair-wise comparison. Once we find such prins, we know that his prins cannot be the best we can do, and so are to be rejected. I think the two prins [ie Rawls’s] would be chosen in favor of Nozick’s prins; so we can use these prins to reject his. And we can do this without either accepting the two prins as the best possible, or holding that the two prins are the only possible outcome of the initial contractual situation. I had hoped I was careful not to say the latter, but no doubt long stretches of the text read differently, & perhaps fail to note this background view sufficiently.

Perhaps the grain of sanity underneath the strange language about supreme alternatives and perfectly just worlds is that Sen wants to shift the site of ‘comparison’ down a few levels of abstraction, so that attention moves from generalised principles and institutions to actual states of the world and their feasible alternatives.

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177 This correspondence, from 16 July 1976, is reproduced in Peart and Levy eds 2008, p 410. Rawls’s reference is to p581 of Theory of Justice (first edition). Sen acknowledges that ‘in his later writings, Rawls makes some concessions to the recognition that “citizens will of course differ as to which conceptions of political justice they think most reasonable” ’; and that justice as fairness is only one of a family of reasonable political conceptions of justice. But he insists that ‘It is not, however, clear how Rawls would deal with the far-reaching implications of this concession. The specific institutions, firmly chosen for the basic structure of society, would demand one specific resolution of the principles of justice, in the way that Rawls had outlined in his early works’ (IJ 11-12, see also 58) At one point, Sen does allow that ‘Rawls’s principles for just institutions do not, in general, specify particular, physical institutions, but identify rules that should govern the choice of actual institutions’ (78) but otherwise repeatedly suggests that Rawls is attempting to provide a detailed blueprint.
5. Niti – Nyaya: Institutions and Realisations

Taken in isolation, there are obvious attractions to Sen’s themes of practical orientation, attentiveness to actual realisation, and preparedness to revise and adjust institutional arrangements for the sake of preferred outcomes. However there is something awry in his mode of argument, since the philosophical theories he criticises are not utopian visions of perfect worlds. They were also not written with the expectation that they would become binding, exclusive, and exhaustive manuals of social practice, but rather as ways of reflecting on and modelling conceptions of political order and authority, and the particularity of the idea of ‘justice’ manifest in and appropriate to various political orders. Sen claims, as if it were a decisive refutation, that ‘transcendental institutionalists’ do not specify procedures for checking the results of their theories in the (unlikely) case that they were actually implemented. But this rings rather hollow, especially since it means for a change that he is accusing them of being insufficiently ambitious.\(^{178}\)

Although he presents his theory as bringing attention to existing injustice and facilitating redress, his account is dominated by the theoretical contest with Rawls, and this serves to evade and occlude serious investigation of social forms, causal relations, and the structuring effects of social power. While his complaints about excessive theoretical bias in political philosophy have some merit, he does not use the same criteria for assessing his preferred candidates.\(^{179}\) Confusions between theoretical and practical perspectives mean that he avoids developing his account of the institutional vs realisation focus in enough detail to allow a fair evaluation of rival theories. The underlying similarities are often glossed over, and the differences that emerge from his account are mostly matters of emphasis, strategy, and rhetoric.

Sen’s thought is marked by a strong form of individualism, and a significant feature of his rhetoric, which surfaces in his ‘institution vs realisation’ or niti/nyaya distinction and elsewhere, amounts to what I describe as an anti-solidarist and anti-systemic bias. Anti-solidarism is evident in his attempts to define justice as applying directly to human lives and states-of-affairs rather than human relations and social forms, while anti-systematism is evident

\(^{178}\) To the extent that theorists do pretend to be laying down the law for exactly how things should be run, it is a valid criticism to point out that a truly complete theory will require such mechanisms. For all their ambition, it is doubtful that Rawls, Kant, Rousseau, Hobbes et al ever saw themselves as in a position to determine actual political procedures to this degree.

\(^{179}\) The literature of social choice theory has a very pronounced theoretical bias – see, for instance, the two volumes (2001; 2011) of the Handbook of Social Choice and Welfare edited by Arrow, Sen, and Suzumura.
in his claim that his ‘realisation focus’ is a distinct alternative to ‘institutionalism’. I argue that
the rhetoric that he uses on both of these fronts is related to his unreflective and untheorised use
of the term ‘institution’, and represents an unlikely basis for a political philosophy dealing with
justice.

There is a danger that Sen’s ‘realisation vs institutional focus’ may turn out to be a
backwards step from the Rawlsian attempt to recognise and deal with systemic harms and
disadvantages. Nevertheless, it is possible that the distinctive Rawlsian symbolic package of
moral seriousness, freedom, and systemic correction, when combined with constraints on
implementation and elusiveness about ‘realisation’, may turn out to have unfortunate practical
consequences. If Sen’s theory is understood not as a theoretical alternative to Rawls’s
philosophy, but as a pragmatic critique and rhetorical antidote to the effects of Rawlsian theory
as an ideological system, it may serve a useful purpose.

In the long term a different form of revisable substantivism is to be preferred, informed
by a more serious sociological, political, and historical analysis, and without the burden of Sen’s
anti-systemic and anti-solidarist bias. What I am proposing through the notion of ‘rough justice’
is an attempt to point in this direction. In my terms, the predicament which is invoked by the
notion of justice requires explicit and robust engagement with the various levels of high politics
and historical connection, and with the deep underpinnings of mutuality and conflict which
constitute human society.

It is a repeated refrain of The Idea of Justice that Rawls and others are exclusively focussed on ‘institutions’ and refuse to pay attention to how things turn out in practice, and that
Sen’s alternative is ‘realization focused’, and sensitive to the needs and sufferings of real people.
As I note below, he does enter some qualifications when he comes to discuss certain theorists in
detail, but the text is strewn with caricatures of this sort. So at first it seems something of a

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180. [M]any of the principal theories of justice concentrate overwhelmingly on how to establish ‘just
institutions’, and give some derivative and subsidiary role to behavioural features. For example, John Rawls’s
rightly celebrated approach of ‘justice as fairness’ yields a unique set of ‘principles of justice’ that are
exclusively concerned with setting up ‘just institutions’ (to constitute the basic structure of the society), while
requiring that people’s behaviour complies entirely with the demands of proper functioning of these
institutions’. (x-xi). [I]n searching for perfection, transcendental institutionalism concentrates primarily on
getting the institutions right, and it is not directly focused on the actual societies that would ultimately
relief when he broadens this out slightly, and allows that institutions do matter from his perspective as well.

Any theory of justice has to give an important place to the role of institutions, so that the choice of institutions cannot but be a central element in any plausible account of justice. However … we have to seek institutions that promote justice, rather than treating the institutions as themselves manifestations of justice, which would reflect a kind of institutionally fundamentalist view. Even though the arrangement-centred perspective of niti is often interpreted in ways that make the presence of appropriate institutions themselves adequate to satisfy the demands of justice, the broader perspective of nyaya would indicate the necessity of examining what social realizations are actually generated through that institutional base. Of course, the institutions themselves can sensibly count as part of the realizations that come through them, but they can hardly be the entirety of what we need to concentrate on, since people’s lives are also involved. (82)

Sadly, Sen’s ‘giving an important place to the role of institutions’ does not get very far. Although he sees different ways of formulating the nature and roles of ‘institutions’ as a crucial theoretical divide, his account does not involve any exploration of what the idea of ‘institution’ might actually mean.181 There is no attempt to come to grips with different types and levels of institutions, or with how his usage and his ideas connect into the broad spectrum of human mutuality, cooperation, conflict, coexistence, communication and coordination. Because of the nature of his project, this has serious consequences.

In Sen’s defence it should perhaps be noted that the use of this term has become highly conventionalised in the field of Anglo-American political philosophy which he is working out emerge. (6) [A]ny approach to justice, like Rawls’s, that proposes to follow up the choice of principles of justice by the rigidity of a unique institutional structure’ …(45) [Mainstream theorists] 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. (89) the huge difference between the formulations of social choice theory, with its focus on arriving at a ranking of alternative social realizations, and the form of mainstream theories of justice that concentrate not on the discipline of assessing improvements or declines of justice, but on the identification of the perfectly just social arrangements in the form of ‘just institutions' (94) Rawls’s … justice as fairness has the characteristics of being directly concerned only with the identification of just institutions. (411).

181 For some recent explorations, see eg Seumas Miller 2010, 2012, Tang 2010, Searle 2005, 2010, Tuomela 2007, Turner 2002; for surveys Morgan et al 2010, Rhodes et al 2006. The classic account by fellow economics Nobelist North 1990 has some good discussion (and a better sense of connectedness in history than Sen; but then North is generally identified with the ‘institutionalist’ school of economics, whereas Sen is not.). Pina-Cabral 2011 gives a particularly relevant brief history of the semantic slippage that characterised the use of ‘institutions’ in twentieth century sociology.
of, to the extent that within that literature it has come to seem like a term of art with specific reference, and so not requiring definition or contextualisation. Obviously there is some general awareness that the term covers a range of scales, and degrees of formalisation, from informal and implicit rules to legal regulations and organisations. But it often appears that habituation has desensitised practitioners’ awareness of how artificial their semi-specific generalised use is, and Sen seems to have fallen into this trap.  

Partly because he has settled on a polemical stance which takes the notion of institution as a significant point of differentiation, Sen simply asserts, by extreme repetition, a particular version of this conventionalised usage – taking it to refer, as if unproblematically, to some span at the higher end of the spectrum of scale and formalisation. Since this is pretty much the norm in the field, it might not be much of a problem – except for the fact that he has constructed a large proportion of his argument around it, and for the fact that the relation between diverse forms of social organization and modes of mutuality happens to sit at the heart of any serious enquiry into the nature of justice.  

Beyond this, there are two reasons why lack of depth and clarity in his use of the notion of institution is a particularly acute issue for Sen. Firstly, he is explicitly proposing a multi-contextual transnational approach, and this means that complex questions are raised about the nature of the social and political relations involved, and he cannot rely on the kind of commonsense habitual usage which might be appropriate in more restricted settings. Secondly, alongside and ostensibly independent of his usage relating to ‘institution’ – but actually interacting with it – he is attempting a stipulative redefinition of the concept of justice, as can be

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182 I have tried to resist getting drawn into word play here, but some of the ironies are instructive. From a radical view such as that of Searle 2010, for which the term depicts any ‘system of constitutive rules’, all language is paradigmatically institutional. But there is also a common usage in which degrees of conventionalisation and habituation are invoked – ideas and practices become more ‘institutionalised’ to the extent that they become more established, more settled, more routinely followed, with less conscious sense of their meaning. What I am talking about here is in this sense the institutionalisation of the term ‘institution’ within certain spheres of political philosophy. Seumas Miller’s 2012 entry in the Stanford Encyclopedia of Philosophy is a hopeful sign that this is changing.

183 As suggested earlier, a weakly theorized notion of ‘institution’ is a problem for Pogge because affirming the salience of an ‘institutional’ structure plays a central role in his arguments, whereas it is a problem for Sen because he hangs his theory around denying a central role for ‘institutions’ in a theory of justice. In each case, a more substantial sense of what is being affirmed or denied seems called for.
seen in the passage quoted above. But before pursuing such issues, we should look in more detail at what he has to say.

Sen is, of course, an economist by profession, and an individualist at heart, so what he does offer to differentiate his approach is some comments about the need to design institutions to take into account realistic knowledge of human psychology.\(^\text{184}\) His observations are based on the recent literature in behavioural economics, and he suggests that this sets up an important difference in perspective.\(^\text{185}\) As noted in the introductory survey, Sen believes that the contractualist grand theorists characteristically develop accounts that combine institutional specifications with idealised behavioural assumptions – a linkage he calls ‘arrangement-focused’. Although Rawls’s account is quite complex and overall involves more consideration of ‘behavioural inadequacies’ than Sen makes out (in fact more than he himself brings to the table) the distinction is important for Sen because it gives him an alternative line of differentiation, seeing as how he acknowledges he also must give attention to ‘institutions’. So although he praises the ‘force and clarity’ of Rawls’s ‘illuminating and in many ways hugely inspiring’ vision, he insists that:

And yet if we are trying to wrestle with injustices in the world in which we live, with a combination of institutional lacunae and behavioural inadequacies, we also have to think about how institutions should be set up here and now, to advance justice through enhancing the liberties and freedoms and well-being of people who live today and will be gone tomorrow. And this is exactly where a realistic reading of behavioural norms and regularities becomes important for the choice of institutions and the pursuit of justice. Demanding more from behaviour today than could be expected to be fulfilled would not be a good way of advancing the cause of justice. (81)\(^\text{186}\)

\(^{184}\)More critically formulated, this means that he does not offer any exploration of the questions or the literatures of other fields, such as anthropology, sociology, history, political science, or international relations.
\(^{185}\)See Kahneman 2011; Kahneman and Tversky 2000, Gilovich et al eds 2002. Kelman 1998 has a good discussion of the value, and the limitations, of this line of work.
\(^{186}\)Despite making strong claims about ‘realistic psychology’ and consideration of actual behavioural norms, Sen’s transdisciplinarity does not extend very far into social psychology, where there is an extensive literature dealing with such matters. Although the value of much of this work is limited by a relatively unsophisticated grasp of conceptual, political, and methodological issues (as discussed by David Miller 1999, see also Brannigan 2004), a serious Senian research program would require engagement with this territory. For instance, the work of Melvyn Lerner and his followers on the nature and strength of the ‘justice motive’ and
In order to indicate a possible path towards a possible justice, Rawls does attempt to set some parameters on the kinds of dispositions which would be consonant with the development and maintenance of the form of justice he is interested in – social practices based on reasonable agreement between citizens conceived as free and equal moral agents, in the setting of a liberal constitutional state.\textsuperscript{187} While this is indeed highly idealised, it is at least explicitly so. Sen raises the issues of realism and social change, but nowhere develops or refers to accounts that would be of substantial help in guiding social reform.\textsuperscript{188}

Moreover, Sen’s own theory relies on highly idealised assumptions, but unlike Rawls he does not attempt to make these explicit. One place where this occurs is in his advocacy for capabilities as an all-purpose metric. Rawls notably resisted Sen's call to employ the notion of capabilities within his political conception of justice, preferring to stay with his own notion of 'primary goods' – 'a construct worked out from within a political conception ... which provides the best available standard of justification of competing claims that is mutually acceptable to citizens generally'. One element of Rawls's reasoning here was that the citizens of his conjectured society were not saints – their preparedness to accept mutual responsibility was not inexhaustible, they were capable of imposture and prone to mutual suspicion and resentment – and in these circumstances the more elastic and inscrutable specification of 'capabilities' was inappropriate.\textsuperscript{189} Sen never really faces up to the fact that to imagine an extended society – rather than, say, a family, or a camping trip – functioning around the conception of capabilities

the function of widespread beliefs taking the form of an ‘illusion of a just world’ (eg Lerner 1980, Montada and Lerner eds 1998, Ross and Miller eds 2004) deserves some attention alongside Kahneman and Tversky.

\textsuperscript{187} See for example Rawls 1996: 47-88; (Sen quotes a passage from p86.) Norman Daniels 1996 has some insightful analysis of how Rawls understood his project as an attempt to steer a course between taking certain features of his society as they stood, and attempting to cultivate an environment of reasonable cooperation and justice.

\textsuperscript{188} His remarks are so programmatic that there is no way of knowing what role he envisages for the mechanisms identified by the likes of Kahneman, Tversky, and Elster. What little he says seems to point in the direction of the ‘libertarian paternalism’ recently advocated by Thaler and Sunstein 2008, Ariely 2008 and others. Although he could be read as insisting on the salience of analysis in terms of ‘justice’ at fine-grained levels of policy application, he seems mostly to be saying that judgments about justice should be reviewed in the light of known psychological biases.

\textsuperscript{189} See for example Rawls 1996: 178-190 (quote from 182).
involves a high level of behavioral idealisation. While his declarations of the need for realism are no doubt sincere, they end up serving to disguise his own idealisations – of psychology, and of politics.

One intriguing issue which surfaces in Sen’s discussion of ‘the interdependent roles of institutions and behavioural patterns in achieving justice in society’ comes through a reference he makes to ‘Edmund S. Phelps’s fine analysis of the interdependence in Friedrich Hayek’s view of capitalism’, although no detail is actually given of the views of either Hayek or Phelps. Since by many interpretations Hayek would be considered the paradigmatic and most influential theorist of the ‘set the institutions and then throw away the key’ school of thought, it is of some note that Sen appears here to be recruiting him to his select band of realization theorists. But as with many other matters, this is not made explicit here, nor is it discussed elsewhere. Yet ___________

190 'Camping trip' being an allusion to Cohen 2009, where he argues for the possibility of extending the ethos exemplified by a camping trip on a broader scale. Sen believes this is too idealistic, but I am suggesting that deploying the notion of capabilities implicitly relies on this level of mutuality.

191 As the Indian sociologist Andre Beteille (1993: 756) wrote in response to Sen’s Inequality Reexamined: ‘Sen has indicated his preference for a certain type of social arrangement … But we know that actual social arrangements are different from the one he prefers. He has told us very little about what we ought to do – or what we can do – to bring the preferred social arrangement into being, and at what cost. To think of social arrangements as matters of operational convenience only is to lose sight of the resistance to alteration that has been offered from within the institutions and organisations of society at all times, everywhere. … If I were to single out the most serious limitation of the book under review, I would point to the absence in it of a discussion of the inequality of power. This is all the more remarkable as, unlike many others, Sen is not satisfied merely to contemplate the world, he wants also to change it.’ On my view, this remains true of his subsequent work.

192 Idea of Justice 77n, referring to Phelps 2008. Phelps was awarded the 2006 Nobel Prize in economics for his work on the relation between unemployment and inflation, and it is likely that Sen is simply signalling recognition, but the implications of ‘behavioural realism’ here are quite interesting. (See The Economist of 12 October 2006 for a critical view of Phelps’s realism which is revealing in this context, Stiglitz 2006 for a more positive appreciation.)

193 This is the only mention of Hayek in the book. References to Hayek are rare in Sen’s work, but never overtly critical. On a related note, for what it is worth, there are three incidental references to James Buchanan. (But see the formal encomium in Sen 2011 where he suggests that ‘it is only through Buchanan’s expansion of Arrow’s departures that we can do justice to the Enlightenment enterprise of advancing rational decision making in societies, which lies at the foundation of democratic modernity,’ p368) Sen’s theories are more closely and problematically related to neoliberal doctrines than is usually thought, and his failure to explicitly and critically engage the likes of Buchanan and Hayek is significant.
surely part of the reason for specifying his agreements and his differences with Rawls is because of the influence of his thought. Since Hayek has arguably exerted at least as much influence on the shaping of contemporary politics – and almost certainly more – it is remiss of Sen to avoid clarifying his position here. Why does he think the only thing worth noting about Hayek is his psychological realism? Why does Sen think that Hayek is not guilty of the kind of ‘institutionalism’ he attributes to Rawls? It may be that whatever Hayek’s views on ‘institutions’, he falls outside the category of being ‘arrangement-focussed’ because he is seen as using a realistic rather than an idealised psychology. If so, this would seem to be a good opportunity to clarify the meaning and purpose of this weakly developed distinction, but Sen fails to follow it up.

Overall, Sen’s line on ‘behavioural realism’ is a complex and curious one, since he also tries to distance himself from what he sees as the excessively cynical view of mainstream economics and rational choice theory – as already noted, he is well known for his challenge to the modelling of human action based purely on self-interest, which he depicts as unrealistically amoral. However, efforts by Sen and others to develop alternative technical models which take committed moral motivation into account have not been a notable success – they may be more realistic than *homo economicus*, but for all their ingenuity and sophistication they still fall radically short as representations of real human action. Perhaps, in the very long term, this research program may bear fruit, but in the meantime it may be that more useful results can be achieved with the blatantly unrealistic standard models, when used intelligently with due recognition of their limits.

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194 Hayek himself was famously equivocal in his (few) statements about Rawls, at times conceding that his own views coincided, but mostly (particularly in later years, as the tide swung Hayek’s way) suggesting otherwise,

195 Thus Hahnel (2002: 165) suggests that Sen’s attempts to follow up his important critiques of mainstream economics with a positive theory of human behaviour were a wrong turn, and a waste of his talents. ‘[B]y failing to see the theory of individual rational choice as a powerful tool for critically evaluating the effect of economic institutions on people’s behavior and their patterns of preference development, but instead rejecting the theory *in toto* because it is a poor theory of actual human behavior, Sen missed a major opportunity to advance the cause of a critical evaluation of the major economic institutions of our day. Instead he improved upon mainstream economists’ theory of human behavior, but still lagged behind mainstream psychology and sociology in a field – predicting actual human behavior – that simply is not economists’ comparative advantage!’ See also Arnsperger 2008.
behavioural patterns seriously into account in the design of institutions remains very much a theoretical ideal.

Having noted the need for behavioural realism, he gives a sketch of Galbraith’s theory of countervailing power en route to his main engagement with ‘institutional fundamentalists’: the ‘long tradition in economic and social analysis of identifying the realization of justice with what is taken to be the right institutional structure’ from advocates of ‘free markets and free trade to the Shangri-La of socially owned means of production and magically efficient central planning.’ (83)

Institutional fundamentalism may not only ride roughshod over the complexity of societies, but quite often the self-satisfaction that goes with alleged institutional wisdom even prevents critical examination of the actual consequences of having the recommended institutions. Indeed, in the purely institutional view, there is, at least formally, no story of justice beyond establishing the ‘just institutions’. (83)

As it turns out, the exemplary figure here is David Gauthier, although he allows that:

Gauthier does, may be somewhat exceptional, but there are many other philosophers who have been clearly tempted in that direction. There is evidently considerable attraction in assuming institutions to be inviolable once they are imagined to be rationally chosen by some hypothetical just agreement, irrespective of what the institutions actually achieve.

Robert Nozick is taken to be less extreme than Gauthier, but he is also committed to ‘the priority of chosen institutions over the nature of outcomes and realizations’, especially by ‘guaranteeing individual liberties, including the rights of property ownership, free exchange, and free inheritance’ (84). While Nozick famously disallows ‘patterning’ of outcomes, his theory is only ‘derivatively fundamentalist’.

Formally, there is still a difference between valuing the institutions themselves and seeing an institution as being essential to justice because of its being necessary for the realization of something else, such as the ‘rights’ of people (84)

196 ‘Galbraith was very aware of the negative influence of unchecked power, both because institutional balance is very important for society, but also because power corrupts. He argued for the importance of distinct social institutions that could exercise ‘countervailing power’ over each other. … Galbraith’s 1952 book, American Capitalism … provides an unusual and illuminating account of how the success of American society is deeply dependent on the operation of the power of a multiplicity of institutions that check and balance the force and possible domination that might otherwise be exercised by one institution’ (81)
Noting that Nozick allows for the possibility of adjustments in the case that his system resulted in ‘catastrophic moral horror’, Sen aptly wonders ‘could it be the case that bad social consequences that are not absolutely catastrophic but still quite nasty might be adequate grounds for second-guessing the priority of institutions in less drastic ways?’ (85) And then Rawls is once more drawn into the net, but this time with some qualification:

The more general issue, of course, is the basic unreliability of not being constantly sensitive to what actually happens in the world, no matter how excellent the institutions are taken to be. Even though John Rawls is quite clear in motivating the discussion on institutions in terms of the social structure they promote, nevertheless, through defining his ‘principles of justice’ entirely in institutional terms, Rawls too goes some distance towards a purely institutional view of justice. [footnote; It is, of course, true that in the Rawlsian system of justice as fairness’ institutions are chosen with an eye to results. But once they are chosen through ‘the principles of justice’, there is no procedure within the system to check whether the institutions are, in fact, generating the anticipated results.] 85

I think that there are important insights to be had in the vicinity of Sen’s revisable substantivism – particularly when reformulated as a pragmatic critique, and provided it is accompanied by a more substantial and critical social theory. I will also suggest that it does, potentially, throw an interesting and critical light on the Rawlsian project as a general phenomenon. I therefore find it frustrating that he betrays the possibilities of this perspective by deploying it so sloppily, applying it indiscriminately to plausible cases like Gauthier and Nozick alongside cases where the connection is more complex, without exploring either the philosophy or the politics in any detail, as if all that were involved were degrees of institutional fetishism.

Another aspect of this sloppiness is apparent in the incongruity between arguing that Rawls does not specify any procedure for checking results, and his suggestion that the ‘world of fish’ can be seen as a ‘particular application’ for the nyaya perspective.

To consider a particular application, early Indian legal theorists talked disparagingly of what they called matsyanyaya, ‘justice in the world of fish’, where a big fish can freely devour a small fish. We are warned that avoiding matsyanyaya must be an essential part of justice, and it is crucial to make sure that the ‘justice of fish’ is not allowed to invade the world of human beings. The central recognition here is that the realization of justice in the sense of nyaya is not just a matter of judging institutions and rules, but of judging the societies themselves. No matter how proper the established organizations might be, if a big fish could still devour a small fish at will, then that must be a patent violation of human justice as nyaya. (20)

Although quite an entertaining and useful illustration of a general regulative ideal, this does not offer a lot of guidance in evaluating and comparing specific instances of alleged injustice, and seems to be just the sort of thing that he refuses to allow the ‘transcendental
institutionalists’ to play with.\textsuperscript{197} And while the idea of ‘judging societies themselves’ has something to be said for it, it raises some awkward questions which he never really pursues – one wonders, in particular, what the relation might be between the ‘basic structure’ as envisaged by Rawls and ‘judging the societies themselves’. Sen seems to apply different standards to others than to himself, without pausing to explain why this is acceptable.

While admittedly an exaggerated instance and not to be taken too seriously, the \textit{matsanyaya} example returns us to the extreme indeterminacy of the idea of ‘institution’, and the inadequacy of Sen’s usage. He recognises that the idea of justice has in various ways been long associated with the conceptual field in which ‘institution’ sits, and it is a key part of his project to change this usage. But he avoids any explicit analysis of what he is doing, explanation of why he is doing it, or what its implications are,\textsuperscript{198} preferring to simply assert

Even though in the approach presented here principles of justice will not be defined in terms of institutions, but rather in terms of the lives and freedoms of the people involved, institutions cannot but play a significant instrumental role in the pursuit of justice. xii

Despite the crucial role that ‘institution vs realisation’ plays in his argument, Sen’s untheorised usage creates numerous confusions, as his own position and his interpretation of others shift within the spectrum of meanings covering conventions, rules, expectations, systematicity, and organisation. But for the moment I would like to identify two main problems, which arise when he effectively asserts that judgments about justice are located \textit{outside this spectrum}.

The most severe philosophical problem is created by the way he positions the idea of justice beyond the low end of the spectrum of sociality, attaching it directly to what he here calls

\textsuperscript{197} As will be recurrently noted, Sen seems to be inconsistent in his statements about normative judgments, denigrating the use of ‘ideals’ in some circumstances and for some purposes without being clear what his criteria are, and implying through the idea of ‘direct comparison’ for evaluations of justice that no ideals need be involved, relying on the fact that in obvious cases ideals need not be explicit. For a study of ‘regulative ideals’ see Emmet 1994.

\textsuperscript{198} It can of course be said that the general argument of the book amounts to such an analysis and explanation. I am therefore suggesting two things here: (1) that this promise is not fulfilled – his larger argument is not adequate for the task, and (2) this is partly because it proceeds via a series of assertions which consistently avoid and distract from this key issue.
lives and freedoms’, elsewhere ‘states of affairs’ and ‘realisations’. Sen’s inarticulacy about how ideas of relations, expectations, rules, and order merge into the idea of ‘institution’ obscures the character of the usage he is asserting. In the passage just cited, the (undefined, but assumed in the vicinity of ‘organisation’) notion of institution serves as a decoy – institutions are important, but do not have the intrinsic value of ‘human lives and freedoms’, and it is implied thereby that they can only play an ‘instrumental role in the pursuit of justice’. Rather than being a term of evaluation for forms of social connection, justice has now become, by fiat, a term which refers to the ostensibly more metaphysically and normatively primitive ‘human lives’. No argument is given for this: it is simply asserted as being an acceptable way to proceed. As in the passage quoted earlier, it would be a form of ‘fundamentalism’ to see justice as applying to ‘institutions’ themselves.¹⁹⁹

At the least, Sen’s way of showing what he means here is sloppy and worrying. A favourable reading would suggest that he simply means that what ultimately matters is the combined result of a number of different institutions, which may have cross-compensating effects, so it is pointless to judge individual institutions as just or unjust – it is the general pattern of support for individual lives which we should be concerned with. This seems reasonable, and fits the particular passages, but sits oddly with the general thrust of his account towards piecemeal assessment and reform.

Sen’s view can of course be subsequently qualified by allowing that humans are social animals, that they only exist in relation, and so on – but his quietly established anti-relational revaluation of values exerts a metaphoric pull underneath and beyond such sophistications. Reference to ‘institutions’ allows him to appear to be considering social and political spheres when asserting the primacy of ‘human lives’, but his unreflective and conventionalised usage means that the full dimensions of human history and sociality are not actually taken into account on the few occasions he is explicit about this crucial move.²⁰⁰ Having established its

¹⁹⁹ ‘Freedoms’ also plays a strange role in this passage, having an implicit appeal against ‘institutions’ lazily understood, whereas on closer inspection mutually recognised and upheld freedoms are themselves a form of institution.

²⁰⁰ Compare Rawls (1999: 458) : ‘Now the sociability of human beings must not be understood in a trivial fashion. It does not imply merely that society is necessary for human life, or that by living in a community men acquire needs and interests that prompt them to work together for mutual advantage ... Nor is it expressed by the truism that social life is a condition for our developing the ability to speak and think, and to take part in the common activities of society and culture. ...These facts certainly are not trivial; but to use
satisfactoriness by sleight of hand, he then proceeds to naturalise his revaluation by proceeding as if it were non-controversial, as if only institutional fetishists could raise any objection, which would merely show how unconcerned they were about real human lives.

There are other elements in Sen’s thought – such as the implications of using capabilities as an evaluative concept, and the scope he allows for non-instrumental elements in rational action – which can be seen as being in tension with radical individualism. Given the symbolic importance of this, the best that can be said is that he is remarkably elusive on such matters. At this point I just want to note that he is putting forward a grand theory of justice which has at its heart a deflationary view of human relatedness, and that it is problematic for him to do this without being more explicit about the nature and importance of this move, and without putting up more in the way of evidence and argument.

them to characterize our ties to one another is to give a trivial interpretation of human sociality. For all of these things are equally true of persons who view their relations purely instrumentally.

Thus Amiya Bagchi (2009: 31) claims that ‘While [Sen] focuses on individuals and the agents of social activity, the individuality he works with is social individuality’. In this contribution to the Sen Festschrift, Bagchi attempts to draw out the connections between Sen’s work and Marxian ‘critical political economy’, observing amongst other things that ‘Sen’s method has throughout been to recognize the complexity of human relations … Marx and Engels also had a conception of the potential of human beings … which anticipates many of Sen’s concerns’ (34), and that ‘the capability approach and class analysis are natural complements of each other’ (43).

Thus, in the exchange with Anthony Laden noted in the previous section, Sen refuses to take up Laden’s notion of a ‘relational conception’ of justice. Elsewhere, in response to a strongly stated account of deep reciprocity and the intrinsic sociality of human life, which Marcel Henaff frames as being consistent with Sen’s views, he uses warm urbanity to avoid the main implication of Henaff’s account, shifting the emphasis to the atomised perspective of ‘motivation’ by writing ‘I agree with his line of analysis and accept the importance of the points he makes. Among other things, I like his focus on motivational features underlying our choices … His emphasis on “the constitutive reciprocity of human beings” is, undoubtedly, a very ambitious diagnosis of the forces that govern human motivation in general, but that daring hypothesis does have considerable plausibility’. Later, commenting on Henaff’s ‘strong interpretational claim on behalf of the reach of the idea of dignity’ in capabilities, he notes ‘There can be, plausibly enough, arguments on this specific identification, but I have no doubt at all that the on-going work on capabilities – a field of work where I am now only a very minor player – would benefit from taking note of the line of reasoning presented by Marcel Henaff.’ Sen, in Gotoh and Dumouchel (2009: 300, 304). In these sorts of ways, Sen will at times subtly encourage a social reading of his work, but demur from explicit agreement. (In context, Sen’s ‘agree with his line of analysis’ does not really mean agreement.) It should not be necessary to have to read tea-leaves like this – The Idea of Justice has 450 pages of text and notes.
At the high end of the spectrum, a political problem arises in the way he implies that – as amongst the fish – a global or ‘whole of society’ judgment is somehow ‘non-institutional’. Sen claims that global judgments can be made, and that these extend beyond the limitations of ‘institutional’ assessment, which seems to make sense in the context of his conventionalised usage. But again his use of ‘institution’ serves as a foil, behind which he slides in a view which is much more radical, and which involves shifting the evaluation off the institutional spectrum – in this case the notion of ‘realisation’ carries a connotation which orients evaluation towards the episodic rather than the systemic. But while large-scale synchronic evaluations through social choice methods may be an important check on interpretive accounts of causal dynamics, they cannot substitute for attempts to understand and modify things at a systemic level.

Although Sen tends to misread the intentions and caricature the theories of the social contract tradition, there is something to be said for his ‘anti-transcendental-institutionalism’ – insofar as it is plausible to insist on the need for empirical, substantive evaluation as a check on the actual operation of procedures and ‘institutions’, and also the need for theoretical modesty in the face of social and political complexity. Judgments about justice can and do proceed in the absence of a full predictive understanding of present social structures and without a comprehensive and integrated ideal of what a fully just society would look like. But it is a very large step from here to say that the idea of justice properly attaches to comparative evaluations of either ‘human lives’ or to what amounts to simple aggregates of lives, rather than to the way those lives are ordered and shaped by social relations.

It is at this point that his criticism of Rawls, in the absence of any explicit social theory, is in danger of becoming regressive. Although key features of Rawls’s approach are now often glossed over or taken for granted, it is worth remembering why he matters. Here is Brian Barry’s version.

If Rawls had achieved nothing else, he would be important for having taken seriously the idea that the subject of justice is what he calls ‘the basic structure of society’. The idea of a social structure is of course an abstraction. What we actually see are people striving, winning and losing, getting more or less education, better or worse medical care, more or less desirable jobs … and so on. When we talk about the basic structure of society we are concerned with the way in which institutions work systematically so as to advantage some and disadvantage others. Rawls’s incorporation of this notion of a social structure into his theory represents the coming of age of liberal political philosophy. For the first time, a major figure in the broadly individualistic tradition has taken account of the legacy of Marx and Weber by recognizing explicitly that societies have patterns of inequality that persist over
time and systemic ways of allocating people to positions within their hierarchies of power, status and money.\textsuperscript{203}

On one way of viewing things, the ‘basic structure’ conception resembles Sen’s\textit{ nyaya} perspective, except that it is conceived as systemic whereas Sen’s is implicitly non-systemic. Nevertheless, Rawls is in some ways more modest than Sen in what he believes can be achieved in the name of \textit{justice}, and he is also (despite appearances to the contrary) in some respects more realistic in the way that he conceives the actual operation of a social system. He does not believe it is realistic or desirable for a society to keep track of every detail of the lives of all of its citizens. (As a believer in ‘the market’, nor supposedly does Sen, though his advocacy for ‘informationally enriched’ social choice evaluation sometimes speaks otherwise.) A degree of what Sen calls ‘process freedom’ is both necessary and desirable. But the results of this process can only be regarded as ‘just’ when they occur within an environment regulated by certain background arrangements, and for Rawls this basic structure will require relatively ‘clear, simple, and intelligible rules’. \textit{With this structure (conceived of as being) in place}, it is possible to step back to a certain degree from micro-management. So while Rawls does attempt to regulate the background structure, there is, as Sen claims, an element of setting institutions and then letting things play out – and it is a matter of fine interpretation and emphasis exactly what this amounts to.\textsuperscript{204} In addition to the sophisticated intelligence and moral sensitivity evident in its theoretical articulation, there is something both very elusive and extremely attractive about the aspirational metaphor of freedom within a regulated background that lies at the heart of the Rawlsian enterprise.

With regard to the role of institutions in political life, the difference between Sen and Rawls is a matter of degree: of how much collective attention to the detail of individual lives is possible and desirable, how much and what sorts of ongoing adjustment of mid- and lower-level ‘institutions’ is required, how much it is possible or desirable for a conception of justice to shape things at constitutional and legislative levels, and how much can and should be left for working out on the ground. For various reasons, Sen tends to emphasise the scope for working things out

\textsuperscript{203} Barry (1995a: 214 ; see Freeman 2014 for a recent restatement and elaboration of the role of the ‘basic structure’ in the Rawlsian approach.) Barry adds, in characteristically vigorous style, ‘It is depressing evidence of the social-scientific illiteracy of so many philosophers that someone like Nozick, who is in these terms the equivalent of a pre-Copernican astronomer, should ever have been taken seriously.’ Elsewhere (1991, 1995b), Barry is quite critical of Rawls, and his 1973 \textit{The Liberal Theory of Justice} is widely regarded as one of the most incisive early critiques.

\textsuperscript{204} See Rawls 2001, \textit{Justice as Fairness} 52-6 for his summary statement on this, especially p54.
on the ground. Rawls does not deny the need for this, but his primary concern is with the very abstract general constitutional level of social regulation, which by its very nature is neither possible nor desirable to be constantly changing. But this is also not very determinative of actual life circumstances – a lot of room is left for adjustment at lower levels, within the broad guidance of the ‘constitutional’ arrangements. If Sen wants to say that political philosophy should pay more attention to the real world mid-level institutions since this is where most adjustment takes place, he may have a point – but he himself offers nothing substantial in this area.

Nevertheless, to the extent that I am criticising Sen for wanting it both ways, something similar could be said of Rawls – that much depends on how much emphasis is put on background structure as against freedom within the structure; how much shaping of outcomes can actually be achieved by institutions constructed in the name of justice, especially given constraints on the kinds of reasoning which can be used for justifying them; and so on. How does Rawls’s particular attempt to balance various considerations in regulating the ‘basic structure’ turn out? And what is the effect of invoking the idea of process-within-regulated-structure if for one reason or another the constraints on appropriate ‘institutionalisation’ mean that very little actually-existing regulation serves to compensate for entrenched disadvantage?

It is obviously at this point that Sen’s ‘realisation-focus’ potentially comes into play, although I believe his arguments often serve to obstruct an understanding of where the persuasive core of his position actually lies. Perhaps a thumbnail sketch of the basic context of

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205 On the not unreasonable reckoning that this is where philosophical reflection may have a useful role. Since – again – Sen also does not believe it is the business of theorists to be setting the fine detail, there is not much difference here, except that Sen seems to want it both ways – to avoid filling in the detail himself, but to criticise ‘institutionalists’ for taking too general a view, and not attending enough to the detail.

206 As Ian Shapiro (2012) points out in his review, based on his own work bridging political theory and political science, focussed on the framing of functional and just democratic institutions. (Shapiro 1999, 2003, 2011) Shapiro also argues that Sen’s account of deliberative democracy ignores the significant ways by which entrenched interests can abuse and distort the intent of democratic institutions, and therefore also the need to specifically anticipate such problems. I suspect that part of the problem is that Sen takes a radically generalised perspective in The Idea of Justice in an effort to break the hold of Rawls’s U.S.A.-centric perspective. He is somewhat more forthcoming where he focuses on particular cases, especially India, as in the 2013 An Uncertain Glory: India and its Contradictions, co-authored with Jean Dreze.

207 It is tempting to put this more simply by saying that ‘very little regulation actually happens’, but this would give a false impression – there is regulation, but it is not ‘regulation of the right kind’. 
political philosophy may help to make this more clear. As a convenient point of departure, let us say that actual political arrangements are established and maintained by the working through of power-infused social struggle. From this starting point, allow, for the sake of argument, that it makes sense to move aside from taking these actual power-infused arrangements as being fully definitive of the meaning of justice, and other evaluative terms. This allows scope for some sort of normative political philosophy, in which ideas of justice, and other matters, may be thought through and argued out. The value and purpose of different styles of this kind of activity are agonising issues which I put aside for now. But what little we can be sure of is that in this territory we are dealing with ideas and interpretations – projections, imaginings, modellings – not with reality as such. And this is true not only in a technical sense (because we are using words rather than guns or butter), but also in a pragmatic sense. It is in the nature of the situation that these ideas are never fully realised in the real world – both because of indeterminacies of reference and interpretation, and because of behavioural adaptation and the effects of power.

To state the obvious, this means that we can never really say that an envisaged background structure, designed according to appropriate limitations on public reason etc, is actually in place. Even in circumstances of apparently ideal consensus on a well defined conception, it will always be open to controversy how adequately this conception is instantiated in any given real-world arrangements. And what this means, in turn, is that we can never really let the process roll, without keeping a check on how things turn out. While this ought to be obvious, it raises the secondary question of whether the Rawlsian thought-regime somehow fuels a vague presumption that it might be possible to have a background structure adequate for the purpose, and if so, what the effects of this would be. Could it be that the great attractiveness of this process-within-structure way of thinking leads, when taken up as a general practice, to a complacent sense that it could conceivably be ‘institutionalised’ in sufficient detail that actual

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208 That is, to step aside from the view famously held by Thrasymachus, and Marx. The primary emphasis here sits on fully – Marx and Thrasymachus were surely correct in holding that at any given time such things are mostly determined by power, and I shall argue in due course that problems are created when normative philosophy forgets this, and makes too much of the technical claim that justice is not fully determined by power. The absurdly unsatisfactory arguments which Plato gives both Socrates and Thrasymachus in their dialogue may be read as a signal of this.

209 Serious practitioners are of course well aware of this, but the nature of the activity does seem to breed a certain amount of forgetfulness. The point of my homily is that – perhaps because of the practical orientation which is a distinctive feature of his work – Sen seems more inclined to forget this than most, but that this is disguised by his conspicuous references to realism and practicality.
outcomes could be seen as fully justified as the result of ‘pure procedure’\textsuperscript{210}, and that actually-existing capitalist democracies such as the U.S.A. are approximations of this ideal? If so, the lure offered by the idea of a regulated background structure may lead to inattention to actual harms.

As already discussed, the differences between Rawls and Sen on how much and what sort of institutionalised regulation to attempt, and how much ‘process freedom’ to allow (or tolerate, or encourage), are matters of degree. Sen himself has a process-somehow-moderated view, which is also what Rawls really has, when push comes to shove. While Rawls’s account is much more detailed and systematic, there is still plenty of indeterminacy to go around on all sides.\textsuperscript{211} Their accounts are substantively similar, in that although Sen claims his approach will be more practical and attend to immediate harms, nothing that he writes suggests that he would want to encourage a fundamentally different sort of society than Rawls. There are certainly differences, but it is one of the most striking features of Sen’s book that he consistently exaggerates those differences, sometimes wildly so. For better or worse, the differences are largely rhetorical.

And here then is the rub – what I hope to have achieved through this convoluted excursus is to give some weight to the idea that those rhetorical differences, ‘merely rhetorical’ though they may be, might actually matter, and might play out in Sen’s favour. I have tried to draw out how it is that on this central issue, what Sen provides can seem to be both exaggerated and unconvincing when taken directly, but nonetheless oddly plausible.

The idea that ‘transcendental institutionalism’ is associated with inattention to harms is one of Sen’s primary claims. As I have indicated, I think a lot of his arguments serve to confuse rather than clarify this issue, in a number of ways. In particular, his attempts to paint Rawls as a

\textsuperscript{210} On ‘pure procedure’ see Rawls (1999, 73–77) I take it as obvious that no-one in their right mind believes that actually-existing societies are adequately represented in this way. The question is how fruitful or how pernicious it is to think in these terms, what the effects of widespread superficial adoption of this way of thinking might be.

\textsuperscript{211} Contra Sen’s depiction, Rawls generally shows far more awareness of this indeterminacy, and of the basic limitations of political philosophy than Sen does. Rawls knows he is dealing in idealisations, and proceeds to see what can be achieved in that mode. Sen often presents himself as if he has broken out of the cave, and is trying to drag political philosophy into the real world – but he is the one who reads things literally, mistaking ideals for possible reality, reading Rawls et al as if they had written manuals of bureaucratic practice. Whatever failures of criticality and perspicuity and going on, they are more subtle than Sen usually seems to allow.
‘transcendentalist’ and an institutional fetishist are forced, and serve mostly to present his own project in a dubious light. But his depictions of earlier representatives of this ‘tradition’ are even less convincing. To the (considerable) extent that Sen frames his arguments as straightforward, technical disagreements with Rawls, they generally fail – for the most part, because he is deploying readings of Rawls which are distorted and ‘informationally impoverished’.

Nevertheless, as sketched above, I suggest it is worth considering that the dominance of Rawlsian theory may – for contingent reasons – have some of the effects that Sen claims to be necessary implications of Rawls’s theoretical stance. It is one of the more frustrating things about Sen’s argument that he not only fails to make this distinction clear but often confuses it. However, and paradoxically, it is the disconnection between Sen’s rhetoric and his theoretical claims which here comes into play. Although I shall continue to argue that aspects of his rhetoric and argument remain deeply troubling, and his theoretical claims unconvincing, if it is the case that the Rawlsian process-within-regulated-structure symbolism has the pernicious effect of causing inattention to actual harm, it may be that the non-systemic character of Sen’s view is a valuable antidote.

There are two main troubles with taking this line. Firstly, while it is not implausible that the Rawlsian view has an effect of this sort, it is not clear how to substantiate such a claim, or how to get a reckoning on how strong the effect might be. It could certainly be fleshed out more than I have done here, since most of my already overwrought discussion has been trying to hone in on the character of what is at stake – how Sen’s approach seems on this issue to have the strange dual quality of making direct claims which do not add up, and yet do retain some semblance of validity. I have barely sketched the possibility that if the broad Rawlsian schema has the effect of curtailing social action to redress deprivation and harms, this could be because of its distinctive combination of moral seriousness, promised systemic correction, and elusiveness about ‘realisation’ on account of the allowance specifically made for freedom and process.

On my view it is this combination which gives the Rawlsian view the standing and influence it has. Other forms of what Sen calls institutionalism, such as the theories of Gauthier and Nozick, can readily be seen as interdicting corrective action – but partly for this reason they are not all that convincing. To put the matter simplistically, the problem we are looking at is the tendency for Rawlsian theory to take away with one hand what it gives with the other. It is because he makes a much more convincing show of giving with at least one hand that Rawls deserves to be, and is, taken more seriously.

Although it has made the exercise rather long-winded, this is an added reason why I have tried to indicate and affirm the strength of Rawls’s position alongside presenting Sen’s
critique. While acknowledging the strength of Rawls’s position is necessary for the sake of getting a fair appreciation of Sen’s claims in general, this is particularly so for what I am here suggesting lies at the heart of his proposals – because these strengths are what gives purpose to Sen’s implicit claims about the overall effect of Rawlsian theory as an ideological system. 212

Sen’s engagement with Rawls, and his insistence on the need to monitor the substantive outcomes of political systems, are certainly important parts of his own larger theory. If the arguments advanced thus far have any merit, it is to a significant degree the anti-systemic rhetoric which actually does the work here, and this means that a lot of what is at stake on both sides comes down to pragmatic evaluations of the broader effects of adopting different styles of thought. Sen’s attempt to offer a (somewhat inflated) grand revisionary style of thought needs to be seen in this light, and in this context allowance should be made for the possibility that it may serve as a corrective for the Rawlsian problematic.

Nevertheless, there are reasons to be wary of the deep anti-systemic and anti-solidaristic tendencies in Sen’s thought. In particular, these tendencies derive from and feed back into his failure to engage seriously with the history and basic character of human sociality, and with the dimensions of power at all scales of world politics. Sen’s attempt to develop a political philosophy and a theory of justice without properly attending to such matters is a much more peculiar enterprise than he seems to realise. In these circumstances, any corrective function his rhetoric may have vis-à-vis Rawlsianism is unlikely to come to much good, as I shall try to argue in subsequent sections.

I have mentioned, but not discussed in any detail, Sen’s gesture towards ‘behavioural realism’ through modellings of rationality which incorporate a component of ‘commitment’. Intriguingly, one way of envisaging the step which I am suggesting needs to be taken beyond Sen’s explicitly perspectivist and pluralist reformism, the step to a more radically multidimensional approach, is to see this shift as emphasising the capacity for agents to form

212 In the above argument I have tried, in charity to Sen, to develop a plausible hypothesis which would make sense of his rhetoric while also having a reasonable fit with Rawls’s theory and the political circumstances. The reasons why the theories of Rawls – or Hayek, or anyone – may be seen to fit the ‘spirit of the age’ will always be more complex. MacIntyre discusses this with some subtlety in After Virtue and elsewhere – see for instance his amusing account of the profound effect Moore’s Principia Ethica had on Keynes, Strachey, Woolf and others. (2007: 14-17)
And of course one of the things which is tied up in but blurred by Sen's formulation of 'transcendental' theorising is his refusal to allow this move, and to acknowledge the crucial role this capacity has played in human history. What is involved in building, maintaining, and changing social structures – institutions in the broadest sense – is not adequately captured by modellings of self-interested agency, but nor is it adequately captured by including a component of dumb commitment. Fallible and problematic though they may be, human capacities for solidarity, and for being able to comprehend, criticise, and collaboratively change the bewilderingly complex social forms in which they are involved, are essential features of the sense of evaluation embedded in the concept of justice. The ballast and backbone of a serious conception of social justice lies in explicit acknowledgment of the interplay between raw power, mute habit, and critical awareness which shapes, sustains, and sometimes transforms practices of reciprocal engagement.

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213 Arnsperger 2008 (especially pages 42-56, but also passim) gives explicit attention to the limitations of Sen's work in this regard, its connections to doctrinal positions within economics, and the implications of maintaining this constricted view for social thought and the analysis of political economy.
6. Comprehensive Consequences

It is a central part of Sen’s realization-focussed comparativism that an expansive interpretation is given to the idea of outcomes, or realizations – that what is being envisaged here is states of the world specified so as to include any and all factors which may be relevant for the evaluative task at hand.

The outcome is meant to be the state of affairs that results from whatever decision variable we are concerned with, such as action or rule or disposition. Even though the possibility of describing any state of affairs ‘in its entirety’ is not credible (we can always add some more detail, if necessary by using a magnifying glass aimed at events and actions), the basic idea of a state of affairs can be informationally rich, and take note of all the features that we see as important. (215)

Developing an enriched form of consequentialism which takes personal responsibility and situated agency into account has been a long-running philosophical project for Sen, with his published work in this area dating back to the early 1980s. His most detailed and mature articulation is given in the 2000 paper ‘Consequential Evaluation and Practical Reason’, where he defends an expanded view of ‘consequential evaluation’ by positioning it with respect to ‘deontological approaches’. 214

How, then does broad consequential evaluation compare with deontological approaches? This comparison is difficult to make because deontology can take many different forms. Some deontological approaches have very limited reach because of their insistence on making consequence-independent judgments. … Others allow particular consequences to be considered, but rule out the possibility of some or all trade-offs … In contrast, some permissive deontologists seem to admit many different kinds of concerns, if only in stages. [Here he cites Williams, Nagel, Parfit, Scanlon] Trade-offs seem to be allowed, in effect, when the different conflicting concerns are balanced against each other in broad deontological analysis, even if the overall discipline of these broad-based judgments remains somewhat veiled and inexplicit.(CEPR 479)

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214 Sen (2000, subsequent page references in text to CEPR). This draws on his 1998 Rosenthal Lectures (which were titled ‘The Domain of Justice’), and builds on previous work such as his (1983) ‘Evaluator Relativity and Consequential Evaluation’, (1982) ‘Rights and Agency’, and (1985) Well-being, Agency and Freedom’, with the topic revisited in his 1990 On Ethics and Economics, and a number of other places. The substance of the argument is reproduced in ch. 10 of The Idea of Justice, ‘Realizations, Consequences, and Agency’, with less formal apparatus; the Bhagavadgita illustration discussed below is interleaved with the argument in CEPR, but developed in more detail in the book. (It also appears in his 2005 The Argumentative Indian.)
He observes here that ‘the substantive gap between some versions of broad deontology and broad consequentialism may not be very great’ and that what is at stake ‘is partly a question of what are made explicit and what are weighed into the judgment in somewhat implicit ways.’.(CEPR 479n/480n)

In this chapter I try to indicate that there is a substantial gap between the technical density and sense of theoretical integrity of Sen's most authoritative presentation of 'comprehensive consequences', and the actual range of considerations he takes explicitly into account when depicting how he sees this playing out in the real world. My account is heavily loaded with direct quotation – partly to indicate its strengths and to place on record the numerous factors he attempts to include, partly in order to convey the character of his work in this area. Although Sen frequently insists that alternative approaches aim for too much precision and definition when thinking about justice, my aim in this chapter is to raise some doubts about the structure of his own theory when seen in this context. But ultimately, I suggest that the technical ingenuity, precision, and comprehensiveness sketched in the first part of the chapter is not an adequate basis for thinking about justice, and cannot be 'rescued' through the addition of the humanitarian perspective sketched in the middle section. In other words, I try to show why the account he develops requires some 'roughing up'.

As just noted in the quotations above, Sen draws attention to the way that deontological theories will often allow for the possibility of taking consequences into account, but will often be unclear about which factors need to be taken into account in which circumstances. Against the counter-claim that consequentialism has particular difficulty dealing with matters such as personal responsibility, he identifies three ‘particular areas in which further specification – additional to the general demands of consequential evaluation – would have to be made’ in order to give more explicit attention to the necessary factors.

(1) Situated evaluation. From which perspective should the evaluation be done? The argument from responsibility would indicate that the person making the choice cannot escape the necessity to take note of her own position vis-à-vis his the actions and their consequences. This requirement of "situated evaluation" may or may not be combined with the demand (made familiar by utilitarian ethics) that the evaluation from every situated position must somehow be exactly the same. This is an "invariance requirement" for which an additional argument would be needed, if it were to be proposed. But I do not intend to propose it.

(2) Maximizing framework. As Samuel Scheffler rightly points out, "maximizing rationality" is central to consequential evaluation. As he puts it: "The core of this conception of rationality is the idea that if one accepts the desirability of a certain goal being achieved, and if one has a choice between two
options, one of which is certain to accomplish this goal better than the other; then it is, ceteris paribus, rational to choose the former over the latter. … one immediate question concerns whether the maximizing framework can be used even when the options cannot be completely ranked vis-à-vis each other. What if the evaluation cannot sensibly go beyond, say, a partial ordering? As would be readily seen, Scheffler’s statement of the maximizing principle does not demand completeness of ranking. But is his silence on completeness an omission, or is his characterization of maximization adequate as it stands? I would argue that there is no omission here, … I should state here, however, that not to demand completeness does not exclude the possibility that the evaluative ordering may, in fact, be complete. If completeness were to be specifically demanded (rather than only permitted), however, then some justification for this demand would be needed. But I make no such demand.

(3) Nonexclusion of state components. Are all features of the consequent states of affairs potentially relevant? In terms of the discipline of consequential evaluation, it would be arbitrary to exclude a priori any particular component of the state as being beyond the pale of consideration. This requirement of "nonexclusion of state components" does not, by itself, rule out the possibility of insisting, as is done in utilitarian ethics, that only utilities (in the form of, say, happiness or desire fulfillment) in the states of affairs must ultimately be taken into account in ethical evaluation. If that substantive restriction were to be imposed, then a justificatory defense of it would have been needed (since it is not entailed by the discipline of consequential evaluation in general). But I impose no such restriction. (CEPR 483-4)

Arguing that ‘responsibility … demands situated valuation by agents’, he insists that this should not be seen as ‘a license to evaluate the outcomes as one likes, but a requirement that one must take note of the contingent connections and circumstances’ of one’s own situation. (CEPR: 486) And he explains that in technical usage, a distinction can be drawn between ‘maximization’ and ‘optimization’:

Maximization does not … demand that all alternatives be comparable, and does not even require that a best alternative be identifiable. It only requires that we do not choose an alternative that is worse than another that can be chosen instead … if there happens to be some incompleteness so that two options A and B cannot be ranked vis-à-vis each other, but each of them is better than all the other alternatives, then maximization would require only that one of those two be chosen. 216

In considering ‘the third issue – what to include in the description of states of affairs, in using consequentialist logic’, he argues that

There is no general reason for an a priori exclusion of any part of the state of affairs in evaluating that state of affairs. … since there are good reasons to be concerned about some of these features, such

215 Scheffler (1985: 414)
216 Sen (2000: 486-7), citing Bourbaki and Debreu. To show that ‘[t]he distinction can be a matter of great practical importance’, he tells the story of Buridan’s ass. (487)
as actions motives, and the like (for reasons which are close enough to those which move deontologists, among others, to take note of them, in their own special way) … Sometimes the
demand for excluding particular components of the state of affairs comes from the claim that they
are somehow not really part of the state of affairs at all. For example, it has been claimed that an
action performed is not a part of a state. The fact that to do something is to make something happen
is an elementary enough point, and yet not only has this been denied in many anti-consequentialist
arguments, that denial has ended up having pivotal importance in the strategy of such arguments.
(CEPR 487-8)

Sen also insists that consequential evaluation can include ‘the motivation of a person in
undertaking an action, in which standard utilitarian ethics has no direct interest’(491), with the
result that:
A state of affairs is informationally rich. There is no particular reason to insist on an impoverished
account of a state of affairs in evaluating it. Also, the reach of consequential reasoning can incorporate
processes of choice, and not merely the narrowly defined ultimate outcomes. (CEPR 491)

His account of the scope of comprehensive outcome-evaluation as a form of practical
reasoning is wrapped up by an assertion that rights, taken to involve ‘the freedom of the right-
holder to do certain things or achieve some conditions’ along with ‘correlate obligations on the
part of others (which can take the form of non-interference or of positive assistance) to help in
the realization of this freedom by the right-holder’ (CEPR 492) can be incorporated into his
view:
The realization (or not) of substantive freedoms as well as taking adequate account (or not) of
obligations can both figure in ethical accounting within this broad consequential framework. (CEPR
493)

Although the formal presentation of this view is less prominent in *The Idea of Justice*, it
provides one of the two sources of support which allows him to write, toward the end of his
chapter on ‘Realizations, Consequences and Agency’:
It is part of the approach of the work presented in this book that a comprehensive understanding of
states of affairs can be integrated with an overall evaluation of social realizations. While consequences
– even culmination outcomes – are taken seriously among other concerns, there is no defence here
of the standard version of consequentialism as it has emerged from two centuries of work led by the
utilitarian school. (*Idea of Justice* 215)

And it is on the basis of this view of comprehensive outcomes that he stands up to be
counted as a consequentialist (of sorts), observing:
As it happens, the term ‘consequentialism’ was devised by enemies rather than by proponents of
consequential evaluation, and it has been invoked mainly to be refuted, often with colourful examples
that have added a good deal of spice – and some intellectual fun – to moral philosophy. To admit to being a ‘consequentialist’ is almost like introducing oneself by saying, ‘I am a wog from London’...
(Idea of Justice 217)

Amusing and apt up to a point, this ‘Wog Manifesto’ somewhat overstates how marginalised consequentialism is, both academically and in the world at large – especially in the sort of policy areas which have a bearing on matters of social justice. As a sometime proponent of pluralism and advocate of fairness, he might also have noted that ‘deontology’, which despite minor qualifications he uses throughout this chapter and elsewhere to dismiss other perspectives, is also a label devised by its enemies, and – outside the banalities of Ethics 101 classes – is not usually a term of approval.217 By making a stand against the crudest sorts of consequentialism, and at the same time maligning the rigoristic tendencies of ‘deontology’, Sen rather misleadingly makes himself out as a plucky partisan against the massed forces of evil.

Be this as it may, what has been outlined thus far amounts to little more than a series of assertions that it is possible to conceive of ‘outcomes’ in this way. The second main support for Sen’s position is his attempt to ground it through an extended discussion of the debate between Krishna and Arjuna in the Bhagavadgita, in which he presents Krishna as arguing for the strict following of rules, come what may, with Arjuna initially resisting on the basis of a ‘thick consequentialism’.

As the debate proceeds, both Arjuna and Krishna present reasonings on their respective sides, which can be seen as a classic debate between consequence-independent deontology and consequence-sensitive assessment. Arjuna ultimately concedes defeat, but not before Krishna backs up the intellectual force of his argument with some supernatural demonstration of his divinity. (210) 218

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217 As Herman (1993: vii) observes: ‘Kant’s ethics has been the captive of its critics. The basic terms we use to describe it were introduced by J.H. Muirhead (c1930) when he sorted all of moral thought into two camps – the deontological and the teleological – for the purpose of explaining why any nonteleological system was misguided. Kantian ethics has ever since been presented as the defining example of a deontological theory, with those features highlighted that fit a preconceived, critical picture of deontology: rule-based, centered on duty rather than on good, without concern for the place of morality in a good human life, and so on. … The practice of characterizing Kant’s ethics in a way that sets the stage for criticism is so familiar that it is hard to notice. But the effect of using hostile terms of interpretation is to replace the distinctive arguments Kant makes with rounds of futile altercation.’

218 Subsequent to the main discussion, Sen does allow that ‘Kant is concerned with consequences in the exposition of his basic deontological position’ 216n, and that ‘it would be a mistake to see Krishna’s somewhat emaciated morality as archetypal deontology.’ 216 But the body of his discussion proceeds unaffected by this – Krishna’s view is simply referred to as ‘deontological’ and invoking rules and duty, and
This discussion is Sen’s only sustained attempt to validate the idea of ‘comprehensive consequences’ – apart from this, we only have bare assertions and throwaway illustrations like those I cited when introducing the idea in the initial survey.\textsuperscript{219} Since this concept is a key element of his project for a new realisation-focused comparativism, it deserves some scrutiny.

The basic context is that Arjuna is the leading general of the Pandava royal family, whose place has been usurped by their cousins, the Kauravas. They are about to go to war, and foreseeing the woe and destruction that lie ahead, and particularly concerned that he will be fighting and killing relatives, friends, elders, and teachers from his youth, Arjuna has reservations, which are brought out in the course of a long conversation. Krishna ultimately convinces Arjuna to fight, and standard commentaries take the text to vindicate Krishna’s reasons. But Sen is undeterred, and holds out for the importance of what is said on the other side. The lessons he wants to draw are presented as three elements of ‘Arjuna’s reasoning’, which are taken as exemplary of what he means by comprehensive outcomes.

First, central to Arjuna’s reasoning is his general belief that what happens to the world must matter and be significant in our moral and political thinking. One cannot close one’s eyes to what actually happens, and stick to one’s consequence-independent \textit{niti}, ignoring altogether the state of affairs that will emerge. This part of Arjuna’s claim, which can be called ‘the relevance of the actual world’, is complemented by the identification of a specific part of the actual world that engages him: the life and death of the people involved. There is a general argument here on the importance of our lives, no matter how our attention might be diverted by other types of advocacy, based, for example, on strictures on correct conduct, or the promotion of the glory of a dynasty or a kingdom (or, as it might have appeared in Europe during the blood-soaked First World War, the victory of ‘the nation’). … What we have been calling ‘social realization’ is critically important in this argument. … we cannot ignore what happens to human lives in particular in an ethical or political evaluation of this kind. This part of Arjuna’s understanding I shall call ‘the significance of human lives’

The second issue concerns personal responsibility. Arjuna argues that a person whose decisions bring about some serious consequences must take personal responsibility for what results from his own choices … Arjuna is not arguing for a kind of agent-independent consequentialism.

\textsuperscript{219} As already noted, in ‘Consequential Evaluation and Practical Reason’, the Krishna-Arjuna illustration is interleaved with the material summarised above.
Third, Arjuna also identifies the people who would be killed, and he is particularly bothered by having to kill people for whom he has affection, including his own relatives. … Underlying this concern is Arjuna’s inclination to take note of personal relations involved in a particular act. This is a distinctly positional concern … Relational obligations linked with family connections and personal affection as well as agency-related concerns may be rightly excluded in some ethical contexts, for example in the making of social policy by public officials, but they call for accommodation within the broader reach of moral and political philosophy, including that of the theory of justice, when personal responsibilities are considered and given their rightful place. (212-214)

There is clearly much humane good sense on display here. At face value, the major quibble would seem to be that he may be confusing things by failing to distinguish between broad questions of ethics and the particular issues of justice as an approach to the politics of the modern world. And since he is effectively saying ‘everything should be considered, but especially human lives, responsibilities, and personal relations’, it is not clear how much this helps establish the distinctiveness or practicality of his proposed new ethical focus for purposes of deliberation and decision. (He is, after all, rather severe on others for ‘lack of guidance’.) And while it by no means detracts from ‘the importance of our lives’, the ‘other types of advocacy’ is a curious category – apart from ‘strictures on correct conduct’, membership seems to be stalled circa 1918.

Sen’s choice to use the Gita (and the lessons he draws) reflect his longstanding concerns about sectarian violence in India and worldwide. This is touched on elsewhere in The Idea of Justice and discussed more extensively in his 2006 Identity and Violence; the scope for the faculty of reason to interrogate and moderate communal attachments and passions is an enduring theme in his work. While it is likely that Sen’s commitment to ‘reason’ leads him to underestimate the depth of the non-rational elements in human life and politics220, these are difficult questions, and nothing I say here is meant to question the sincerity of his approach to these matters, or its aptness in many circumstances.221

220 As Appiah 2008 argues; see also Qizilbash 2009.
221 However, Sen’s analysis remains at the level of ‘liberal culturalism’, and he makes no attempt to survey the reasons for the resurgence of ethnic nationalism and religious violence in recent decades – a major topic of discussion in contemporary sociology and anthropology. (For some interesting contributions see Rebel 2007, Hansen 1999, Derlugian 2005, Crawford and Lipschutz eds 1998, Herzfeld 2005, Kalb and Halmai eds 2011, Kapferer 2012, Eisenstadt 1999, Brubaker 2004.) This research should be of particular interest to Sen, since it suggests that resurgent communalism is not simply an atavism, to be contested by advocating a more enlightened perspective, but is in significant measure fuelled by the dislocations of the liberal capitalism he himself espouses. Although I largely share his cosmopolitan-humanitarian sensibilities, it is at best awkward
Nevertheless, while there is considerable merit in the ‘reasonings’ that Sen wants us to attend to, presenting them as a response to a simplistic, generic ‘deontology’ radically oversimplifies the real-world situation and the text he has chosen to work through. And one result of using a ‘complex consequentialist’ vs ‘simplistic deontologist’ interpretive framework is that it makes his own humanitarian perspective appear more sententious than is necessary. Sen’s moral lessons would be less automatically conceded, but also more meaningful and relevant, if they were developed through a more full-blooded reading of the text – a reading which attends to the range of Krishna’s ‘reasonings’, but also a reading which acknowledges the complex cultural/political status of the Gita itself. This is, after all, a religious text, with multiple levels of meaning, some very problematic political resonances, and a rich interpretive history embroiled with political struggle.222

Even at basic levels of interpretation, Krishna’s argument proceeds through a number of stages: the ‘embodied self’ is not born and does not die, and the play of life is already ordained 223; from this determinist view, non-attachment to the fruits of action is advocated as the to be preaching the philosophical/cultural virtues of this stance without coming to grips with its problematic political and economic connections. Once again, ‘predicamentally’, the immensity and unwieldiness of the issues make Sen’s sidestepping understandable, but also unsatisfactory.

222 For the canonical history and range of interpretations, see Davis 2015, Malinar 2007, Minor 1986, and the introductory material in the Sargeant/Chapple edition of The Bhagavad Gita (Sargeant 2009; my later citations to the text are drawn from this). For some critical perspectives, see Sinha 2010 (which emphasises the ‘metamorphoses’ in interpretation which accompanied the transnationalisation of the text after 1880); Chakrabarty and Majumdar 2010 (on Gandhi’s construction of a transformed interpretation suited to his vision of cultural/political struggle, contesting in particular Aurobindo’s reading); Kumar 2010 (on Ambedkar’s critique). As Guha (1997: 47) observes ‘All the collaborationist moments of subordination in our thinking and practice during the colonial period were linked by Bhakti to an inert mass of feudal culture which had been generating loyalism and depositing it in every kind of power relation for centuries before the British conquest. The Bhagavad-Gita served as the ur-text for that ideology, and religion helped to justify it and propagate it … That is why the essentials of Indian politics can never be grasped without an understanding of religion.’ For a subtle, magisterially detailed and insightful account of Sanskrit literary culture as a form of power politics, see Pollock 2006.

223 II: 12-25; thus 21 ‘He who knows this, the indestructible, the eternal / The birthless, the imperishable, / In what way does this man cause to be slain, Arjuna? / Whom does he slay? 27 For the born, death is certain; / For the dead there is certainly birth. / Therefore, for this, inevitable in consequence, / You should not mourn.'
appropriate and superior disposition towards life; aiming eventually to overcome the perspective of individual agency, opening the way to religious transcendence; and so on. Notions of duty are invoked, principally in connection with Arjuna’s responsibility to uphold the caste system and fulfil his role as a **kshatriya** (warrior) – but in the text, the need to follow rules is far from the main line of Krishna’s argument.

Much of the text involves calling into question commonsense notions of consequence and responsibility in various ways, and alongside the ‘spiritual wisdom’ there is much here to contest – but Sen simply evades the issues. He writes of ‘Arjuna’s broader perspective’ (24), but without actually engaging the multiple ways in which the text implies that Krishna’s perspective is broader. Whichever of the symbolic levels are included or excluded, the natural reading of the **Bhagavadgita** points overwhelmingly to Krishna as the one who represents the perspective of ‘comprehensive outcomes’. Sen chooses to invoke this deeply contentious text, and proposes

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224 II: 47 ‘Your right [adikaras – claim, jurisdiction, prerogative] is to action alone; / Never to its fruits at any time. / Never should the fruits of action be your motive.’

225 One could cite verses almost at random which either (1) assert something quite different from standard-duty ‘deontology’, or (2) present points of view which contest Sen’s humanitarianism from an ostensibly ‘transcendent’ position, but which he fails to recognise and contest.

226 The political sub-text is another question, but Sen does not open this up. In addition to the material referred to above (n197), see Bayly 2010 and Gowda 2011 for the use of the Gita in Indian nationalist politics. Aurobindo’s extensive Essays on the Gita are notable for their critique of the emphasis on duty in other strands of interpretation. He insists that it is simply a mistake, resulting from a limited reading of the text, to see the Gita as ‘teach[ing] us the disinterested performance of duty as the highest and all-sufficient law. A little consideration of the situation with which the Gita deals will show us that this could not be its meaning. For the whole point of the teaching ... is an inextricable clash of the various related conceptions of duty ... The Gita does not teach the disinterested performance of duties but the following of the divine life, the abandonment of all dharmas.’ (Aurobindo 1997: 32–33; these essays were originally published between 1916–20, revised and collected 1928. See Sartori 2010 for a historically contextualised discussion.)

227 Whole tracts are given up to declaring the transcendent inclusiveness of Krishna’s perspective, in the manner of X 6: ‘The seven great seers of old, / And also the four Manus, / From whom have sprung these creatures of the world, / Originated from Me, born of My mind.’ When Arjuna is finally allowed a vision of Krishna, there is an eruption of plenitude: XI 15-16: ‘I see the gods, O God, in Your body, / And all kinds of beings assembled; / Lord Brahma on his lotus seat, / And all the seers and divine serpents. / I see You everywhere, infinite in form, / With many arms, bellies, faces, and eyes; / Not the end, nor the middle, nor yet the beginning of You do / I see, O Lord of all, whose form is the universe.’ According to the text, Krishna is the ‘comprehensive outcome of all comprehensive outcomes’ – personified.
what amounts to a transformative interpretation *en passant* in the process of illustrating his own conception of comprehensive outcome. The ironies seem to run in all directions – of all texts to presume to overcome *without engaging in a struggle*, this seems one of the most unlikely.

Here, as in a number of other places, Sen’s discussion proceeds as if in an atmosphere devoid of oxygen – he has drained the life from the text, and uses various rhetorical devices to pre-empt serious discussion of the position he takes. As a result, he wins the argument he has set up for himself, but leaves important questions unanswered – about how this connects to the real text/world, and what is occluded in the process. The puzzle in this instance is that the contrast between humanitarianism and the romantic, ascetic otherworldliness of the *Gita* does seem to be worth exploring intellectually, and contesting politically. Even allowing for multiple symbolic readings, the *Bhagavadgita* articulates, in no uncertain terms, a theory of human action which is much more hostile to Sen’s compassionate consequentialism than any credible form of ‘deontology’, but Sen seems oblivious to this. Using the *Gita* to illustrate his idea of

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228 In Sen’s defence, it could be said that he is simply registering a caveat, noting that the famously multifarious *Mahabharata* can accommodate his humanist view. This would come across more successfully if he were to give a modest account of the complexity of the texts – as it stands, all we hear is that Krishna has an ‘emaciated morality’ and that Arjuna’s is the broader perspective, which amounts to an overturning of canonical interpretations.

229 Anderson (2012) points out that Sen relies on a tenuous reading of the *Gita*, and goes so far as to claim ‘were Arjuna to leave and not engage in the ensuing battle, the battle would still take place and families would still be destroyed and the caste system might still be ruined and society as a whole might collapse. Except, unlike with Arjuna’s reasoning … if Arjuna did not participate it would be more likely to happen, because “[i]f he left the battle, the Pandava army would be simply annihilated’ (Gandhi, 2000, p34) … Without Arjuna at least as many people would have died except the unjust side would have won, and on any version of consequentialism – comprehensive or otherwise – that would be a much worse consequence.’ (Anderson 2012: 68). While plausible, this relies too heavily on Gandhi’s commentary, which was developed for his own purposes, and which itself fails to cite textual support. Both literally and symbolically, Krishna’s argument is focussed on subverting/transcending this very idea of ‘consequence’, substituting a ‘higher’, more cosmically informed perspective, as in XI 32: ‘I am Time, the mighty cause of world destruction, / Who has come forth to annihilate the worlds, / Even without any action of yours, all these warriors / Who are arrayed in the opposing ranks, shall cease to exist.’

230 IV 14: Actions do not taint me; / I have no desire for the fruit of action; / Thus he who comprehends Me / Is not bound by actions. IV 36: Even if you were the most evil / Of all evildoers, / You would cross over all wickedness / By the boat of knowledge. IV 37: As the kindled fire / Reduces firewood to ashes, Arjuna, / So the fire of knowledge / Reduces all actions to ashes.
comprehensive outcomes gives the impression that he has engaged in a confrontation with an important source of ideological resistance, but by interpreting Krishna as a generic (though extreme) deontologist, he blanks out both the literary/spiritual/psychological and the historico-political dimensions of what is at stake. Rather than confirming the rubric of ‘comprehensive consequences’, his inability to bring these dimensions meaningfully into play calls this construction into question.

A surprising amount of Sen’s discussion – whether of ‘exotic’ cultural/historical material, or ‘difficult’ technical/philosophical material – is conducted at a very elementary level, which makes it difficult to engage with. While particularly evident in The Idea of Justice, the pattern runs deep, including major works such as Rationality and Freedom (2002), Development as Freedom (1999), Inequality Re-Examined (1992), and Ethics and Economics (1989). In various ways, (here by taking Arjuna’s side against the hegemonic endorsement of Krishna), Sen positions himself as outside ‘the establishment’, but also as deeply connected and informed – an authoritative ‘voice of reason’. But his voice veers between high formalism and childlike simplicity, and in each case the context is informationally impoverished, and this serves to limit robust contention. (Which is quite odd, given that theoretically, informational richness and robust democratic contention lie at the heart of his political philosophy.) Specifically on the global/historical front, the implication seems to be that audiences cannot be expected to get up to speed with the relevant details, but must instead be fed a watered-down folkloric version of culture and politics. By providing inadequate and misleading detail of the context of his own positions, Sen cuts away the ground for contesting them – but he also cuts away the ground for robust cultural and historical engagement more generally, by suggesting that only these very attenuated narratives can be in play.

This returns us to what I have called the 'predicament of global justice'. There is a consistent pattern in Sen's work of gesturing technical sophistication along with cultural and historical breadth, but avoiding serious issues by failing to tie his discussion adequately to the complexities of real-world politics and scholarly debate. This may be partly explained as the result of attempting to address diverse audiences, and exacerbated by his taking on the dual role of academic insider and public intellectual. But his choice or habit of adopting this strategy

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231 This is in striking contrast to much of the poststructuralist inflected postcolonial literature, which sits at the other end of the spectrum – performing a kind of hyper-sophistication which is an equally unlikely basis for extended engagement and understanding. Gayatri Spivak (for example 1996, 1999) is probably the most notorious example; but see her ‘How to teach a “culturally different” book’ (1996: 237-266), which has some observations obliquely pertinent to my concern here with Sen.
surely also has something to do with the kinds of issues he tries to address, which require a broad ranging approach, and thus a degree of licence in how much detail it is possible to provide, or expect his audiences to engage. In my view Sen misuses this licence, and is a particularly troublesome example of this tendency because of the serious issues at stake. But his misadventures in this regard bring to light a real problem: in proposing to address the question of global justice, one is constantly faced with the impossibility of adequately covering the multiple dimensions of the inquiry thus invoked.

Before leaving the *Bhagavad Gita*, I would like to consider some distant echoes of world history and politics which can be found in Sen’s use of this story, albeit occluded by his discussion. Knowing from the larger context of the *Mahabharata* that it eventually turns out badly, Sen sides with what he presents as Arjuna’s resignation at the political level:

Arjuna tells Krishna that he really should not fight and kill, and perhaps they should simply let the unjust Kauravas rule the kingdom they have usurped, as this may be the lesser of two evils. Krishna speaks against this and his response concentrates on the priority of doing one’s duty irrespective of consequences (207)

And as he observes on an earlier visit to this story:

[A]fter the total desolation of the land following the end of the ‘just war’, towards the end of the *Mahabharata*, with funeral pyres burning in unison and women weeping about the death of their loved ones, it is hard to be convinced that Arjuna’s broader perspective was decisively vanquished by Krishna. (24)

Sen wants to use the symbolic resonance of this epic to vindicate his humanitarian version of taking account of (comprehensive) consequences: the point of the story is to show what he means by comprehensive outcomes and to recommend this analytic focus. And his responsibility-infused, positionally sensitive, human-life-centred view does have a lot to recommend it. But as well as leaving out some important dimensions of the text, his discussion also seems rather disconnected from dimensions of the real world which have long been connected to the idea of justice. With this in mind, I suggest in what follows that it may be more helpful to see the *Mahabharata* tragedy as expressing a conflict between several quite different aspects of ‘justice’, operating perhaps at different historical scales, and not easily brought together under a social choice calculus. On the world-historical scale Sen invokes by introducing this example, his account of consequences is not ‘comprehensive’ enough.

The *Bhagavadgita* is an awkward site for a contemporary discussion of ‘justice’, because it relies on notions of dynastic legitimacy, warrior ethics, prescribed roles according to caste, and so on. The *Mahabharata* backstory is complex beyond legend, but the Krishna-Arjuna
set piece of the *Gita* assumes and relies on the fact that the Pandava family are the rightful rulers. So without having to tally up capability bundles and partial preference orders, or votes, or anything like that, Arjuna would be fighting for an intrinsically ‘just’ cause, according to the prevailing idea of what makes a political cause just.\(^{232}\) Sen does not open this up for discussion, but it is an intrinsic part of the text: Arjuna is not an anti-hero *avant la lettre*. (Note that in the passage quoted above, he has Arjuna musing that perhaps they should allow the ‘unjust’ Kauravas to rule the kingdom.) If there were no real weight in the Pandava cause, things would be different.\(^{233}\) Translating this for the modern world, a parallel might be something like a popular and legitimate democratic government displaced by a military coup. Honduras 2009, Haiti 2004, or Venezuela 2002 come to mind.\(^{234}\) As does Palestinian resistance to Israeli occupation, oppression, and assault.

It is not my purpose to argue here that those confronted with such situations ought not to prioritise survival and the basic fabric of human relations in the way that Sen recommends. But this cannot be the whole of what *justice* entails. Adopting for the moment a ‘comprehensive consequentialist’ world-historical perspective, it can be seen that a general policy of pre-emptive capitulation to agents bent on domination will have severe long-term consequences for political order, and for maintaining negotiated practices of authority and legitimacy. Somehow, in the long term, a balance must be found between resistance to domination and pointless sacrifice for the sake of ideals of acceptable order; and it is no accident that the sense of justice is deeply enmeshed in this problematic. I return to this later: here I just want to note that holding open the

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\(^{232}\) As suggested in Chapter 3, Sen’s failure to distinguish and keep in view both the ‘conventional’ and the ‘critical’ dimensions of the idea of justice prevents him from seeing the salience of this. (Or at least, his choice to draw away from giving explicit focus to this tension means that his account consistently elides the political implications of different ways of thinking about ‘justice’.)

\(^{233}\) If the Pandava cause were less strong, there might also be more of a genuine *debate*, with a stronger case made by Arjuna, and less sense that he is a desperate supplicant and a foil for the elaboration of Krishna’s superior knowledge, as in II 7: ‘My own being is overcome by pity and weakness. / My mind is confused as to my duty. I ask you / Which is preferable, for certain? /Tell that to me, your pupil. Correct me, I beg you,’ [*prapannam* – fallen before the feet, supplicant].

\(^{234}\) Or Chile 1973, where Allende's pacifism and Arjuna-like fear of the consequences of resistance led to capitulation against determined enemies, an example which firmed Chavez’s resolve in 2002. (On Chile see Kornbluh 2013, on Venezuela Wilpert ed 2003.) Or we could cite Iran 1953, Guatemala 1954, Hungary 1956, Brazil 1963, Indonesia 1965, Czechoslovakia 1968, and so on – there is no shortage of examples, and the repercussions for disciplining social struggle go well beyond these particular instances. (William Blum's 2003 history of US military and CIA interventions is therefore aptly titled: *Killing Hope*.)
possibility of resistance in situations of this kind may have more reasons in its favour than dynastic glory, or the blindness of World War I patriotism. By viewing the world in terms of a heroic-age warrior epic, Sen stacks the deck, since the alternative to humane meliorism in this instance is assumed to be pointless fratricide (with the result already known). But the example also undermines his position, because the idea of justice is in part the product of the tragic dimension of human history it brings into focus.  

Lest it be thought I am putting too much weight on this, I reiterate that this is Sen’s primary defence and illustration of one of his core proposals, and it is his choice of terrain. Although it is a great virtue of his account that it invokes the breadth of the human project, this is strange and profound territory. And there is reason to question whether the romanticised elements he uses to convey the depth of human ideas of justice cohere very well with his rationalistic social choice consequentialism. Sen’s use of the Bhagavadgita to articulate the meaning of his expansive conception of ‘outcomes’ is an indication of how the social choice approach carries a tendency towards presumptive, abstract comprehensiveness which analysts are unlikely in practice to live up to. Despite the aspiration to include all important factors, whole dimensions of meaning are missed, or not properly accounted for. And intriguingly, the dimensions which social choice theory has most struggled to incorporate are those relating to deep levels of solidarity, authority, heroism – and justice.

Another evasion in Sen’s work surfaces at this point, which seems apt to signal here – with war, legitimacy, and the smoke of funeral pyres in the air. Briefly and bluntly, modern social choice theory and rational choice theory arose from Kenneth Arrow’s work for the RAND

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235 If the inhabitants of Melos had acceded to Athenian demands, many lives would have been saved. But if human understandings of justice and propriety are pre-emptively defined in terms of accommodationism (or the ‘realism’ which Thucydides attributes to the Athenians), we would be looking at a very different world – a world where ‘justice had lost its meaning’. Amongst the many relevant insights in Eagleton 2003 is his response to George Steiner’s claim that ‘Where there is compensation, there is justice, not tragedy’. Eagleton comments: ‘This, once again, is inaccurate. Many tragedies end with the dispensation of justice; what is tragic about them is that so much bloodshed should have proved necessary to attain it, or that there should be crimes which call for such stringent penalties in the first place.’ (Eagleton 2003: 138-9) For his own purposes, Eagleton employs here a narrow sense of justice: ‘Justice, with its book-keeping logic, binds us to the world as it is, but without it the powerful would have a field day’ (140-1). But as he is well aware, tragic literature can be seen as attempting to articulate a deep and expansive sense of the human project, and thus more complex understandings of social justice.
Corporation in the early days of the Cold War, and social choice modelling was an important part of the technocratic suite of policy advice used by US planners in the 1950s, 1960s and 1970s to support (among other things) ‘military modernization’ in the Third World, and the escalation of bombing in Indochina, with horrific human consequences. Most notoriously, flawed modelling which underestimated Vietnamese resilience and solidarity is widely considered to have been influential in successive escalations of US commitment in Vietnam.236

This history should serve as a permanent warning, and I refer to Sen’s ‘evasion’ because it would be easier to have confidence that the problems indicated had been overcome if they were openly discussed. As per his observation quoted earlier in this chapter, it is ‘partly a question of what are made explicit and what are weighed into the judgment in somewhat implicit ways’. (Sen 2000: 480n). This may seem a wildly tangential and overly harsh perspective in which to view Sen, of all people. Maybe so: but it is important to keep this context in mind, and not only because of the social choice theory connection. A theory of justice of the type which Sen is proposing must give serious and explicit consideration to these sorts of matters. In the terms of his own analysis, this comes under the rubric of ‘nonexclusion of state components.’

Putting aside for the moment larger historico-political and moral criticisms (such as whether it was ‘right’ to pursue such policies in the first place, or what interests it served), the RAND social-choice-informed policy advice can be seen as exhibiting two basic forms of ‘miscalculation’: (1) too little weight was given to the actual death and destruction involved; and (2) too little weight was given to ‘non-rational’ commitments to social and political causes, leading to underestimations of how much ‘persuasion’ would be required. Sen’s comprehensive realisation focus arguably goes some considerable way to addressing the first of these – indeed it seems in some respects the antithesis of arrogant technocracy. But the emphasis given by his humane view to ‘the importance of our lives’, to personal relations and responsibility, seems to involve a repetition of the second mistake: he is able to confidently assert the primacy of these flesh-and-blood factors because he fails to give any real weight to the other side – to questions of

social coherence on a broader scale, to political order and authority – in short, to the symbolic dimensions of human life and history.237

On a tight circle, this could be seen to take us back to the question just put aside: what is the larger, background justification – in this instance, why were the policies of slaughter and social control being pursued in the first place? Since these are so imponderable, arguments can, of course, be made for shelving them and getting on with the practical matters of effective strategy. But as this example shows, persistently avoiding such questions can have grave consequences.238

On a slightly wider circle, the question of meaning also brings us back (again) to one of the core problems with the Krishna-Arjuna example, and why it does not do the work that Sen needs it to do. His basic claim here, remember, is that everything that really matters can be redescribed so as to fit into a consequentialist, states-of-the-world view. To illustrate the scope of comprehensive outcomes, he brings in Krishna and Arjuna, interpreted through his dualistic ‘radical deontology vs comprehensive consequentialist’ rubric. By implication, Krishna’s side belongs to the ‘other forms of advocacy’ – the symbolic rather than the flesh-and-blood. In this example, Sen (not implausibly, but without opening up the question of what ‘Krishna’s reasons’

237 While it is true that Sen includes ‘commitment’ in his modelling of rationality, this arguably contributes to a false sense of having properly taken the measure of such factors, whereas the impetus of his arguments consistently downplays these ‘other forms of advocacy’.

238 This is well illustrated by Chomsky’s critique of the use of technocratically-oriented ‘liberal scholarship’ in justifying the Vietnam War, and the tendency for mainstream liberal ‘criticism’ of strategy and tactics to occlude the extent of its moral and political convergence with hard-headed Realist doctrine – precisely because ‘liberal’ critics were unable or unwilling to contest the justice of the larger game of Great Power domination. In addition to his critique of technocratic liberalism in ‘The responsibility of intellectuals’ (1967, collected with other material in his 1969a American Power and the New Mandarins), see the series of exchanges with Stanley Hoffmann and others in the New York Review of Books in early 1969. (Chomsky 1969b; Pfeffer et al 1969; Hoffmann and Chomsky 1969). In one of the rare instances where Sen ventures into this territory, he cites ‘the decision to go to war in Iraq’, where ‘all of the sustainable criteria lead to the diagnosis of a huge mistake’ (2009: 3), taking this to illustrate his general view that many judgments about ‘justice’ can be made at the level where perspectives converge. However important this may be as a generalization, it is a shockingly naïve and deceptive view to present in this context. Because he does not even see fit to signal what he is glossing over, he contributes to a degradation of public discourse, creating the impression that the considerations raised by anti-imperialist critics – that the ‘wrongness’ of this enterprise went beyond its being merely a ‘mistake’ – have little bearing on the understanding of ‘justice’, and can be safely ignored.
might actually amount to, morally and politically) takes the opportunity to insist that Arjuna’s flesh-and-blood reasons should take priority. Thus far, I have been trying to call into question the way that he does this, and suggesting that it raises questions about his theory more generally – most notably that he is avoiding the political dimension, but also hermeneutic dimensions relating to the meaning of human action, and the role of conceptions of justice in the historical human project.

But note again what he is supposedly trying to demonstrate here: he is trying to show that everything that matters can be put in terms of complex states-of-the-world, that ‘a state of affairs can be informationally rich, and take note of all the features that we see as important.’ (215) Sen thinks he has done what he needs for this task by asserting the moral weight of human relationships and situated responsibility, and claiming them for the state-of-affairs side. But who really thought that these things didn’t matter, or that they didn’t count as consequences? Even the writers of the Bhagavadgita thought they mattered – the reason Arjuna is given space to elaborate his concerns in the epic is surely because they are known to have weight, and therefore lend the story some dramatic tension and tragic gravitas. The basic question posed by the Gita is not whether these concerns should be considered, but whether Krishna’s arguments (on some interpretation or other) hold up, and thereby overcome Arjuna’s natural human reservations. My grumble thus far has been that Sen refuses to tell us enough about Krishna’s perspective to allow a serious answer to the question. But suppose we grant that nothing Krishna has to say could possibly justify the reasonably foreseen consequences, so that Arjuna wins by default, and the ‘significance of human lives’ is upheld. This is a good result for humanitarianism, but because it is won by default, it does very little to fill out and solidify Sen’s claims about comprehensively specified realisations. To gain ground on this front, he needs to show that whatever is important in those ‘other’ factors – the deeply encoded principles and duties, the symbolic dimension – can be adequately translated into state-of-affairs terms. Unfortunately, this is the task which he has shirked by refusing to unpack ‘Krishna’s reasonings’, or discuss the broader historico-political ramifications.

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Sen has been an important figure in broadening the scope of social choice theory, and humanising its orientation; but on the evidence he puts forward, there is no indication that he has overcome the fundamental limitations of the social choice style of thinking. Providing theoretical space for diverse realms of human commitment and responsibility in modellings of
rationality and choice is one thing. Understanding and creatively engaging human experience and the dramatic arc of history is something else.\(^{239}\)

Here and elsewhere, Sen makes an eloquent plea for reflecting on the consequences of actions, policies, and institutions in terms of real human lives. To the extent that alternative perspectives neglect this dimension, it is a worthy reminder. But for it to amount to something more than this – for it to be taken seriously as a new, integrated and comprehensive mode of thinking – the idea of comprehensive realisations remains in need of development: more and different forms of argument will be needed to show that this is a helpful way to register the full range of considerations relevant to thinking about justice, and to navigate flexibly amongst them. The potential power of social choice theory comes from the way it uses a perspective of abstract inclusiveness. However, ‘impartial spectators’ notwithstanding, a potential problem of this approach is that it may tend to breed its own forms of illusion, leading analysts to think that everything important has been included, and that formalisations adequately reflect the actual range and dimensionalities of the factors in play.\(^{240}\) As Aristotle argued long ago, justice requires getting the proportions right.\(^{241}\)

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\(^{239}\) Continuing the line of thought sketched in earlier footnotes, there are complex arguments which can be entered into regarding the possible convergence of 'moral' and 'prudential' considerations in what Scheuerman (2011) calls 'progressive realism'. But Sen simply evades any discussion of such matters, and pretends to subsume everything in his overarching rubric of 'comprehensive consequences'. What I am trying to suggest is that this is not merely inadequate – there is something troublingly deceptive about pretending to develop a comprehensive theory of justice with such a feeble level of attention to the problems of historical sociology and geopolitics. Humanitarianism which fails to rise to the challenge of scrutinising its own historical-political entanglements has not taken the full measure of comprehensive consequences, and runs the risk of degenerating into a form of moral blackmail, using the attractiveness of humane sentiments and a limited purview of practicality to evade serious moral issues.

\(^{240}\) It could of course be said that for Sen, democratic deliberation is ultimately what does the job of bringing forth neglected perspectives and ironing out wrinkles, and that the idea of comprehensive outcomes is merely a suggestion of what deliberation should focus on. But he is trying to steer deliberation in certain directions, and these involve distinctive biases and occlusions. It is at best an open question how well his conception of all-inclusive consequences – with special attention to responsibility, positionality, and the ‘relevance of the actual world’ – serves as a medium of communication, negotiation, and struggle against various types of injustice.

\(^{241}\) Nichomachean Ethics 1131a–1131b,
7. Sen and Justice

At multiple sites of conceptual contest, Sen proposes a move that amounts to going up a level of abstraction and subsuming the alternative within a more encompassing view. (Capabilities, comprehensive outcomes, social choice, equality in multiple spaces, development as freedom, and realisation-focus may be seen as examples of this.) This is an acceptable and powerful logical strategy – in terms of ‘theoretical reason’ – but creates difficulties when applied in the ‘space’ of normative argument – ‘practical reason’. In this space it is necessary that the proposal performs the kind of evaluative tasks at hand in a suitably practical way – that it has the kind of ease of deployment and flexibility necessary. What happens is that Sen wins his logical victory but is left with a conceptual formulation that is informationally onerous and essentially clumsy to use, even though it is theoretically capable of the task. Thus we find that in practice, the new formulations tend to struggle to deal with differences of kind and differences of scale: there is the possibility of including all this through ‘meta-rankings’ or the like, but in practice it is cumbersome, and prone to oversight, distraction, misinterpretations, and sleights of hand. The Paretian Liberal is a classic example where the entire field tied itself in knots from inability to recognise that the formalisation did not properly reflect the real-world distinctions it pretended to engage. Another way of putting this is that Sen consistently has trouble at an interpretive, hermeneutic level. And this is one reason why he backs away from saying anything about the application of capabilities.

This is interesting for the sake of base-level philosophical critique, but also ties into my argument in specific ways. I cast my project largely in terms of assessing recent attempts to devise non-ideal theory, and ostensibly more ‘practical’ responses to global deprivation and the state of world politics. I take Sen to be attempting to do this, so the fact that many of his proposals lack practicality in this centrally relevant respect is important. It is already problematic that he is proposing a normative, 'ethical' response to a political problem. But this is doubly so if

242 Sen rehearses this 'problem' again in The Idea of Justice (309-17), claiming that 'The impossibility of the Paretian liberal, like the much grander impossibility theorem of Arrow, is best seen as a contribution to public discussion, by bringing into focus questions that may not have been raised otherwise ... one of the major uses of social choice theory [is] trying to clarify the issues involved and in attempting to encourage public discussion on those issues' (314). But as Brian Barry's (1991b) analysis clearly demonstrates, the Paretian Liberal imbroglio is better seen as a contribution to public distraction and obfuscation. Sen cites the 1986 version of Barry's paper, but shows no indication of having understood it – a further indication of how unproductive this particular exercise in 'clarification' has been.
his radical reshaping of normative thinking – however theoretically attractive – hampers rather than facilitates vigorous normative engagement on critical issues. So in many respects the details in Sen turn out to be a series of distracting puzzles – whether it 'theoretically' holds up is a side-issue if it would be too clumsy, ineffective, and indeterminate to apply.

But there is also another level worth considering – which is that using the space made available by contesting the theoretical ground, a shift in rhetoric and metaphoricis is achieved. Compared to the alternatives that he engages, Sen's approach is humane, and culturally expansive, and this is an important rhetorical gain. But the rhetorical effect of claiming that his moderate, reformist humanitarianism constitutes a theory of justice is more problematic, since it serves to diminish and delegitimise the more stubbornly critical and egalitarian dimensions of the concept of justice.

What most worries me about Sen's project is that it seems to lock in a reformist meliorism as definitional of justice, cutting away its deeper, historically infused and oriented resonances. He effectively begins from and reinforces an 'end of history' view – counterrevolutionary humanitarianism is the best we can hope for, and the beneficiaries of past injustice should be confirmed in their position for all time – on my view the very thing that a robust idea of justice cries out against. It is in this light that I emphasise the kind of arguments he puts up to establish his position. Mostly these amount to abstract restatements of certain starting assumptions, which he then uses various forms of fine-grained rhetoric to sustain and amplify – actual socio-historical argument is strikingly absent. Against this I suggest that socio-historical argument (notably including an interpretive dimension, not just ‘empirical’) is the sort of backing which is actually necessary for the kind of conceptual reframing he proposes, and that it is necessary to attend to the ways that political philosophy excludes and distracts from this sort of argument.

243 I think his response to this would be that democratic public reasoning will keep the other dimensions in play. My response, in capsule form, is that this 'naturalises' the problem into oblivion – assuming, as an untheorised starting point, that an innate 'sense of justice' will prevent the understanding of justice from contracting into a conservative affirmation of the status quo. But this is to solve the problem before we have even started. The question which needs to be asked is why the expectations and demands which give the 'sense of justice' a critical and evaluative temper should be regarded as belonging under the rubric of 'justice', and the nature of the social/historical dynamic which sustains and shapes this emotional complex. It is unsatisfactory to assume the persistence of this evaluative/rebellious underpinning as a Deus ex Machina while constructing a theory which claims the mantle of criticality, but defines 'justice' in terms of reconciliation.
The superficially plausible ‘Rawls as transcendentalist’ argument is for me best seen in this context. Firstly, the question of scale/proportion/dimensionality cuts in. As a piece of theoretical reason it is true that fixation on a singularly full or perfect form of justice is silly, and there is something to be said for shaking up complacent tendencies to think in this way. Arguably Rawls does slip into a certain complacency in this regard, although on the whole Sen merely uses him as a foil for his own position. But what is curious is that he refuses to recognise that if we cut off the theoretical category of the ‘fully just’, this just means that even if Rawls thought he was formulating a perfect ideal, he wasn’t (because this isn’t even a sensible notion) – so he is just in there as another comparativist, operating further up the spectrum of semi-settled conglomerate principles. Still, it may be worth pointing out how far up this spectrum Rawls does sit, and perhaps Sen thinks he needs to make the case dramatically to have any impact.

But at this point, Sen’s logicism flattens things. Having supposedly established a generalised comparativism as the ruling perspective, and also that ‘outcomes’ can theoretically incorporate everything else, he doesn’t see that what he is replacing is a motley array of multiple levels of abstraction and flexible contextual use of principles (and outcomes). Wide-ranging existing practices of normative comparisons already occupy the space he aims to occupy, and the issue is whether his proposed redefinition can do the job more effectively. Having used the idea of multiple principles to knock out the transcendentalists, he becomes so carried away that he reverts to seeing any use of ‘principles’ as suspect, as a form of transcendentalism.

At one level it could be said that these are academic games, and perhaps a legitimate attempt to shake things up a bit that goes awry. If one begins from the assumption that Sen's agenda is on the side of the angels – which in many respects it is, especially if you assume we are at the end of history, and that the alternative is a largely procedural view of justice which does not take 'realisations' into account – it may be a good thing that he supplants Rawls, albeit by dubious means. But the crunch is that this key argument, which in a sense is not really needed

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244 Thus Gerry Cohen (2008: 304-5) notes: 'a great deal of the interest of Rawlsianism is that … under pressure … it does promise to tell us what justice is: constructivism does not, or does not consistently, expressly propose to appropriate the label ‘justice’ to denote what it has not previously denoted. It was because it was thought to offer a new and comprehensive theory of justice that the book A Theory of Justice was welcomed with such excitement ... And as Rawls himself said, in nearly plain contradiction to his stance elsewhere, ‘what one wants to know is the way in which [the two] principles complete the sense of justice, and why they are associated with this moral concept, and not with some other.’ [Rawls, “Justice as Reciprocity” p198, emphasis added by Cohen]
for the rest of his agenda, and looks like a distraction, is the one that carries the strongest reformist punch. In terms of the metaphorics of his project, aspiration for structural change is transcendental, which he has shown is a delusion, as opposed to his allegedly more worldly reformism. In this sense the transcendental line is not merely a confusion of technical and normative, nor is it merely a distraction – it is a central part of the rhetoric by which attention is shifted from the structural to the local, and the idea of justice becomes hollowed out and domesticated.

Nevertheless, it could obviously be said that the sort of critique I have just sketched is itself merely claiming the meta-meta-theoretical high ground, attempting to ‘philosophically’ contest Sen's position without myself providing much in the way of substantive alternative. And I would concede there is some truth in this. Perhaps what we come up against here itself exemplifies the difficulty of discussing the concept of justice 'within the bounds of mere reason', an inevitable effect of what I have called the predicament of justice. Whether what I have said here represents a better 'orientation in thinking' will ultimately devolve to considerations which I am unable to adequately fill out.

As Sen presents the matter, fixation with a generalised ideal of justice does not usefully inform the kind of social action needed to identify and redress particular injustices. Particularly when addressed to the canonical instance of Rawls, there is some obvious truth in this. But the conception of practicality which is expressed through the rubrics of 'social choice' and 'comprehensive consequences' remains in my view too static, and too flat: in short, dare I say, 'insufficiently dialectical'. Although he recognises the entanglement of fact and value, he evades reflection on how this plays out – including how the conceptualisations he himself offers emerge from and fold back into a larger context.

Although 'social choice' appears to raise the perspective of particular, time-slice instances of 'choice' into a general principle, we could give Sen the benefit of the doubt here by taking deliberative and participatory democracy as the higher-order element of his overall perspective, with the idea of justice being seen to express the evolving accumulation of particular judgments. 'Justice', then, is the shared body of distributed knowledge that informs the necessary practical judgments, and as such it cannot be adequately distilled and symbolised. If anything, justice should be identified with the process of reiterative, collaborative, reasoned judgment. In this sense, although it focuses on particular social choices, it is the ongoing effort to bring 'reason' into the mix which counts, and we might say that 'justice' is most likely to occur when there is movement; refusal to shift ground on demands leads to repression and revolution, with catastrophic consequences. Avoiding revolution produces the most justice over time, and
also represents the least risk for individuals. (In the sense that the most dire fate for an individual is to be caught up in an historical event of war or revolution – the more these eventualities are avoided, the fewer individuals will be subject to such eventualities. 245)

Herein lies perhaps one of the key paradoxes of this territory. Let us say that Sen presents us with a view which sees justice as an emergent, shared product of a complex evolving system – too vast, too mutable, and too multidimensional to be locked up in symbolic representations or stable institutions. In this sense, Sen's view is not static, but is in fact a vision of a fluid, dynamically evolving process. What could be better? Appropriately for 21st century democratic-liberalism, this is a fully materialist view, and admirably democratic, in that it envisages the activism and engagement of diverse ordinary people as instrumental in forging, maintaining, and pushing forward an evolving project of identifying and reducing injustice.

But there is a problem with this perspective, namely that this is itself an idealisation – and I have tried to signal in my introduction why this is not merely a technical, conceptual problem, arising perhaps in a situation where alternative conceptualisations are equally flawed. Bluntly put, it is possible to look back over the history of the last half-century and see the use of 'democracy promotion' as an important instrument of geopolitics and political economy. To cite the most conspicuous example, the use of the National Endowment for Democracy to destabilise and suppress social democratic experiments in Latin America and elsewhere needs to be taken into account. 246 In the real world, from Chile to Libya, Syria, Ukraine and beyond, identifying genuinely participatory democracy is no simple matter. And this means that for a real-world philosophical account of justice, invoking a very vague and generalised idea of democracy does not tie things up as neatly as it may seem from a purely abstract perspective.

Although it can be allowed that Sen's view is very complex, pluralistic and 'empirically grounded' and that it brings attention to significant contemporary harms, one stab at identifying its weakness, beyond saying that it is too idealised and blind to the dynamics of power, would be to say that it remains insufficiently dimensional, insufficiently attentive to the multiple contextual considerations which are always in play. In taking the plausible view that things would run better if thinking and practice relating to justice were less fetishistic, he does not sufficiently allow for the way that ideas about justice are always in various degrees fetishised –

245 Or the stronger claim of Hannah Arendt that 'freedom has been better preserved in countries where no revolution ever broke out, no matter how outrageous the circumstances of the powers that be, and that more civil liberties exist even in countries where revolution was defeated than in those where revolutions have been victorious.' (Quoted Mayer 2000: 3). For a broad ranging contextualisation, see Losurdo 2015b.

246 See for example Burron 2012, Blum 2014 for recent accounts.
sometimes for the better – and that historically this has been an important part of the larger social-political dynamic which has generated the idea of justice. This has not always been for the better, and it has not proceeded at a Rawlsian level of conceptual subtlety – but it has been an important motor of historical change, and of resistance to oppression. The kind of civilised liberal-democratic world which Sen sees as half-achieved and would like to see deepened and extended would be an even more distant fantasy if not for centuries of class struggle, revolution, and the threat of organised radical resistance and revolution.

Staying with the ideas of dimensionality and history, and breaking things down a little further, three problems can be identified. Firstly, as already suggested, he pays too little attention to macro-history: the very broad view of human affairs which opens out into the vexed territory vestigially sketched in the chapter on Pogge, the realm of global political economy and geopolitical power struggles.

The second problem may be represented as insufficient attention to micro-history – the level of analysis where intricate webs of connection and practices become apparent, where 'values' are forged, reproduced, fought over, and transformed. Although the capabilities approach nominally allows for this sort of thing, in practice it has contributed very little – particularly when compared to the existing archives of ethnographic documentation, the body of impressively argued anthropological theory which has emerged through the closely-fought disciplinary battles of the last century, and the work produced by micro-historians using similar methods, such as Carlo Ginzburg and Nathalie Zemon Davis. In the worlds depicted here we find a proliferation of creative use of modes of fetishisation and symbolisation, and multi-layered subjunctive engagements pursued under the foil of ideas. It is true that at this level of reciprocal interweaving and finely tuned struggle there is little use for elaborate formalised compound theories as offered by the likes of Rawls. But overarching mythic rubrics, and abstract ideals invoked for a variety of projects, pursued at several levels of subjunctive commitment, will be found in rich abundance. Sen's view of rationality allows for this sort of thing as a theoretical possibility, but it does not get close enough to understand this dimension, or to bring it to bear in any serious way for purposes of broader analysis. His emphasis on partial ordering can take its place among the set of ideas used to negotiate social and political arrangements, along with such clarifications as may sometimes be gleaned from Social Choice Theory formalisations. But these are in no position to subsume or displace the dynamically interlayered

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strategic manoeuvres which are routinely performed under cover of outward commitment to idealised notions of justice, freedom, equality, solidarity and the like.

A third way in which the idea of dimensionality comes into play is prefigured in the last paragraph, and involves the free-flowing interplay between different levels of analysis and different kinds of concepts and considerations which takes place in ordinary normative argument, and in political struggle through the ages – with different degrees of cognitive clarity and commitment, and different degrees of subterfuge and transparency. This does not necessarily invalidate the very idea of theoretical reflection on the idea of justice, but it does call into question the extent to which any thinking in this mode can claim to be 'non-ideal'.

Sen provides an extensive compilation of ideas which accumulate towards a pragmatic, decentralised perspective of bottom-up, engaged social activism and public reasoning. There is space for all manner of arcane excursions into social choice theory and the like, albeit at a watered-down level quite distant from any disciplinary cutting-edges. But there is very little space for any cautionary reflection on the multivalent nature of the ideas presented – on the extent to which very similar ideas have long been employed in the service of political projects very different from the humane agenda which Sen projects. In fact, for an account that is full of concern for human agency, affirming the importance of nurturing diverse capabilities and freedoms, there is no sense that employing the conceptual figure of justice in political deliberation and activism may entail anticipating the agency of others, and identifying emergent patterns of harm.

What Sen performs, but does not articulate or investigate, is the difficulty and strangeness of combining a face-value normative viewpoint with an analytic, explanatory perspective which aspires to explain and understand the causal structures of social life and politics – which crucially include the use of normative language and practices. Although he acknowledges the idea of fact-value entanglement, he does not attempt a serious account of what this entails for his project.

Most serious historical narrative attempts to deal with this to some degree, but for a handful of recent studies which consciously foreground the multidimensionality of historical and political struggle, at various scales, see van der Pijl 2010, Duara 2014, Rebel 2010, Smith 2014, Narotzky and Smith 2006, Losurdo 2015a.
Characteristically, where he does raise the issue, his mode of address immediately shifts to narrative indirection, slipping into an artful digression about Gramsci, Sraffa and Wittgenstein. This enables him to obliquely combine a gesture of his own sophistication while introducing Gramsci’s notion of the need for an ‘anthropological’ approach to understanding language and communication, affirming the capacity of ordinary people to understand language and the world, and the need to work within conventional forms.

As a political radical, Gramsci wanted to change people’s thinking and priorities, but this also required an engagement with the shared mode of thinking and acting, since for our communication we have to be, as Gramsci was quoted earlier as saying, ‘conformists of some conformism or other, always man-in-the-mass or collective man’. This is a kind of dual task, using language and imagery that communicate efficiently and well through the use of conformist rules, while trying to make this language express non-conformist proposals. The object was to formulate and discuss ideas that are significantly new but which would nevertheless be readily understood in terms of old rules of expression (121-2) 249

Viewed in this light, my criticism of Sen may be seen to boil down to disagreement about the strategy he adopts in performing this task, along with what I see as the practical implications of that strategy. But although wary of the larger purposes being served, I have to say that I am truly in awe of the tactical prowess which he displays in some of these manoeuvres – combining a lightness of touch in his direct expression of important matters, while at the same time ‘pointing’ to several other perspectives, signaling with the utmost subtlety that he is not the dupe he might appear to be in some other places. 250 The literary sophistication of these passages, along with his technical adroitness, famously elegant and creative approach to formal logic, and his general sense of humanity, inevitably leave one second-and-third guessing about

249 In an intriguing paper published in 2003, Sen frames a longer discussion of the relation between Gramsci, Sraffa and Wittgenstein around the ‘puzzle’ of why, after a period of intense engagement, Sraffa eventually tired of conversation with Wittgenstein. He suggests that although Sraffa was reticent in discussing such matters, it was likely because the kind of social epistemology that was taken as a radical innovation when articulated by Wittgenstein in the milieu of Anglo-American philosophy was a banal truism within the Marxist circles in which Sraffa was grounded. After guiding Wittgenstein to recognize the deeply social nature of language and thought, Sraffa became in due course impatient with Wittgenstein’s political naivity, and failure to move on to more constructive application of this basic insight.

250 Note, among the various delights of this vignette, how it sets a populist tone – even bona fide genii and eccentrics are still conformists and ‘man-in-the-mass’ at some level. But particularly pertinent is the way it indicates (by ‘pointing’) how Wittgenstein’s work grew out of engagement with an epistemic community (in which an economist played a key role, relaying insights from the activist-theoretician Gramsci.)
what he is doing. Perhaps some aspects of his theoretical structure are informed by a strategic intelligence that is several steps ahead, so that what seems to be naivety or misunderstanding is part of some elaborate plan.

Criticising Sen as I do in this dissertation has the uncomfortable feeling of teaching grandmothers to suck eggs – Sen could easily point to published work which suggests he is cognisant of many of the issues I raise. To this one must add his personal background, where in addition to maintaining respectful relations with several stalwarts of the Mont Pelerin Society, he has had deep and long-lasting connections to Marxist thinkers such as Maurice Dobb and Eric Hobsbawm. And he has retained the respect of many on the left long after his work showed evident drift towards liberal orthodoxy, with Adam Smith increasingly an intellectual touchstone in latter years. Sen does not disavow this personal provenance, nor does he lay out reasons for the cumulatively significant change in emphasis of his later work. (With the benefit of hindsight, this may be seen to date from his ‘middle period’, aptly marked in published work between his 1978 paper on the labour theory of value and his 1979 Tanner Lectures ‘Equality of What?’.)

In my response here I have tried to work both within the sort of literal reading which most of his text encourages, but also bring to bear contexts and perspectives from outside of the zone which he (mostly) constructs. The Idea of Justice is mostly occupied by a combination of two relatively circumscribed perspectives – the discourse of recent Anglo-American political philosophy, and the worldview which Sen implicitly takes to really need addressing – the perspective of conventional wisdom, of commonsense as he construes it. The fact that he manages to address both of these fields with some level of effectiveness is no small achievement. Along with the goodwill he has built up in the academic field over many years, and a general sense that change is needed in both fields to accommodate a changing world, this goes some way towards explaining why response to his latest project has been overwhelmingly tolerant.

But Sen has remarkably little to say in The Idea of Justice about actual political circumstances – actual patterns of power, cooperation and oppression, actual benefits and actual burdens, actual 'institutions' and actual 'realisations', actual possibilities and constraints on social activism. Although he asserts the importance of such matters, he makes no moves towards situating himself with respect to existing theoretical traditions – feminist, Marxist, Frankfurt

251 In 1976 (aged 43) he wrote in a moving letter of condolence to Dobb’s widow that ‘I have certainly learnt more from Maurice than from anyone else’ and that ‘he was the closest to a guru I have ever had’ (Shenk 2013: 217.)
School, Foucauldian, Bourdieusian, postcolonial and critical race theory, psychoanalytic, and so on – which have attempted to articulate modes of thinking oriented towards actual harms and relations of domination. Perhaps, for Sen, such modes of thought are all too specialised and systematic relative to the much more general perspective he points towards, and he does not want to become embroiled in internecine disputes about the comparative virtues and problems of different approaches. But this means that he puts himself in the rather awkward position of making exceptionally general claims about the importance of attending to concrete reality, to which he adds some vague commitments about capabilities and human rights offering crucial conceptual orientation in this task.\textsuperscript{252}

The perspective which he creates is difficult to judge because it appears to be socially grounded, politically practical, historically and geographically informed, with the whole knitted together into a persuasive normative perspective by extended and rigorous philosophical reflection. But in each of these spheres, it trades on a sense of seriousness and goodwill which derives from the general impression of substantiality, from moral earnestness, and from the assumption that the project is grounded somewhere else – ultimately in the kind of sophisticated analysis of rich empirical data which characterised his early work on capital, inequality, and famine. But this beautifully woven fabric begins to unravel when its various threads are subjected to critical scrutiny.

Under such scrutiny, the appearance of separate substantiality tends to evaporate. The primary ballast for the whole construction is the concept of capabilities as a device for bringing normatively appropriate attention to the substance of real human lives – to suffering, to deprivation, to well-being and freedom. Capabilities are presented as a way of getting to grips with the diversity and specificity of injustice, an information-focus that starts from where the world really is rather than some suspect idealisation of how we would like it to be. But while the notion of capabilities continues to be seen as Sen's signal contribution to social thought, it generates a paradoxical tension within his theory of justice. When the claims to practicality via social-choice-theoretical instrumentalisation are stripped away, the attractiveness and interest of capabilities is essentially transcendental. As a reformulation in modern garb of the Marxian ideal

\textsuperscript{252} Following his dictum of evaluation via comparison, the oddness of Sen presenting his recent work as a practical intervention is brought into relief if one compares The Idea of Justice with, say, Göran Therborn's 2013 The Killing Fields of Inequality. This is also addressed to a general audience, and while it makes no pretence of formulating a grand theory of justice, it does offer a well-proportioned practical analysis of the prospects for moving towards a less unequal world which is both normatively engaged and historically/sociologically informed.
of distribution according to need, if taken seriously it relies on and expresses a deep commitment to mutual assistance. And as has been often observed in the capabilities literature, Sen intentionally leaves the concept open-ended and incomplete, requiring filling-out for any particular application. But this means that as a mode of theorising, exploring, and responding to the parameters of injustice, capabilities turn out to be, in the sense developed by Bourdieu, remarkably 'weightless'...

Sylvia Walby develops a particularly incisive account of the problems in meaningfully 'operationalising' the notion of capabilities, and how this plays out in practical political terms, and observes that 'the openness of Sen's work means that it can be used by forces generated by the neoliberal environment to support their redefinition of justice.' Moreover, as she documents, when we turn to actual instances of attempted application, it is no longer the highly refined philosophical notion of 'capabilities' which is in play, but simpler and more mundane proxies. Since the 'philosophical' status of the concept relies heavily on claims to practicality, difficulty in redeeming these claims casts serious doubt on the enterprise of structuring social analysis in these terms.

Ironically, what is most distinctive and most valuable about the notion of capabilities is its status as an aspirational ideal. In practice, the capability approach is a standing reminder of the need for a spirit of generosity and fair play in the face of human diversity and vulnerability – it does not provide, through objective measure, a substitute for these things. The aesthetics of technical sophistication coupled with humane egalitarian concern which surrounds the 'capabilities approach' enables it to have standing within the managerialised administrative discourse of contemporary capitalist democracies. But the pretence of practicality which it embodies is suspect for exactly this reason. On one view the capabilities approach embeds a commitment to deep mutuality within a hostile ideological environment. But since this is a mutuality which dare not speak its own name, it is a double-edged instrument, cutting against the sources of its own support.

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253 Sen has consistently resisted attempts by Nussbaum and others to provide a more substantive account, a contrast much discussed in the capabilities literature. (For general references, see note 121 at p74 above.)
254 Walby 2012: 99
In arguing that 'loosely specified obligations must not be confused with no obligations at all', Sen uses the Kitty Genovese murder as an illustration, citing the "powerful discussion of the incident" in Philip Bobbitt's *Shield of Achilles*. At face value, this seems quite straightforward, artfully employing a well-known example to make a general point. But his choice of reference is surprising, and on closer inspection there are multiple problems here, precisely because of what is buried several layers deep by piling conventional views on top of each other.

Bobbitt tendentiously embeds a sensational narrative of the Genovese incident to configure an otherwise weakly documented and theorised account of the 1990s Bosnian War; an account which in turn is used to support a supposedly 'challenging' but in fact very conventional neoconservative grand theory of 'war, peace, and the course of history'. He deploys a series of such stylised vignettes to develop a theory of stages of development of the nation-state – culminating in the inevitable rise of a minimal 'market state'. Because it was nicely pitched to the tenor of the times, offering a veneer of erudition, grandeur, and inevitability for American empire, this was well-received by the great and the good. While Sen does not overtly endorse Bobbitt's larger agenda, this is a curious point of reference for this well-known incident – he would have been better going back to Bobbitt's original source, the account by the editor responsible for bringing the incident to public attention.

But the plot thickens. Although Sen (and, to a lesser extent Bobbitt, who makes a lot more of the affair, crime-thriller style) can certainly be forgiven for not knowing this, it turns out that the original account is not reliable. While doubts about the case have circulated for some

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255 Bobbitt 2002: 411–467 (chapter 15)

256 'Of course the murder of Kitty Genovese under her blood-stained stairway in Queens is not the same, legally or strategically, as the ethnic cleansing of Muslims from the blood-soaked villages of Bosnia.' (466) In fact, for Bobbitt it demonstrates not only that 'the international community' cannot 'respond in the way that a domestic government responds to criminal behavior', and that while 'the society of states that was forged in the Long War acted swiftly and with assuredness in Kuwait ... this sure-footedness vanished' in Bosnia, 'when that same society was faced with a more puzzling conundrum arising from its own identity: when does a "nation" get a state?' The punchline? 'What made this failure so significant—for it is hardly the first time this question has arisen—is that it occurred in the context of the emergence of the new market-states.' (Bobbitt 2002: 467)

257 But see Mann 2004, Balakrishnan 2003 for detailed criticism.

258 Rosenthal 1999. As metropolitan editor at the time, Rosenthal was instrumental in the coverage which brought the case to prominence, resulting in subsequent waves of public reaction and social science research. Since reference to other works of historical sociology, geopolitics, and international law are conspicuously thin on the ground, the fact that Sen refers uncritically to Bobbitt is – I suggest – revealing.
time, its fiftieth anniversary stimulated a new round of research that shows that the episode did not follow the plot of the received version, and that original accounts of bystander apathy and inaction were considerably inflated. Viewed in hindsight, the whole affair is a fascinating, multilayered phenomenon – distorted reporting created a public outcry that resulted in a number of constructive reforms and some fairly robust research in social psychology, but also establishing a topic that over time has been used to fuel an ambiguous array of political agendas and moral panics. In the context of my larger thesis, Sen's use of this reference – ostensibly quite straightforward – brings to light in microcosm the trickiness of relying on conventional conversational tropes and stylised histories, the repetition of which serves to occlude scrutiny of the original sources. Sen advocates consequentialism over deontology on the basis that it allows better access to 'reasoning'. But in practice, this is hard to attain, and overreliance on 'uncontroversial' stylised facts can serve as a covert form of 'deontology'.

Of course it seems tactless to hound Sen over minor details, and I realise that I have taken what may seem an inappropriately picky approach in a number of places. I have pursued what may seem like unseemly micro-vendettas as a way of pointing to what I believe are insufficiently recognised patterns of occlusion and evasion in his work, and a general pattern of soft-focus _bien-pensantism_ which resists scrutiny and criticism. As already conceded, I recognise that this is difficult territory – the goal of influencing hegemonic commonsense attitudes may be served by the strategy he takes, and it is very difficult to judge such matters. I persist because I find that the combination of exoticism, conventionality, precision, generality, and limited contextualisation present in Sen's work resists straightforward summation and critique. If one believes that his project must surely have good effects – say, on the basis of his background and general air of humane intelligence – its elusiveness to critique may be seen as a virtue, facilitating an ultimately benign effect in the world. But this is an odd way to approach philosophy, and contradicts his claim to be putting forward an approach that emphasises openness to scrutiny and evidence.

If I may be allowed one more turn of this querulous screw, I would observe that it is asking for trouble to contrast perspectives which are overly influenced by reified theoretical ideas with one's own ostensibly more open, evidence and reason-driven 'comparative'

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259 See Cook 2014, Lemann 2014
260 See Manning et al 2007; Stanley Cohen 1999 offers a succinct discussion of moral panics as sociological phenomenon and theoretical device.
perspective. Since this is a particularly difficult ideal to live up to, it is not surprising that Sen does not always succeed.

Much of Sen's writing occupies an elusive space between evident 'theory', logical/analytic truth, and commonsense. I take it that this is by design, for reasons already touched on. But it means that the constructs that he uses are particularly susceptible to being taken as simple matters of fact – that is, as if they were not themselves theory-laden. Thus capabilities simply are those features of life that matter most – because they have been stipulatively designed in these terms. But in this self-confirming circuit, their individualist ontology drops from view, and thus any real appreciation of the character of human sociality.

Similarly, justice simply is a matter of distributed social choices, because this is how the world actually proceeds – or at least, this is how the world proceeds once you have locked-in on the view that this is how the world proceeds. Awareness that 'justice' has also long been used in ways which stretch across time – invoking the past and imagining a future – seems to wither in the face of the pragmatic insistence of choosing between available alternatives. 'Human development' simply is a matter of increasing capability-freedoms, because it makes better sense to think of it that way than in terms of GDP. But for all that it is sometimes helpful to be reminded of this, privileging this view as 'theoretically correct' may occlude features of the deeply competitive, power infused global political economy that need to be addressed – and therefore be less than helpful in actually making headway in a hostile environment. 'Markets' are as natural as conversation, but require 'augmentation' to manage the effects of externalities, and sustain those aspects of social and political life for which markets are not suited. Because this is evidently desirable, it is too often implicitly assumed that it is a straightforward matter to move in this direction, ignoring evidence that the value-generation and accumulation dynamics of capitalism represent an emergent, evolving system, with deep-seated contradictions which resist and subvert moves towards managing it.  

Sen enthusiastically endorses the atomised random-trial experimental approach to development studies which has been taken up prominently in recent work by Bannerjee and Duflo. But as critics such as Sanjay Reddy have pointed out, this approach falls far short of its

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261 See for example David Harvey's (2014: 208-11) criticism of Sen in these terms.

262 Bannerjee and Duflo 2011
stated goals. \textsuperscript{263} Unfortunately, atomised attention is not the solution to addressing problems of evident injustice – to state the drearily obvious, there must always be a dialectic between the particular and the general – and this includes movement between the kind of ideals that Sen is in the habit of lumping into the 'transcendental' basket and the pragmatic realities of a power-infused world. At one level, as always, Sen can be read as himself saying exactly this – that a different configuration of justice-related principles will come into play in different contexts. But – partly because he avoids getting down to discussing any particular situations in sufficient detail – his rhetoric creates the impression of piecemeal negotiated reforms uninformed by larger contexts. He consistently underplays the need for mid-to-higher level interpretive rubrics as being an intrinsic part of this mix. While it may be \textit{technically} consistent with his stated view to say that this is how things actually proceed – he does of course refer to comparisons and choices between 'partial orderings' – the bias of his account pushes strongly against this sort of picture, in which diverse \textit{multi-dimensional} perspectives are in play.

He argues that market outcomes need to be scrutinised and augmented, that a 'free press' and 'democracy' can protect against catastrophic famine; that it is possible in some instances to advance human development even within a hostile larger politico-economic environment; that it is important that human rights, capabilities and freedoms be given sustained priority; that failure to focus on health and education reduces quality of life in the present but also serves to limit future economic growth; and so on. There is a sense that these humane views carry extra weight because they are put forward by someone with Sen's technical expertise and broad background. But his way of formulating and presenting these views is bereft of serious contextualisation, and insulated from the kind of robust critical analysis which is standard procedure in even mainstream interpretive disciplines, let alone more radical variants. There is no attempt to consider the effectively systemic constellations of factors which militate against the achievement of these goals, or the way his own perspective is enfolded within political projects which may run contrary to his stated aims. This includes the way his compassionate, humane developmentalism has been used as the human face for an insatiably expansionist, inherently polarising form of human relations, held in place by an extraordinary apparatus of military power, vast systems of surveillance and indoctrination, the systematic subversion of alternatives, and the degradation of international law. \textsuperscript{264} That this juggernaut is also having catastrophic

\textsuperscript{263} Reddy 2011

environmental effects is hugely important on any reckoning, but also raises issues of 'environmental justice' which are given remarkably little attention in Sen's 'comprehensive' consequentialism. 265

The wearily Olympian approach of Geuss and Williams, and the 'scientific' treatments of those outside political philosophy who aim for a descriptive account of ideologies, such as Michael Freeden, or treatments in terms of sociology of knowledge or history of ideas 266, stand (in my view) as essential correctives to the blindspots and self-inflating tendencies of 'normative political philosophy' practiced as a self-standing discipline.

While he is frustratingly reticent and inarticulate on such matters, one of the main reasons for taking Sen seriously is that his project is the most prominent recent attempt to occupy a space which lies at the intersection of taking justice seriously à la Rawls, and taking the realist/pragmatist view seriously. As it turns out, my assessment of Sen is quite harsh, because I

265 See Schrader-Frechette (2002), Westra (2006, 2008, 2009), Okereke (2008), Newton (2009) from amongst a burgeoning academic literature; Heatherington (2010) for an incisive anthropological view from closer to the ground. There is also, of course, a large activist literature (eg. Athanasiou and Baer 2002). Sen has for some time been criticized by his distinguished colleague Partha Dasgupta (eg 2001, 2013) for failing to give adequate attention to environmental matters. A recent article in the New Republic (Sen 2014) does little to remedy this neglect, concluding with a boilerplate plea for probabilism: 'Finally, as far as the avoidance of dangers is concerned, there is an urgent need for moving from any one-dimensional priority to facing the multifaceted threats that environmental dangers pose. It is odd, for example, that the possible negative effects of nuclear energy have figured much more in public fear than in scientific attempts to provide an assessment – it would have to be probabilistic – of the ranges of values within which those negative effects can be placed. ... Our scientific priorities as well as our ethical commitments demand more – and multidirectional – engagement. Global warming, extremely important as it undoubtedly is, has to be seen as one part of a much larger picture of worrying threats as well as positive possibilities.'

266 With notable contributions from Pierre Bourdieu and Quentin Skinner. As far as 'Olympian' perspectives go, the extensive work of Perry Anderson and Noam Chomsky also deserves mention – see especially Anderson 2005. And while the descriptive, contextualist approach of Freeden et al can be seen as a corrective of sorts, this does not mean it can subsume or displace critical conceptions of ideology – or that it is not itself in need of contextualisation and correction. A recuperated and elaborated Marxian critical understanding of ideology, such as that offered by Rehmann 2013, provides an important further perspective, which is especially valuable for addressing questions of global justice.
believe he loses out on both sides. Although he tries to put into practice a way of theorising
which draws on both Williams and Rawls, he fails to recognise the tensions which such a project
entails, and it is partly because of this that his account of justice turns out to be philosophically
weak, while also delivering little in the way of historical and political orientation.

Viewed sympathetically, we might say that this is partly because of the sheer difficulty
of the task he has undertaken, to find a way of integrating the insights of an empirically informed
and oriented political realism and a normatively oriented commitment to justice as an evaluative
concept. The generally favourable reception accorded The Idea of Justice can be largely
attributed to a sensed need for an intelligent and accessible account that covers this territory.
More curiously and problematically, it is also partly the result of many commentators themselves
failing to take seriously the nature of the project, the high aspirations that it entails, and thus the
expectations such a project engenders. Sen claims to be doing more than just providing
additional filigree for the edifice of Rawlsianism, and he also adopts a stance of moral urgency
which is quite different to the tone of Geuss and Williams. He claims that his approach is
distinctively oriented towards eliminating actual harms, and addressing the problems of an
interconnected, globalised world rife with endemic injustice.

If we pay Sen the respect of accepting the potential importance of the kind of account he
is attempting, this requires on my view that we also ask whether his proffered formulations are
adequate to the seriousness of the enterprise.

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We have got onto slippery ice where there is no friction and so in a certain sense the
conditions are ideal, but also, just because of that, we are unable to walk. We want to
walk; so we need friction. Back to the rough ground. 267

I have chosen the figure of 'roughness' as a way of bringing to light a number of things
which are important for thinking about justice, and which are collectively under-emphasised,
evaded or denied by the understandings of justice in play within liberal political philosophy. I
don't mean to lean too heavily on this – obviously it does not capture everything that matters
about the conceptual field of justice, nor everything that is missing in liberal theories. Nor are
the considerations I use it to refer to entirely missing from existing theories.

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Part of what I am trying to bring into focus through this figure is the need to adopt a more unruly discursive and analytic style which disrupts disciplinary decorum and broadens the range of critical perspectives brought into play – contesting not just predigested abstract 'normative' framings, but also the implicit causal/explanatory views of the world with which these are entangled. In order to seriously grapple with the multifarious, dynamic, and power-infused dimensions which intersect around the notion of global justice, it is necessary to go beyond the relatively narrow horizons of feasibility and plausibility within which most liberal political philosophy tends to be conducted. I invoke the notion of decorum to point to the way that much of the shaping of these narrowed horizons goes under the radar, through implicit understandings of where attention should focus, of what is worth saying and what should be left unsaid.

In addition to whatever general value a rough justice perspective may hold, I suggest that it can serve as a useful heuristic for identifying some of the limitations of Sen's project, and casting some light on how and why he fails in what he appears to be setting out to achieve. In turn, part of what I believe is interesting about his work comes from the way it brings into play some aspects of what I am calling roughness – the deep injustice of the world as it stands, the need to manage plural perspectives, a focus on orientation and approximation – but fits them within an overall account which remains far too 'smooth'.

As just depicted, my deployment of 'rough justice' largely signals a methodological critique. But of course this is tied together with what I suggest is a shift in emphasis in the substantive understanding of the meaning of social justice, the expectations and demands which are triggered by invoking this term. The primary reason for adopting a different discursive approach is to bring greater emphasis on certain core implications of the notion of justice which accompany the recognition of deep levels of reciprocal relation and historical connection. In a world characterised by rampant inequality and entrenched patterns of domination and oppression – a world of 'rough justice' in the usual sense – the deeper layers of mutual demand and expectation will necessarily be disruptive. By acknowledging just how rough actually-existing forms of 'justice' really are, a philosophical perspective of rough justice will bring a more persistent focus to the role of power in determining the shape of the world, but also greater emphasis to those aspects of the concept of justice which push against reconciliation to present circumstances.
8. Conclusion : Rough Justice and the Predicaments of Political Philosophy

To tell the truth? Words tortured until they give themselves up to their polar opposites; Democracy, Freedom, Progress, when returned to their cells, are incoherent. And then there are other words, Imperialism, Capitalism, Slavery, which are refused entry, are turned back at every frontier point, and their confiscated papers given to impostors such as Globalisation, Free Market, Natural Order.

—— Solution: the evening language of the poor. With this some truths can be told and held.268

Sen’s argument that there can be no authoritative general theory or doctrine about the content of justice is true enough, and has been a consistent thread in Western thought since Aristotle: it is simply a mistake to pursue via sophia what can only be delivered by phronesis269. Yet in Sen’s work, as in philosophy more generally, a puzzling cycle repeats and repeats, wherein this insight seems to be alternately remembered and forgotten. Against the theoretical insight of the truth of this observation, a practical struggle insists on one more flight towards the sun – in a world of evident injustice, it seems unsatisfactory not to theorise about social and political affairs, for whatever can be gained from the enterprise. As academic philosophy gravitates almost inexorably towards taking the character of an authoritative mode of discourse, the exercise of social responsibility in the face of injustice seems to license using the resources of this authority in the struggle for greater justice, to contest whatever prevailing views are seen as pernicious.

It is in the nature of the circumstance that what I present here remains largely within the kind of meta-theory which I have spent much of my time criticising. I have tried to give some shape to a perspective according to which the ideas, practices, and anticipations that circulate around the notion of justice are deeply informed by a multilayered sense of the historical human project. And I have tried to signal why such an approach – really only a preliminary critique – is called for.

The historicity of understandings of justice is widely recognised – indeed so well recognised that it barely needs mentioning. And partly for this reason, it is routinely forgotten. The continuing impulse to find ways of talking about justice in abstract terms – including the criticism of alternative attempts to talk about justice in abstract terms – appears, on its face, to be quixotic and unproductive. Indeed, persisting with abstract analysis and discussion of ‘justice’

268 John Berger 2008, From A to X, p53
tends to occlude attention to actual history and to the historicity of the concept/phenomenon, often to pernicious effect. This remains the case – and is perhaps doubly deceptive – even when the understandings and theories regarding justice being deployed nominally recognise its entanglement with history.

Nevertheless, I have also tried to suggest that the matter is not quite this simple – that the circumstances of the world demand that attempts are made to grapple with the predicament of injustice, even though the actual understandings of history, politics, and social situations which can be brought into play will always be limited. The beginning of a pragmatic resolution to this paradox is to resist the 'sleep of reason' by attempting to retain a sense of the inevitable limits of historical understanding, and a reflexive awareness of the implicit understandings of history, and of justice, which are in play. But to be in good faith, and to avoid falling ever deeper into the hypnogogic spell, this must coincide with some effort to understand actual history.

If much of what I have said amounts to a critique of disciplinary conservatism, this is not exactly new – the general territory has been extensively explored from a number of perspectives – feminist scholarship, postcolonial theory, critical race theory, and queer theory being among the more academically prominent in recent times, with Marxism a trenchant onlooker from the sidelines. And of course the 'global justice' literature I am (largely) criticising here coheres around one such move – contesting the habits of thought that restrict the 'bounds of justice' to within conventionally conceived 'nation-state' jurisdictions. On my view this does not go far enough, partly because the posture of challenging established positions carries its own occlusions. An illustration of this can be seen in the 'post-Westphalian' and 'globalisation' framings that are commonly used in this field. 270 When pursued within an otherwise conventional worldview, these tend to reify the 'Westphalian' problematic they claim to overcome – understating the depth and breadth of historical interconnection, the persistence of empire and hierarchy throughout the modern period 271, and also the overarching structuring

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270 Nancy Fraser (eg 2009) has been particularly prominent in using the 'post-Westphalian' trope, though the term derives from and is more commonly used (and abused) in the literature of International Relations Theory; see Teschke 2003 for a classic critique of this usage; also Osiander 2001, 2007.

effects of global capitalism as a world-system, which is poorly understood when viewed through the lens of globalisation theory.\footnote{272}

Some degree of simplification and sidestepping of complex and contested questions is obviously necessary. But I submit that it is paradoxical and significant that the 'global justice' literature so comprehensively avoids engagement with the scholarly literature in fields such as political economy, international relations theory, historical sociology, anthropology, feminism, and world history.\footnote{273} Attentive readers will have noted that in the present work I have at times resorted to using raw citations to signal various perspectives, judging it either too onerous or too distracting to outline or actively engage the scholarship thereby gestured. This has been partly a result of limited time and space, partly simple failure on my part to find ways of proceeding more expansively which did not distract from the main line of argument. I will readily admit that this device is in many respects regrettable and unsatisfactory, and at times has bordered on the absurd. My purpose in risking the madness of this method has been to indicate something of the scale of what is missed by conventional approaches. As noted at the outset, I do not suggest that the problems are easily overcome.


\footnote{273}{Of the fields cited, some exception can be made for the case of International Relations Theory, with Beitz (1979/1999) and Caney (2005) being important examples. Nevertheless, the difficulty of fruitfully combining the perspectives of IR and normative political philosophy is considerable. As Beitz (1999: 185) observes in an afterword to the twentieth-anniversary republication of his classic work: 'It is gratifying that the book continues to be read ... It is also a little alarming: the literature of international political theory has developed impressively in these twenty years, and the state of thought today is considerably more sophisticated than it was in the 1970s.' Caney engages a substantial amount of more recent work, but Chandler (2007: 205) comments severely that, 'this book is strangely passionless for such an engaged and one-sided project ... a work for the already converted. ... The potentially interesting aspect of the book – the comprehensive survey of competing approaches – is undermined by the predictability and superficiality of the critiques of the competitors and the unchallenged cosmopolitan starting assumptions. ... the work falls between two stools, and in the end, it is neither a development of cosmopolitan thinking nor a useful, comprehensive, survey of the field.' Attempts to bridge the gap from the IR side have, in my view, been somewhat more successful (Linklater 1998, 2007; Frost 1996, 2009.) The transition of Richard Beardsworth from (Continental) political philosophy to a disciplinary base in IR is noteworthy, and Beardsworth (2011) is among the more judicious attempts to combine normative theory and international studies.}
A further feature of the predicament of theorising about global justice comes into view at this point. The main emphasis of my account has been on the need to develop a more multidimensional approach, to acknowledge and engage more critical perspectives on history, society, and political economy, to allow for multiple levels of analysis and layers of attention. This is an absurdly unwieldy enterprise, but moves in this direction are required in order to take seriously the nature of what is at stake. Nevertheless, the predicament is actually much trickier than this, since it must be admitted that questioning present arrangements in terms of the figure of global justice is also and inevitably a simplifying device, which relies on the assumption that it is possible (reasonable, fruitful) to invoke some sort of general, synoptic view. One of the strangest things about pursuing academic inquiry into global justice is that this *topos* requires both radical extension *and* radical simplification.

Although I suggest that uninterrogated commonsense views have a pervasive narrowing effect in mainstream political philosophy, it is one of the merits of work in this academic zone that it attempts to engage and influence the terms of general discussion. One of the primary reasons for pursuing inquiry into 'global justice', and 'justice' more generally, is that these terms have significant presence and traction within broader political debates and social movements. So while it often seems that academic philosophy is particularly removed from the real world, this is only half true – alongside the noble pursuit of truth and understanding, a complex strategic game is also in play. The appearance of a certain degree of rigour and sophistication offers standing and prestige within broader realms of conversation, and since invoking 'justice' will have little legitimating force if it is seen as purely a reflection of the status quo, offering at least a semblance of critical evaluation is also crucial for the proper functioning of a concept of justice in the world at large. Compared to even more hermetic and specialised fields of social inquiry and critical theory, political philosophy is – potentially – more able to play a mediating role, and thus – potentially – exercise some critical leverage.

Once again, we are looking at the need for a dialectical view, which allows that the impartial, truth-seeking stance has some intrinsic standing, but is also inevitably entwined with strategic political implications. Giving (supposed, theoretical) primacy to a strategic orientation is misleading because it fails to recognised the strategic-ideological advantages conferred by the appearance of truth-seeking – an appearance which requires some measure of credibility if it is to be strategically successful, and some grip on the strategic situation if it is to have genuine claim to objective truth-seeking. And so we have, in the realm of Realpolitik, but also in the apparently more innocent and transparent realm of academic political philosophy, the proverbial 'riddle wrapped in a mystery inside an enigma' – and this sort of analysis could be continued, in variously ramifying directions ...
What may be described as a deceptive 'smoothness' that ensues from the use of conventionalised implicit histories can therefore be seen as establishing a zone of ambiguity-via-abstraction which relies on an appearance of criticality and precision, and which can be put to various uses. The appearance of innocence and objectivity can be used to engage and reform (and perhaps ultimately to subvert) the status quo; but the appearance of criticality can in turn serve to support the status quo. I have tried in this thesis to indicate some of the ways in which Sen and Pogge adopt a stance of apparent criticality from within a zone of decorum-induced-and-confirming smoothness, and some of the limits it places on their projects – particularly the way it confirms a constricted understanding of the idea of justice via a 'realistic' criticism of alternatives. As will be evident, I prefer the strategy of 'brushing history against the grain' 274

Although I make no final claim regarding the interpretation or effect of their projects, I have mostly proceeded by brushing Sen and Pogge against the grain, also. This disrupts the extent to which their work can retain a benign ambiguity, and steer a subtle, reformist agenda. But on my view their failure to substantively contest the decorous smooth reading of history means that whatever reform might be achieved in this way, with a blind eye to the deep history of human interaction and the effects of power, will be insufficient for the circumstances of present world politics, and will not deserve to be called justice.

274 As per Walter Benjamin: 'There is no document of civilization which is not at the same time a document of barbarism. ... A historical materialist ... regards it as his task to brush history against the grain.' 'Theses on the Philosophy of History', Thesis VII; in Illuminations (2007: 256-7)
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