



Citation for published version:

Deneulin, S 2010 'Development and the limits of Amartya Sen's *The Idea of Justice*' Bath Papers in International Development. Centre for Development Studies, University of Bath, Bath, U. K.

Publication date:
2010

[Link to publication](#)

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Development and the limits of Amartya Sen's *The Idea of Justice*

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Abstract

The paper analyzes the contribution of Amartya Sen's *The Idea of Justice* for development studies. The influence of Sen's book for thinking about development is likely to parallel that of John Rawls's *Theory of Justice* in political theory. This paper argues that *The Idea of Justice* has a limited reach in relation to addressing concrete cases of injustice because it is built only on the dual foundations of freedom and reasoning. On the basis of real world examples of unjust situations derived from Sen's body of writings itself, the paper discusses the limits of *The Idea of Justice*. It contends that remedying injustice requires an understanding of how justice is structural and which recognizes that discussion of justice is inseparable from reasoning about the nature of the good society. The paper concludes by pointing out *The Idea of Justice*'s ambiguous relationship with liberalism.

Keywords: Justice, freedom, reasoning, structural injustice, liberalism, Amartya Sen

Introduction

In the 1960s, a group of Latin American social scientists named the development model adopted by Latin American countries unjust. Supplying cheap raw materials to Western economies and buying off them finished products at inflated prices created a situation of dependence which severely limited the scope for Latin American economies to provide employment opportunities and reduce poverty. Justice required that Latin American economies broke their dependence ties to Western economies. However, with the collapse of import-substitution policies in the early 1980s after the turmoil of the oil and debt crisis, the intellectual revolution of dependency theory within development studies was short-lived, and 'justice' disappeared from the development vocabulary to make room for the 'pro-poor growth', 'participation', 'community-driven development', 'empowerment', 'social capital' and all the many other buzzwords that have inhabited development discourses since then.

In the 1990s, with the integration of human rights into development discourses and practices, justice became again a major concern for development studies, but the language of justice shifted away from the structural analysis of dependency theory to a liberal discourse of individual rights and freedoms. Justice is no longer the product of just structural relations

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between economies but the product of just outcomes between individuals. Every individual is born equal and failing to recognize these equal rights is unjust. It is unjust for an Afghan girl to be denied access to education while her brother is not. It is unjust that a woman in the Congo is more than 100 times more likely to die in childbirth than a woman who lives in the UK.² It is unjust for a Chinese student to be in prison because s/he has opposed a government policy. While not linked with human rights as such, the Millennium Development Goals and their targets of achieving gender equality in education, reducing child and maternal mortality, exemplify a partial and imperfect attempt to bring concerns for justice for individuals to the heart of development processes.

Amartya Sen's *Idea of Justice* situates itself within that liberal tradition of integrating justice and development. At first glance, *The Idea of Justice* does not appear to add any new insight to what is already in the Amartya Sen corpus. Like the central argument of *Development as Freedom*, *The Idea of Justice* holds that the development process should be about providing the opportunities for people to live the kind of lives they have reason to value. It is about expanding valuable freedoms, such as freedoms to read and write, to be healthy, to live in peaceful and secure environments, to participate in the life of the community, to appear in public without shame, etc. At a second glance however, *The Idea of Justice* goes much further than *Development as Freedom*. It presents the expansion of valuable freedoms as a matter of justice. That 4,000 children die each day in the world as a result of diarrhoea, while the means to easily prevent it through oral re-hydration therapy exist, is unjust. That child malnutrition persists in India despite a decade of high levels of economic growth is unjust. These situations of injustice require urgent remedial action.

In this sense, Sen's *Idea of Justice* constitutes a significant intellectual revolution for development studies that is similar to what Rawls's *Theory of Justice* did for political theory. In policy discourses dominated by a language which uses development as synonymous to poverty reduction, *The Idea of Justice* advances the bold argument that development should be synonymous to making the world less unjust, for poverty reduction and reduction of injustices do not necessarily go together. If a country has reduced its income poverty rate from 40% to 30%, fewer people live below the poverty line, but this poverty reduction has not necessarily made the country more 'just' as a large percentage of people might still be denied

² The most recent WHO data estimate maternal mortality rates in the Democratic Republic of Congo at 990 per 100,000 live births and 7 in the UK. Most recent UNICEF data estimate net primary enrolment rate in Afghanistan at 74% for boys and 46 % for girls.

many valuable freedoms. They might still be unable to access education, to avoid easily preventable diseases or be denied freedom of expression. *The Idea of Justice* might therefore change development studies drastically, taking it away from its concern for poverty reduction towards justice. But how far does *The Idea of Justice* pass the test of doing what it set out to do: to diagnose concrete cases of injustice and offer insights to make the world less unjust? This is the question that the paper will seek to answer.

It starts by examining how *The Idea of Justice* links development with justice through two core ideas: freedom and reasoning. It then tests how these two ideas can help us analyze concrete unjust situations. By confronting the argument of *The Idea of Justice* with concrete examples of unjust situations discussed in Sen's writings itself, the paper underlines some of the limits of a freedom and reasoning-based idea of justice. It concludes that, for Sen's idea of justice to be translated into remedial action, it needs to be structural and not individual, and be based more explicitly on reasoning about the good life and the good society.

Justice: Freedom and reasoning

Sen's *Idea of Justice* is mainly directed at two audiences: political philosophers and social scientists. So far it is in the area of political theory that *The Idea of Justice* has generated most reaction.³ One of the reasons for this lies in the recent history of political philosophy. Since the publication of John Rawls's *Theory of Justice* in 1971, academic discussions in political theory conducted in Anglo-Saxon circles on the issue of justice could hardly avoid engaging with this work.⁴ To date, no account of justice coming from the English-speaking world has rivalled the primacy of Rawls's *Theory of Justice*. Even Rawls's communitarian critics⁵ have not succeeded in offering an alternative theory of justice with the same influence as Rawls had on Anglo-Saxon political philosophy. Sen's *Idea of Justice* could do that as it provides a robust alternative to Rawls's *Theory of Justice* for thinking about social arrangements and distributive matters outside the utilitarian tradition.

The thrust of the argument of *The Idea of Justice*, already presented in his article, 'What do we want from a theory of justice? (Sen, 2006), is that the question 'What is a just society?', is not a good starting point for thinking about justice. What is needed is a

³ Book reviews in the press and academic journals have mainly been written by political philosophers who discussed *The Idea of Justice* in relation to theories of justice in philosophy.

⁴ Rare exceptions to this are given by English-speaking academics working from within the German philosophical tradition of Hegel, Marx and critical theory.

⁵ See Mulhall and Swift (2002), for a summary of the 'liberal-communitarian' debate.

comparative, not transcendental, approach to justice. One does not need to know what a perfectly just society is, and what constitutes just institutional arrangements, as is the case in Rawls's *Theory of Justice*, in order to identify injustices and seek remedial action. Justice and what constitutes 'just institutions' need not be defined in order to be able to say that a state of affairs where fifty per cent of the population under five are malnourished is more unjust than one where five percent are. A comparative framework, which enables people to evaluate states of affairs and judge whether one is better or worse than another, is sufficient, according to *The Idea of Justice*, to address injustice.

By making the capability space the comparative framework for justice, Sen's idea of justice is freedom-based.⁶ One state of affairs is more just if people enjoy more freedoms to live a life they have reason to value. If in situation A, more people are free to be healthy, go to school, express themselves and participate in running the affairs of their community, than in situation B, where some minorities are excluded from health and educational services and political life, situation A is more just because more people enjoy more valuable freedoms. According to Sen's idea of justice, comparing situation A with situation B within the capability space is sufficient to start remedying injustice. One does not need to identify 'just' institutional arrangements, e.g. whether collective ownership of capital by the workers is more just or unjust than a handful of shareholders owning a company. It suffices to compare these institutional arrangements according to their consequences for people's freedoms. All we need for justice is to have a comparative framework which evaluates whether one institutional arrangement leads to a situation where more people are living the kind of life 'they have reason to choose and value'.

Already back in 1990, in an article entitled 'Justice: Means vs. Freedoms', Sen articulated his freedom-based idea of justice. In his 1979 Tanner Lectures, and more expansively in his 1984 Dewey Lectures, Sen (1980, 1985) made the case for 'capabilities' as a more appropriate space for assessing wellbeing than the utility space, and as a more appropriate informational basis for justice than Rawls's primary goods. His argument was that personal heterogeneity meant that people would require different levels of primary goods in order to do the same things. For example, a paraplegic person requires a larger amount of some primary goods, such as income, in order to travel about in their neighbourhood than a person who is able to walk.

⁶ For his capability approach, see among others Sen (1980, 1985, 1992, 1993). For a general introduction to the capability approach, see Alkire and Deneulin (2009).

Rawls's rejoinder to Sen's critique was that making capabilities instead of primary goods the informational basis of justice would lead to a comprehensive view of the good which goes against a political conception of justice. It would require making a judgement about the nature of what people do or are. The capability to move, to eat well, to participate in the life of the community are the informational basis for justice, in Sen's account, because they are worthwhile as such, because they constitute what good living is about. Rawls's objection is that if people wish, for example, to live a reclusive life, without going out, eating a decent diet or participating in the political affairs of their countries by voting, they should be left free to do so. Rawls's concern is that, on Sen's account, a hermit who chooses to live in a secluded location without transport and eat a diet of bread and water should be counted as suffering from injustice.

Sen responds to Rawls's concerns and reaffirms the deep liberal foundations of his idea of justice. Central to (political) liberalism is the idea of freedom. People have different understandings of what it means to live well and the government may not advance a specific conception of the good. It has to be neutral and provide the conditions for the freedom of every individual to live a life of his or her own choosing. Justice, in the liberal philosophical tradition, requires foremost respect for individual freedom. A state of affairs is just if it has enabled each individual freely to live his or her conception of the good life.

Sen reassures Rawls that the move from primary goods to capabilities remains consistent with a liberal conception of justice: 'A theory of justice based on fairness must be deeply and directly concerned with the *actual freedoms* enjoyed by different persons – persons with possibly divergent objectives – to live different lives that they can have reason to value' (Sen, 1990: 112). Because a 'capability-based assessment of justice' rests on 'the freedoms they actually enjoy to choose between different ways of living that they can have reason to value' (Sen, 1990: 115) and not in what they achieve, it does not assume a comprehensive view of the good life: 'Capability reflects a person's *freedom* to choose between alternative lives (functioning combinations), and its value need not be derived from one particular "comprehensive doctrine" demanding one specific way of living' (Sen, 1990: 118).⁷

This freedom-based conception of justice does not only have an opportunity aspect in the capability sense, it has also a process aspect in the agency sense, expressed through public

⁷ For a discussion of the capability approach as a liberal school of thought, see Robeyns (2009).

reasoning.⁸ The opportunities that people have to live the kinds of lives they have reason to value are not to be provided by a benevolent dictator who knows what is good but by the people themselves, through processes of collective reasoning and decision-making. Public reasoning is the exercise of democracy *par excellence*. Democracy is not only about free and fair elections but also about freedom of expression, of information, freedom to protest and dissent (Sen, 2009: 327; Sen and Drèze, 2002). If in both situations A and B, people benefit from a good health care system and are given the opportunities to avoid easily preventable diseases, but if in situation A, the health care system has been designed by a bureaucracy in which people have no voice, and if in situation B, it has been designed through collective processes where people themselves had a say, then according to Sen's idea of justice, situation B is more just than situation A, even if both situations are equally just in the opportunity sense of freedom.

The Idea of Justice is replete with references to the importance of reasoning for thinking about justice. To cite a few: 'Reasoning is central to the understanding of justice' (p. xviii); 'The role of unrestricted public reasoning is quite central to democratic politics in general and to the pursuit of social justice in particular' (p. 44); 'Public reasoning is so critically important for the practice of justice' (p. 328); 'Open-minded engagement in public reasoning is quite central to the pursuit of justice' (p. 390); 'When we try to determine how justice can be advanced, there is a basic need for public reasoning, involving arguments coming from different quarters and divergent perspectives' (p. 392).

The Idea of Justice does not sideline the prevalence of disagreement and 'unreason' in public reasoning processes. When people come together to discuss matters of collective concerns and try to reach a decision about these, it is sensible to expect diversity of opinions and considerable opposition to one's views. When feminist pioneer Mary Wollstonecraft advanced her views that women were capable of reason and should enjoy the same political and civil rights as men, she encountered a lot of opposition. Many men (and women) did not readily accept her views. The suffragettes also had to encounter a lot of 'unreason' from men, who had their own 'reasons' to keep women outside the economic, social and political sphere.

⁸ On the distinction between the opportunity and process aspect of freedom, Sen (2002a: 10) writes: 'Freedom can be valued for the substantive opportunity it gives to the pursuit of our objective and goals. In assessing opportunities, attention has to be paid to the actual ability of a person to achieve those things that she has reason to value. The focus is not directly on what the processes involved happened to be, but on what the real opportunities of achievement are for the persons involved. The process aspect of freedom focuses on the freedom involved in the process itself (e.g. whether the person was free to choose herself).'

Nonetheless, by persistent reasoning, Sen argues, men's 'unreason' was finally overcome by reason and the case for women's rights eventually won.

The reality of clashing reasons does not rule out the possibility of people changing their views on the basis of accepting others' reasons – e.g. men coming to realize that their reasons to keep women outside economic and political influence are flawed. This can be because the reason for holding certain views are often based on prejudices that do not withstand critical scrutiny: 'Actual disagreements that exist may be removed through reasoning, helped by questioning established prejudices, vested interests and unexamined preconceptions' (Sen, 2009:396). The case of the abolition of slavery constitutes another example of reasoning overcoming 'unreason' with people finding the reasons to abolish slavery more convincing than maintaining it. Disagreement and opposition does thus not discredit the overarching importance of reasoning for justice. Through reason, 'good' reasoning can overcome 'bad' reasoning:

The pervasiveness of unreason presents good grounds for scepticism about the practical effectiveness of reasoned discussion of confused social subjects. [...] This particular scepticism of the reach of reasoning does not yield any ground for not using reason to the extent one can, in pursuing the idea of justice [...] Unreason is mostly not the practice of doing without reasoning altogether, but of relying on a very primitive and very defective reasoning. There is hope in this since bad reasoning can be confronted by better reasoning. (p. xvii-xviii)

The cases of women's rights and abolition of slavery represent complete agreements over a specific issue of justice, but justice does not always involve complete agreement, as Sen insists repeatedly: 'An engagement with contrary arguments does not, however, imply that we must expect to be able to settle the conflicting reasons in all cases and arrive at agreed positions on every issue' (p. 392); 'If the importance of public reasoning has been one of the major concerns of this book, so has been the need to accept the plurality of reasons that may be sensibly accommodated in an exercise of evaluation' (p. 394); 'Judgements about justice have to take on board the task of accommodating different kinds of reasons and evaluative concerns' (p. 395). In many cases, Sen argues, it is sufficient to stop at a partial ranking without having to look for complete agreement over all rankings: 'Reasoned conclusions can easily take the form of partial rankings' (p. 396). For example, there may not be complete agreement on the extent of the role of the state in providing welfare for vulnerable people, but there can be a minimum agreement that a situation where vulnerable children are provided free state-funded school meals is more just than a situation where they are unable to concentrate because of lack of food. Justice, according to *The Idea of Justice*, does not require

complete agreement on what just states of affairs are, even less on what constitute just institutions, but reasoned partial agreement that one state of affairs is more just than another.

With its rejection of a transcendental approach to justice, *The Idea of Justice* has been heralded as a theory of justice ‘for an imperfect world’ (Osmani, 2010), as ‘dedicated to the reduction of injustice on Earth rather than to the creation of ideally just castles in the air’.⁹ But despite its dual ambition of putting political philosophy in touch with the reality of people’s lives blighted by injustices and of bringing concerns for justice to the heart of development thinking, *The Idea of Justice* does not do much to show that it has the reach to enable remedying injustice ‘in the real world’, beyond generic references to famines, gender injustice or malnutrition. The next section considers specific cases of poverty and injustice and examines how Sen’s freedom and reasoning-based idea of justice offers insights to improve people’s lives and further justice in those situations.

The empirical reality test of *The Idea of Justice*

The Idea of Justice gives very few concrete examples of how its theory translates into practice. The hypothetical situation of three children quarrelling over the use of a flute is the closest the book comes to when discussing the details of a real life dilemma of justice – a constructed tale reported in most book reviews. The issue is about the allocation of a flute to one of three children who have distinctive attributes: one who plays the flute, one who made it, and one who has no toy. How to allocate the flute justly? *The Idea of Justice* does not say whom should be given the flute or what a just allocation would be. It concludes instead that there are competing moral frameworks and that there are disagreements about what constitutes a just distribution of resources. It is the nature of justice to engage in collective reasoning processes and to seek partial agreements on ranking of social arrangements.

The Idea of Justice is better at addressing justice from a general perspective. As noted earlier, the case of women’s rights is discussed as an example of how reasoning can overcome unreason and advance justice for women. There are many references to Sen’s earlier works on famines. Because of the possibility of collective reasoning, no famine ever occurred in a democracy. People who suffer from a lack of entitlement to food have channels to voice their claims and denounce the injustice done to them so that remedial action can be taken. The cause for justice is thus closely linked to democracy.

⁹ Book commendation by the late political philosopher G.A. Cohen on Amazon’s website.

In his works with Jean Drèze, Sen is more detailed about the political economy of how a capability-view of justice can help reduce malnutrition and advance the cause of justice. Drèze and Sen (2002: 336-40) describe the food policy of the Indian government of supporting a minimum price for food producers, which has led to grain stocks being left to rot because the government had to buy surplus food to maintain prices. Assessing the situation from a capability perspective, they give evidence that this food policy takes place in a context of widespread malnutrition, with a large proportion of children being born below average weight and women suffering from anaemia. The cause for such policy lies in the disproportionate power of large-scale farmers over subsistence farmers and rural labourers, the former being better organized politically. Justice requires the political empowerment of the latter group so that they can participate in the public reasoning process and overcome the unreason of the large-scale farmers.

To sum up how *The Idea of Justice* works in practice: first, justice demands an evaluation of the state of affairs in the capability space, i.e., an assessment of the extent to which people are able to enjoy valuable freedoms;¹⁰ second, justice demands inclusive reasoning processes which allow all parties to be heard and to reach a collective decision about what should be done to enable more people to enjoy more valuable freedoms. In the above case of ‘hunger amidst plenty’, the most valuable freedom selected is the freedom to be adequately nourished (measured by calorie intake, percentages of children being born with low birth weight and of women suffering from anaemia). The evaluation makes the judgement that a situation where more people are adequately nourished is more just. Justice then demands that this unjust state of affairs is addressed through reasoning, by making a convincing argument that it is absurd to have food stocks which are the ‘equivalent of about one tonne of food for *each* household below the poverty line’ (Drèze and Sen, 2002: 336) in a context of widespread child malnutrition. Drèze and Sen highlight especially the role of intellectuals in speaking on behalf of the marginalized, advancing their cause through analysis, and the role of the political empowerment of the marginalized through political organizations so they can counteract the ‘bad’ reasoning of the most powerful who make policy decisions that harm them.

¹⁰ Sen has notoriously refrained from specifying the valuable freedoms that constitute the capability evaluation space, and left it to reasoning processes to determine what ‘valuable’ freedoms are, see Robeyns (2003), Sen (2004) and Alkire (2002, 2007).

In contrast to its political economy works with Jean Drèze, *The Idea of Justice* is not much illustrative of how its argument works in practice. Arguably, a major injustice in the world today, climate change and environmental degradation receives little detailed attention. In the three pages on the topic, Sen (2009: 248-250) presents the case for sustainable development to be conceived in terms of freedoms and not needs. The environment is to be seen in terms of the opportunities it offers to current and future generations to live a life they have reason to value. Sen underlines the close connection between capability expansion and environmental protection – greater female education leads to lower fertility rate, greater education among the general population leads to greater environmental awareness. Consistent with itself, *The Idea of Justice* emphasises the importance of reasoning about values for ensuring sustainability:

Consider another subject, which is beginning, at long last, to receive the attention it deserves, that is, the neglect and deterioration of the natural environment. It is, as is increasingly clear, a hugely serious problem and one that is closely linked with the negative effects of human behaviour, but the problem does not arise from any desire of people today to hurt those yet to be born, or even to be deliberately callous about the future generations' interests. And yet, through lack of reasoned engagement and action, we do still fail to take adequate care of the environment around us and the sustainability of the requirements of good life. To prevent catastrophes caused by human negligence or callous obduracy, we need critical scrutiny, not just goodwill towards others (Sen, 2009: 48).

Thus, according to Sen, more in-depth collective reasoning is the best route to secure greater inter- and intra-generational justice. In that context, the Copenhagen Summit in December 2009 exemplifies how *The Idea of Justice* works in practice. Governments, international organizations, non-governmental and civil society organizations reasoned together about how to judge different states of affairs, often using competing moral frameworks in a way that is reminiscent of Sen's flute example. There is the discussion on resource allocation according to utilitarianism, best exemplified by Nick Stern's report with its call to reduce carbon emissions to ensure maximum utility levels in the future. There is also discussion of resource allocation according to social contract theory where justice requires an equal distribution of rights across generations. There are moral frameworks which are anthropocentric (like the capability approach which judges the value of the environment according to its impact on human wellbeing), and others which are bio-centric. Despite these fundamental disagreements about a 'just' resource allocation in the context of climate change, there is partial agreement about the ranking that a world with less carbon emissions is better

than the current one, even if there is no binding agreement on how much exactly carbon emissions should be reduced.

Despite being consistent with Sen's idea of justice – the Copenhagen agreement is based on reasoning and reached a partial agreement that leads to a better situation than the current one – the comparative judgement reached does not provide the conditions for future generations (or indeed this generation) to live well or, to use Sen's jargon, to live a life they have reason to value. The next section goes on to examine some limits of *The Idea of Justice* which become apparent when it is confronted with the nitty-gritty details of injustice.

The limits of *The Idea of Justice*

In his earlier writings, Sen emphasised the strong ethical individualism of his capability approach. Individuals are the only units for assessing development processes – what matters is whether they have expanded individual freedoms. Institutions play a crucial role in people's wellbeing (both enabling and constraining) but they are to be 'evaluated *in virtue of* the causal importance that they have for individual well-being' (Robeyns, 2008: 90), for it is individuals that 'think, choose and act' (Sen, 2002b: 81). A focus on groups or institutions may hide forms of oppression and inequalities within the group (Alkire 2008). Along the same line, *The Idea of Justice* contends that individuals are the concerns of justice because reasoning is only carried out by individuals and not by groups:

There is indeed no particular analytical reason why group capabilities must be excluded a priori from the discourse on justice and injustice. The case for not going that way lies in the nature of the reasoning that would be involved. [...] Ultimately, it is individual evaluation on which we would have to draw, while recognizing the profound interdependence of the valuation of individuals who interact with each other. [...] In valuing a person's ability to take part in the life of society, there is an implicit valuation of the life of the society itself, and that is an important enough aspect of the capability perspective. (Sen, 2009: 246)

Humans may be the only living beings capable of reason but is their capacity for reasoning a property of only individuals? Is an unjust situation usually the result of bad reasoning between individuals? Let us consider the case of two individuals, a Maasai pastoralist whose livelihood is increasingly endangered by the reality of climate change, and a financial trader in Wall Street. Both seek to live lives they value, the Maasai pastoralist a life of livestock grazing in the community in which he was born, and the trader a life of high stimulation in a big city. The injustice between these two individuals is that climate change, with its changes of rain patterns, increasingly prevents the Maasai pastoralist from living the life he has reason to

choose and value. However, injustice in this case is not a matter of different individual attributes – one person enjoying fewer individual freedoms than another. The trader, through his profession, contributes to the existence of an economic system which prioritizes profits over environmental protection and encourages reckless risk-taking and wasteful consumption. Joined by multiple other similar actions and decisions, the behaviour of the trader creates a *structure* which is self-reinforcing and which destroys the environment that supports the life the Maasai pastoralist values.

By structure, I mean, following Ricoeur (1992), something which emerges from interpersonal relations but which, over time, becomes irreducible to these relations and yet remains bound up with these.¹¹ The economic system is such structure. It emerges from interpersonal relations – behaviours which trade goods for the sake of maximum profit – but such economic system acquires an existence which is irreducible to these relations and which structures them – in such economic system, it becomes difficult for individual economic behaviour not to be aimed at maximum profit.

Arendt identified three fundamental kinds of social structure (Arendt, 1958; Deneulin et al. 2006): those belonging to the cultural sphere which enable a human being to become a human person, with a specific language, set of behavioural norms and practices; those belonging to the economic sphere which enable people's needs to be met, through production, distribution and consumption; and those belonging to the political sphere which enable humans to act and shape their destiny through their own free action.

What *The Idea of Justice* fails to recognize is that injustice is more than a comparative reasoning exercise between individuals; it is quintessentially structural at two levels. First, structures are the very support of individual reasoning. When people reason about what they should value or should do, they must rely on a collective framework of meanings that give their actions and decisions significance (Deneulin 2009; Deneulin and McGregor 2010); they must rely on structures which belong to the cultural sphere in order to make these choices. The person who chooses to be a financial trader does so because this is what makes sense and seems worthwhile to him given the collective framework of meanings on which he draws and which is supported by the relationships he engages with. Similarly the Maasai pastoralist relies on his own collective framework of meanings when he decides that a semi-nomadic life of livestock grazing with strong community bonds is more meaningful than farming with

¹¹ For a discussion of the concept of 'structures of living together' in Paul Ricoeur in relation to Sen's capability approach, see Deneulin (2008).

cattle enclosures in a way that prioritizes economic returns over community bonding. This does not subtract from the importance of individual choices. The trader could decide to resign and become a teacher because on account of another collective framework of meaning he finds that activity more meaningful. The Maasai pastoralist could become an agricultural entrepreneur, breaking the bonds with his community because he finds that activity more meaningful than semi-nomadic communal lifestyle.

The second level in which justice is structural is that the cause of injustice lies not as much in individual actions as in the structures in which these actions take place. Taking up again the example of hunger amidst plenty in India, the unjust situation of high levels of malnutrition together with surplus food supply is the result of a failure of the democratic structure, of subsistence farmers not having equal voice to that of large-scale farmers who are more organized to have their own interests represented when policy decisions are made, such as deciding a minimum food price for producers.

By emphasising the importance of public reasoning for reducing injustice, *The Idea of Justice* implicitly situates the subject of justice in the quality of the democratic structure. However, like earlier writings of Sen,¹² it views democracy as instrumental to individual wellbeing and not a good as such in itself, which can be perverted and become ‘bad’, as was the case of the democratic political structure of Germany in the 1930s. This omission has far-reaching consequences, for it ignores the reality that structures can be perverted in such way that individuals who act within that unjust structure may even have a sense of acting justly, as Hannah Arendt has powerfully documented in her account of the trial of Eichmann in Jerusalem (Arendt, 1963). The SS soldiers were only doing their work and believed that they acted justly.

Central to Arendt’s political thought is recognition that each of the kinds of structures she identified, cultural, economic and political, can be corrupted. Nazism, slavery, apartheid regime in South Africa, the Israeli occupation of Palestinian territories are all cases where the structures of life in common have become perverted to such a high degree that the conditions for human living for a large group of people have become severely undermined. The unjust situation of a group being denied access to resources (e.g. untouchables in India being denied access to a well) is a clear manifestation of structural injustice, of the perversion of the cultural and political structures which are not oriented to providing the conditions for human

¹² Democratic freedom is ‘a significant *ingredient* – a critically important *component*—of individual capabilities’ (Sen 2002b: 79).

flourishing. Injustice is not about an individual having more or less of a good than another person (whether resources, freedoms or rights), but about structures being corrupted and deviated from the good they serve. Injustice is structural. One could even add that it goes beyond interpersonal relations for it is the very structure which defines what these relations are and how they are to be conducted, to the extent to which it is difficult, if not impossible, for an individual not to engage in personal relations in other ways than those defined by the structure – it was nearly impossible for a white person under South African apartheid to have relations with black people in a way that was not defined by the apartheid system.

Structural injustice generates a sense of powerlessness, with a risk of alienation (Deneulin et al., 2006). Even if people disapprove of an unjust structure, there is nothing each individual alone can do about it. They have to submit to the logic of a structure they disapprove of but from which they cannot escape. Structural injustice may therefore also generate a sense of alienation. People might become blind to the injustice (e.g. it was very difficult for people within the slavery system to see slavery as unjust). This is why structural injustice can only be overcome through collective action. While, in the short run, there may seem to be no other possibility than maintaining structural injustice, in the long run, individual victims have the power to unite and overcome structural injustice. This collective action may be initiated within the structure (e.g. black people under apartheid in South Africa) or/and from outside (e.g. Westerners and white south Africans denouncing the injustice of the apartheid system).

It is therefore not a coincidence that in his writings, Sen emphasizes the importance of collective action to overcome injustice (Alkire, 2006) but it is odd that, at the anthropological level, *The Idea of Justice* continues to treat structures insofar as they promote justice for individuals, i.e. the expansion of individual freedoms, and not as themselves manifestation of injustice.¹³ Limiting the idea of justice to comparative judgements about individual lives does not give due attention to the structural nature of human life. To be effective, the idea of justice must include a judgement of the nature of structures, whether they are ‘just’ or ‘good’, whether they provide the conditions for people to live flourishing human lives. The question of ‘just institutions’ so central to Rawls’s *Theory of Justice* is thus not redundant, as Sen contends. The difference with Rawls in this case is that the justice of these institutions does not lie in their respect of principles but in their orientation to the human good.

¹³ ‘We have to seek institutions that *promote* justice, rather than treating the institutions as themselves manifestations of injustice’ (Sen, 2009: 82).

As noted earlier, Sen is reluctant to give substance to the ‘freedoms that people have reason to choose and value’ for this would commit him to what is perceived as a non-liberal position which does not leave scope for individuals to choose the conception of the good they wish to pursue. But a reasoning approach to justice cannot do away with addressing explicitly questions of the good life and the extent to which structures are consistent with the aim of the good life. The ability of each person to live a life s/he has reason to value is constituted by structures which may, or may not, be conducive to the good. The Israeli settler in Hebron has good reasons to value living there. Zionism provides him the structure through which he values being able to live on the land of his ancestors. But most voices in the international community hold that, in this case, Zionism is a perverted cultural structure which affirms the superiority of one race over another.¹⁴ This is why an idea of justice for the ‘real world’ *has to* incorporate an analysis of the just or unjust nature of economic, cultural and political structures, whether they constitute the structuring conditions of a good life in common or whether they are perverted from that aim.

The Idea of Justice emphasizes the importance of ‘reason overcoming unreason’ but it falls short of acknowledging that the activity of reasoning is done for the sake of an end, namely the good that we seek to pursue. Public reasoning is about reflecting on the nature of the good life and the kind of society one wants to create and live in. When the suffragettes confronted the ‘bad’ reasoning of men and argued that women had the same rights as men, their reasoning was about the nature of the ‘good’ society, whether the cultural, economic and political structures of the time were consistent with the good life in common for all, including women, or whether they were perverted from that aim. Their argument was that a society which excluded women from economic and political life was ‘bad’. In contrast, men argued that a society where women are kept at home was a ‘good’ society. The feminist struggles were not a case of ‘reason overcoming unreason’ but a case of one conception of the good society overcoming another.

The Idea of Justice requires explicit acknowledgment of the nature of the aim that reasoning pursues. Justice does not consist of freedom and reasoning alone, but of ‘reasoning

¹⁴ The initial report of the 2000 UN conference on ‘Racism, Racial Discrimination, Xenophobia and Related Intolerance’ stated that it recognized ‘with deep concern the increase of racist practices of Zionism and anti-Semitism in various parts of the world as well as the emergence of racial and violent movements based on racism and discriminatory ideas, in particular the Zionist movement, which is based on racial superiority’. The American and Israeli delegations walked out of conference and these references had to be removed from the final draft (Gelvin, 2007).

together about the good life' (Sandel, 2009: 261). Questions about justice cannot be separated from questions about the good society and the nature of the kind of lives that people live. Confronting *The Idea of Justice* with concrete situations of lack of freedoms leads to the conclusion, following Sandel, that 'it may not be possible to say what's just without arguing about the nature of the good life' (Sandel, 2009: 207), for 'Thinking about justice seems inescapably to engage us in thinking about the best way to live' (Sandel, 2009: 10). Even if unanimous agreement cannot be reached, as Sen rightly pointed out, judgments about the good cannot be escaped, for they are central to justice. The idea of justice is about the idea of the good society. But this good society requires 'good' people who act in such a way as to create a good society, and it requires 'good' structures for people to be 'good'. If people live in a context of structural racism, their actions are not likely to be inclusive of other races. If people live in an environmentally destructive economic system, their actions are not likely to be environmentally friendly.

Conclusion

The Idea of Justice is a skilful mastery of embracing different, often opposing, positions into a seemingly consistent body of thought that pulls together major alternative ethical approaches. It embraces the liberal political thought tradition with its focus on individual freedom and its non-commitment to a conception of the good. It embraces consequentialism (a key feature of utilitarianism), with its comparative approach to justice and its assessment of states of affairs in terms of their consequences for people's wellbeing. It also embraces implicitly virtue ethics as the application of *The Idea of Justice* unavoidably leads to questions about the good life and the good society.

This generous philosophical embrace is one of *The Idea of Justice*'s greatest strengths.¹⁵ It can criticize the Rawlsian position while remaining firmly rooted in liberalism. It can criticize utilitarianism while remaining allied to its consequentialism. It can criticize neo-classical economics while appealing to its claimed founder Adam Smith (especially in relation to Smith's impartial spectator which it proposes as an alternative to Rawls's original position). Responding to socialist critics, it can appeal to its Marxist roots and Marx's idea of human flourishing, while being careful not to engage in a critique of a capitalist mode of production. To the Aristotelian virtue ethicists, Sen affirms he is greatly indebted to Aristotle

¹⁵ See Sánchez (2009) for a discussion of the Aristotelian, Kantian, Marxist and Smithian roots of Sen's thought.

in his central concept of ‘capability’ while remaining careful not to advocate the ‘good society’ as the aim of public reasoning.

I have tried to show in this paper that such generous embrace becomes problematic when *The Idea of Justice* is to give insights for development studies in its task of seeking to remedy situations where people are denied the basic conditions to live well. Assessing states of affairs in terms of individual freedoms and expecting that reasoning will lead to a better state is not enough. What is required is an analysis of the justice of the economic, social and political structures constitutive of a human life lived in common with fellow human beings and the environment. These structures are to be ‘good’, enabling people to live ‘good’ lives. Freedom and reasoning are certainly excellent starting points for thinking about justice but the journey needs to continue. The reality of environmental degradation and human suffering calls *The Idea of Justice* towards a more structural and comprehensive destination, which indeed would sit at odds with the liberalism of (Anglo-Saxon) Western political thought that currently dominates development thinking. An idea of justice for the imperfect real world, as Sen’s *The Idea of Justice* claims to be, has to be based on an anthropology of the human being that inhabits that world. This entails a recognition that structures are intrinsic to human wellbeing, for there can be no good human life without a good human life in common.¹⁶ Liberalism and the cause of reducing injustice in the real world might not be as reconcilable as *The Idea of Justice* would hope they would. Something will have to go.

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¹⁶ For the idea of the common good and its relation to the capability approach, see Deneulin and Townsend (2007).

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