

AMARTYA SEN'S IDEA OF JUSTICE, AND ITS RELATIONS WITH JOHN
RAWLS AND ADAM SMITH

A THESIS SUBMITTED TO
THE GRADUATE SCHOOL OF SOCIAL SCIENCES
OF
MIDDLE EAST TECHNICAL UNIVERSITY

BY

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IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR
THE DEGREE OF MASTER OF ARTS
IN
THE DEPARTMENT OF PHILOSOPHY

SEPTEMBER 2015

Approval of the Graduate School of Social Sciences

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ABSTRACT

AMARTYA SEN'S IDEA OF JUSTICE, AND ITS RELATIONS WITH JOHN RAWLS AND ADAM SMITH

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September 2015, 74 pages

The aim of this thesis is to examine Amartya Sen's idea of justice and its relation to John Rawls and Adam Smith. Amartya Sen's idea of justice could be seen as a critique of Rawls theory of justice as well as a proposal of a new approach instead. Sen's critique of Rawls theory of justice is basically based on the critique of transcendental institutionalism. Instead Sen offers the realization focused comparison as an alternative for the idea of justice. To explicate this alternative approach Sen introduces Adam Smith's impartial spectator. Sen believes that Adam Smith's impartial spectator plays an essential role in deciding for the standards of justice.

Keywords: transcendental institutionalism, realization focused comparison, impartial spectator, theory of justice

ÖZ

AMARTYA SEN'İN ADALET DÜŞÜNÇESİNİN JOHN RAWLS VE ADAM SMİTH'LE İLİŞKİSİ

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Yüksek Lisans Felsefe Bölümü

Danışman: Prof. Dr. Ş. Halil Turan

Eylül 2015, 74 pages

Bu çalışmada Amartya Sen in adalet düşüncesinin John Rawls ve Adam Smith le olan ilişkisi ele alınmıştır. Amartya Sen in adalet düşüncesi John Rawls un adalet teorisinin hem bir eleştirisi hem de onun yerine önerilmiş yeni bir yaklaşım olarak görülebilir. Sen in Rawls eleştirisi temelde aşkınsal kuramsalcılığın eleştirisidir. Sen bunun yerine gerçekleştirme odaklı karşılaştırmalı adalet yaklaşımını önerir. Sen bu yaklaşımı Adam Smith in tarafsız gözlemci fikri ile tanıtır. Sen e göre tarafsız gözlemci fikri adaletin standartlarını belirlemede hayati bir rol oynar.

Anahtar Kelimeler: aşkınsal kuramsalcılık, gerçekleştirme odaklı karşılaştırmalı adalet yaklaşımını, tarafsız gözlemci, adalet teorisi

ACKNOWLEDGEMENTS

I wish to express my deepest gratitude to my supervisor Prof. Dr. Ş. Halil Turan for his advice and encouragement throughout master's study period and the thesis process.

I also would like to thank to my jury member Assoc. Prof. Dr. Barış Parkan and Assoc. Prof. Dr. Ertuğrul Rufayi Turan for their invaluable contribution with criticisms and suggestions.

Special thanks to my dearest friend, Taha Ceylani, who have encouraged me during the process of this work and provided assistance and friendship.

I would also like to thank Mesude Uğur and Berk Yaylım for their help whenever I needed.

Lastly, I would like to express my deep love and gratitude to my family, especially my brother Ahmet Akif Dağ.

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CHAPTER I

INTRODUCTION

Justice has always been one of the main questions of political philosophy throughout history. Justice is related to main critical problems of human beings in terms of socially and politically. Especially some problems such as poverty, liberty, corruption, famine, AIDS, global warming, subjugation of women, unemployment and inequalities have always been associated with the question of justice, and we cannot discuss these problems without dealing with the idea of justice with a serious and critical approach. Today these are not only considered as local or national problems but also global problems. Thus, any discussion and suggestion on the idea of justice is significant, because it obviously enriches our understanding of justice.

These discussions on the question of justice enable us to have a critical consideration and rethinking of our view on justice. Furthermore, we see concrete result of these discussions to advance justice and change our life in this sense. For example, if there was no history of discussions on justice in terms of liberty and human rights, slavery would remain as an acceptable and just practice in the world. Thanks to these discussions, we look for possible new alternatives and solutions that help us to deal and cope with the unjust acts or policies. My main motivation in this thesis is to study and conduct a critical examination of the idea of justice in the realm of contemporary political philosophy and to discuss different approaches to the notion of justice. Namely, I will focus on Amartya Sen's idea of justice in relation to those of John Rawls and Adam Smith. Sen's great contribution to the question of justice is that he introduces new perspectives and different approaches to this issue describing it as "realization-focused comparison". This thesis is to articulate and clarify Sen's idea of justice in this respect.

History of philosophy is the history of challenging ideas among philosophers. Thanks to these challenges, we gain new perspectives, and reassess our thinking on questions of philosophy. Especially, the question of justice in the realm of contemporary philosophy

became the central issue after the publication of *A Theory of Justice*¹ by John Rawls. Without this great work, we would not be able to find philosophical discussions and new perspectives on the idea of justice, because justice had been seen as a subfield of political theories until John Rawls' work. For this reason, Amartya Sen, like other philosophers, do this challenge through his critique of John Rawls' theory of justice. In this sense, that challenge became the foundation of Sen's idea of justice and gave rise to a new idea of justice and a different perspective. Especially, apart from the critique of Rawls, Sen is highly influenced by Adam Smith, and this influence constitutes his idea of justice and brings out a new important perspective on the contemporary political philosophy.

I argue that *The Idea of Justice*² could be seen as a critique of Rawls' theory of justice as well as a proposal of a new approach instead. To that extent, Sen's critique of Rawls' theory of justice is based on his criticism of the "transcendental institutionalism" which refers to tradition of social contract theory represented by Thomas Hobbes, John Locke, Jean Jacques Rousseau, Immanuel Kant and John Rawls. Sen considers Rawls' theory of justice as "transcendental institutionalism" in the realm of social contract theory. Sen mainly deals with Rawls' theory of justice.³ Instead, he offers "realization-focused comparison" represented by Adam Smith, Marquis de Condorcet, Jeremy Bentham, Mary Wollstonecraft, Karl Marx and John Stuart Mill. Among these philosophers, Sen mainly focuses on Adam Smith. Particularly, Sen believes that Adam Smith's "impartial spectator" plays an essential role in deciding for the standards of justice. To this end, I will try to analyze and articulate Sen's idea of justice in reference to its relation to John Rawls' and Adam Smith's ideas. Therefore, to be able to explain Sen's idea of justice, I will examine both Rawls and Smith's influence on Sen's idea of justice. Apart from Rawls' and Smith's influence on Sen's idea of justice, I will focus on Sen's idea of justice through his own suggestions for the question of justice.

¹ Rawls, John, *A Theory of Justice*, (London: Belknap Press, 1971).

² Sen. Amartya, *The Idea of Justice*, (Cambridge: Belknap Press, 2009).

³ Sen's aim is to indicate Rawls' position about the idea of justice in the political philosophy. He mainly focuses on Rawls' theory of justice, and his aim is not to discuss the political philosophy of all social contract theorists.

In Chapter II, I will try to analyze Rawls' theory of justice. To this end, I will elucidate his theory of justice through examining his main work *A Theory of Justice* in some detail, because Rawls' theory of justice is the center of all discussion about justice in the contemporary political philosophy. Especially, the notion of fairness and the two principles of justice provide a systematic account of the question of justice in contemporary political philosophy. His theory aims to find the right solution for the questions of liberty and distribution of wealth, which constitute two main and fundamental parts of any theory of justice in the realm of contemporary political philosophy.

In Chapter III, after analyzing Sen's critique of Rawls' theory of justice in some detail, I will examine Amartya Sen's idea of justice. Sen's critique of Rawls' theory of justice is mainly based on the critique of "transcendental institutionalism". Instead, Sen offers the "realization-focused comparison" as an alternative for the idea of justice. The main characteristic of "realization-focused comparison" is that it offers the comparative approach, and attempts to consider and assess all possible solutions for the idea of justice. I will try to examine this approach in some detail.

In Chapter IV, I will mainly deal with Smith's conception of the impartial spectator and Amartya Sen's interpretation of this concept, which Sen offers as a standard for the idea of justice. Although Adam Smith is known as the father of classical economics, he is one of the key figures of the Scottish Enlightenment and argues for a certain type of sentiment-based moral philosophy and his famous work "The Theory of Moral Sentiments"⁴ is one of the most important works of this type of moral philosophy. In the first part of this chapter, I will give an account of Adam Smith's moral philosophy to analyze the notion of the "impartial spectator" extensively. To this end, I will first try to examine the relationship between sympathy and moral judgment. Sympathy is the center of Smith's moral philosophy, and he introduces sympathy as a principle for morality. To be able to provide a sound analysis of Smith's moral philosophy and the notion of impartial spectator, the relationship between sympathy and moral judgments should be examined.

⁴ Smith, Adam, *The Theory of Moral Sentiments*, (Indiana Polis, Oxford University Press, 1976).

In the second part of this chapter, I will focus on the notion of the impartial spectator and how Adam Smith uses this concept as a standard for morality. It is important to emphasize that the impartial spectator is a normative and impartial spectator gives an objective character to Smith's moral philosophy. At the end of this chapter, I will examine Amartya Sen's interpretations of the impartial spectator and the role of this concept in his idea of justice. Sen uses the notion of impartial spectator as a thought experiment. Impartial spectator is an imaginary observer identified by Sen through some basic qualities namely: he or she is disinterested⁵, unbiased and well-informed. Thanks to these qualities, Sen argues, impartial spectator appears as standard to remove or reduce injustice. I would like to indicate that Sen uses the notion of impartial spectator in a different way from Adam Smith. Sen uses the impartial spectator as standard for the question of justice, not morality.

Finally, I will try to evaluate and critique Amartya Sen's idea of justice.

⁵ By "disinterested" Amartya Sen means that impartial spectator has no personal interest while assessing the question of justice.

CHAPTER II

RAWLS' THEORY OF JUSTICE

In this chapter, I try to examine Rawls' theory of justice. To this end, I will try to elucidate Rawls' theory of justice in detail. Especially, his great contributions to contemporary political philosophy, which are the notion of fairness and the two principles of justice will be analyzed in this chapter. Discussion of justice with the notion of fairness and the two principles of justice lie at the heart of Rawls' theory of justice. Furthermore, this chapter also includes an analysis of Rawls' critique of classical utilitarianism in order to give an account of his theory of justice.

2.1. Rawls' Theory of Justice: "Justice as Fairness"

John Rawls was the most important political philosopher of the twentieth century. *A Theory of Justice*, which was published in 1971, is his major work. It has been one of the most important works of political philosophy. Paul Voice, the author of *Rawls Explained*, states that *A Theory of Justice* is a sophisticated and revolutionary theory of justice for democratic societies. According to him, this masterpiece gives a new perspective to the political philosophy to discuss justice in a comprehensive way, because justice became the central question of political philosophy after this work.⁶ In addition, his contemporaries praise this work for giving a systematic theory of justice and a new perspective to political philosophy. For example, Robert Nozick, who is another important contemporary political philosopher, says:

A Theory of Justice is a powerful, deep, subtle, wide-ranging, systematic work in political philosophy which has not seen its like since the writings of John Stuart Mill, if then, it is a fountain of illuminating ideas, integrated together into a lovely whole. Political philosophers now must either work within Rawls' theory or explain why not.⁷

⁶ Voice, P, *Rawls Explained* (Chicago: Open Court Press, 2001), p. 2.

⁷ Nozick, R. "Distributive Justice", *Philosophy Public Affairs*, Vol.3, No.1, 1973, p. 79.

In the first part of this chapter, I will try to examine the fundamental ideas of Rawls' theory of justice. In doing so, I will clarify these fundamental ideas because they constitute his theory of justice. Without these fundamental ideas, Rawls' theory of justice cannot be understood since the relation between these fundamental ideas enables us to examine Rawls' theory of justice in a comprehensive and systematic way.

In the second part of this chapter, I will try to analyze Rawls' theory of justice, called justice as fairness, in detail. In doing so, I will analyze his theory of justice by taking into account his famous article *Justice as Fairness* and his major work *A Theory of Justice*.

To understand and examine Rawls' theory of justice comprehensively, the fundamental ideas such as the idea of "well-ordered society", "the idea of the basic structure", "the idea of free and equal persons" and "the idea of the original position" should be analyzed. These fundamental ideas give us the main components of his theory of justice. Although Rawls elaborately refers to these fundamental ideas in his book titled *A Theory of Justice*, he discusses these ideas and constructs his theory of justice in substance in his book *Justice as Fairness, A Restatement*.

The first idea is society as a fair system of cooperation: Rawls considers society as a fair system of cooperation, because he constructs his theory of justice in terms of fairness in a society. This fair system of cooperation includes some basic components. These components are free and equal persons, the idea of each participant's rational advantage and the mutual recognition among citizens. In this context, society as a fair system of cooperation represents the democratic regime, because all members of society have consensus on the principles of justice to govern society in terms of fairness. Basically, they take the principles, which govern their institutions, neither from any autocratic orders nor religious doctrines since Rawls believes that public reasoning between free and equal citizens should constitute the main characteristic of a democratic society or regime.⁸

⁸ Rawls, John, *Justice as Fairness, A Restatement*, (London: Harvard University Press, 2001), p. 7.

The second idea is a well-ordered society: The idea of well-ordered society necessitates the agreement and acknowledgement among citizens in terms of having the same public or political conception of justice. To that extent, each member of society, naturally, has a sense of justice in a well-ordered society. Therefore, having sense of justice makes it possible to have a public understanding and recognition of the principles of justice. According to Rawls, the idea of well-ordered society enables us to formulate and determine the main criteria for the idea of fair system of cooperation.⁹

The third idea is basic structure: Rawls defines the idea of the basic structure as central framework of social structure in which association activities and individual activities take place. In other words, the basic structure represents the main political and social institutions of a society. More importantly, the basic structure fits these institutions together into one system of social cooperation.

Rawls makes a distinction between major political institutions and internal institutions. The former includes political constitution with an independent judiciary, legally recognized forms of property, and the structure of economy (for example, as a system of competitive markets with private property in the means of production) as well as family in some form. The latter, namely internal institutions, includes firms, labor unions, churches and universities.¹⁰ The main difference between these institutions is that the former institutions have a normative and coercive characteristic, while the latter institutions have a voluntary characteristic. Briefly, the political institutions refer to public ones, and internal institutions refer to private ones.¹¹ The former institutions regulate the basic rights and duties of people according to the political system in which they are governed. For Rawls, the basic structure has a crucial role in the establishment of a just society in terms of fairness.¹²

⁹ Ibid. , p. 9.

¹⁰ Ibid. , p. 10.

¹¹ Voice, Paul, *Rawls Explained* (Chicago: Open Court Publishing Company, 2001), p. 35.

¹² Rawls, *Justice as Fairness, A Restatement*, p. 10.

Without applying the principles of justice to the main political and social institutions, Rawls' theory of justice cannot be realized. Rawls discusses it as follows;

One main feature of justice as fairness is that it takes the basic structure as the primary subject of political justice. It does so in part because the effects of the basic structure on citizens' aims, aspirations, and character, as well on their opportunities and their ability to take advantage of them, are pervasive and present from the beginning of life.¹³

The fourth idea is free and equal persons: The idea of free and equal persons is another important constitutive element of Rawls' theory of justice. It should be borne in mind that Rawls is one of the followers of the enlightenment tradition. Thus, Rawls is interested in the idea of free and equal persons. Considering human beings as free and equal persons in any political organization comes from the enlightenment tradition, because freedom and equality are two fundamental conceptions of the political philosophy of enlightenment. Additionally, Rawls argues for the idea of free and equal persons to construct justice with regard to fairness. Furthermore, people who choose the principles of justice in the original position must be free and equal persons to keep fairness as the essential criterion of justice. Rawls defines the idea of free and equal persons in a normative and political sense. He does not define it in a metaphysical or psychological¹⁴ sense. In addition, these two ideas enable us to consider people as having the sense of justice and capacity for having the conception of good.

The fifth idea is the original position: The idea of the original position is purely a hypothetical assumption to establish the theory of justice in terms of fairness. Furthermore, the original position is unhistorical. In other words, it does not refer to any specific historical time for human beings. Taking original position as the starting point, Rawls aims to constitute the fair circumstances of justice as fairness. Through the *veil of ignorance*, Rawls puts forward the fair circumstances and terms of justice among persons who choose the principles of justice. At this point, it is important to

¹³ Ibid. , p. 10.

¹⁴ Ibid. , p. 19.

note that *veil of ignorance* is one of the most important contributions of Rawls to contemporary political philosophy and thought. The veil of ignorance is also the main feature of the original position. Rawls defines the original position as follows:

In the original position, the parties are not allowed to know the social positions or particular comprehensive doctrines of the persons they represent. They also do not know persons' race and ethnic groups, sex, or various native endowments such as strength and intelligence, all within the normal age. We express these limits on information figuratively by saying the parties are behind a veil of ignorance.¹⁵

After examining these fundamental ideas, I would like to analyze his theory of justice called "*Justice as Fairness*". Before publishing *A Theory of Justice*, Rawls wrote an essay called "Justice as Fairness" in 1958. This essay is his first one through which he provides a basic introduction to his theory of justice. We can see the core ideas of Rawls' theory of justice in this essay. In other words, this essay gives us strong clues to understand Rawls' theory of justice, in particular his notion of fairness and its relation to justice. Furthermore, the two principles of justice are also introduced in this essay. Constituting a theory of justice with these two principles is the main intention of Rawls' political philosophy. To that extent, the two principles of justice shape and determine Rawls' theory of justice.

2.2. Two Principles of Justice

Rawls argues that justice should be considered in relation to fairness. According to him, justice and fairness cannot be understood in the same sense. Besides, there is no hierarchical relation between justice and fairness.¹⁶ To understand the relation between justice and fairness, we should take into consideration the two principles of justice. These two principles of justice are directly related with the notion of fairness and its relation to justice. In the "*Justice as Fairness*", Rawls defines two principles as follows:

¹⁵ Ibid. , p. 15.

¹⁶ Rawls, John, *Collected Papers*, (London: Harvard University Press, 1999), p. 47.

The conception of justice which I want to develop may be stated in the form of two principles as follows: first, each person participating in a practice, or affected by it, has an equal right to the most extensive liberty compatible with a like liberty for all; and second, inequalities are arbitrary unless it is reasonable to expect that they will work out for everyone's advantage, and provided the positions and offices to which they attach, or from which they may be gained, are open to all.¹⁷

Rawls introduces these two principles in "Justice as Fairness", but he does not elaborate on these two principles. Similarly, we cannot see the relation between these two principles and the theory of justice in a comprehensive way. That is to say, as fundamental components of theory of justice, we find these two principles of justice and elaboration of them in his major work *A Theory of Justice*. For this reason, I would like to analyze these two principles of justice and his theory of justice by examining his major work. Before doing that, I will try to examine what Rawls aims by a theory of justice and why he finds it necessary to establish this theory through his critique of classical utilitarianism. Rawls argues that justice is misinterpreted by classical utilitarianism which represented the prevailing ideas about justice in the twentieth century, because classical utilitarianism does not consider justice in relation to the notion of fairness.

A Theory of Justice was first published at a time when political philosophy needed a new perspective on justice. The prevailing idea on justice was represented by classical utilitarianism and it was met with general skepticism. Similarly, positivism, as another mainstream philosophical doctrine, reduced the scope of political philosophy to conceptual analysis. Neither of them took the question of justice seriously.¹⁸ For this reason, we should take Rawls' critique of classical utilitarianism into consideration to understand his theory of justice comprehensively. In *A Theory of Justice* Rawls explicitly says the following :

¹⁷ Rawls, *Collected Papers*, p. 48.

¹⁸ Voice, *Rawls Explained*, p. 2.

My aim is to work out a theory of justice that represents an alternative to utilitarian thought generally and so to all of these different versions of it. I believe that the contrast between the contract view and utilitarianism is essentially the same in all these cases.¹⁹

In the light of this quotation, it is obvious that Rawls' theory of justice is a challenge to classical utilitarianism's view of justice. In doing so, Rawls aims to establish a theory of justice as an alternative to classical utilitarianism. Rawls begins his critique with the formulation of utilitarianism on the idea of social justice quoting from Henry Sidgwick, who is one of the most important philosophers of classical utilitarianism. Rawls explain this formulation as follows;

The main idea is that society is rightly ordered, and therefore just, when its major institutions are arranged so as to achieve the greatest net balance of satisfaction summed over all individuals belonging to it.²⁰

This formulation is important to understand Rawls' critique on utilitarianism. According to Rawls, analyzing this formulation on justice, we face three main difficulties about justice.

Firstly, this way of thinking of society leads to sacrificing someone for the sake of the greatest net balance of satisfaction.²¹

Secondly, classical utilitarianism ignores the difference between individuals, because individuals have different expectations in terms of their age and experience. This view ignores these differences among individuals for the sake of the greatest net balance of satisfaction and maximizing utility.²²

¹⁹ Rawls, John, *A Theory of Justice*, (London; Belknap Press, 1971), p. 22.

²⁰ Rawls, *A Theory of Justice*, p. 22

²¹ Rawls, *A Theory of Justice*, p. 23

²² *Ibid.* , p. 23.

Thirdly, classical utilitarianism aims to attain good for the maximizing satisfaction of desire. According to Rawls, similar to all other teleological doctrines, utilitarianism gives priority to what is good instead of what is right. It defines good independently from right. In this context, utilitarianism leads to ignoring rights for the sake of good, because the most important thing for utilitarianism is to maximize utility.²³

After giving Rawls' critique of classical utilitarianism, I would like to switch to two principles of justice which are central for his theory of justice. To this end, I try to examine these two principles of justice and their relation to the social contract theory and original position in the context of which two principles of justice emerge. Rawls considers himself as a follower of social contract tradition. Social contract theory explains how people enter and establish any particular form of government. In the social contract theory, people make a contract to leave the state of nature in which there is no authority and no rules to regulate the society. The state of nature is a hypothetical assumption of social contract theory which justifies why people accept to live under any particular form of government. Basically, Rawls' theory of justice is a version of social contract theory, because his theory of justice is also based on a contract among citizens. In *A Theory of Justice*, Rawls explicitly indicates his position in the political philosophy in the following quote:

My aim is to present a conception of justice which generalizes and carries to a higher level of abstraction the familiar theory of the social contract as found, say, in Locke, Rousseau and Kant. In order to do this, we are not to think of the original contract as one to enter a particular form of government. Rather, the guiding idea is that the principles of justice for the basic structure of society are the object of the original agreement.²⁴

In the light of this quotation, it is clear that Rawls' theory of justice is a kind of social contract theory and that his theory is also based on a contract. However, there is a difference between his theory of justice and social contract theory. The difference is

²³ Ibid. , p. 25.

²⁴ Rawls, *A Theory of Justice*, p. 11.

that the objects of agreement are the principles of justice in Rawls' theory of justice rather than a contract to enter a particular form of government. According to Rawls, the role of principles of justice is to designate the rights and duties in the basic institutions, and they describe proper distribution of the benefits and burdens of social cooperation.²⁵ In parallel with the hypothetical assumption of other philosophers of social contract theory, namely the state of nature, Rawls constructs his theory of justice with a hypothetical assumption which he calls original position. The original position is the initial choice situation in which the principles of justice are chosen by participants. Rawls introduces the veil of ignorance in order to choose the principles of justice and make an agreement under fair circumstances. In the original position, participants who are free and equal persons choose the principles of justice behind the veil of ignorance. In this sense, participants do not know their class position, social status, fortune in the distribution of natural assets and abilities, intelligence and strength. They also do not know their conception of good.²⁶

In the original position, two principles of justice emerge. First principle is that "each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others."²⁷ This principle is the equal liberty principle, and it ensures the basic liberties of participants. The liberties are political liberty, freedom of speech and assembly, liberty of consciousness, freedom of thought and personal freedom along with the right to hold personal property.²⁸

The second principle of justice is, "Social and economic inequalities are to be arranged so that they are both (a) to the great benefit of the least advantaged and (b) attached to offices and positions open to all under conditions of fair equality of opportunity."²⁹ This is a different principle which minimizes inequalities with regard

²⁵ Ibid. , p. 4.

²⁶ Ibid. ,p.12.

²⁷ Ibid. , p. 60.

²⁸ Ibid. , p. 61.

²⁹ Ibid. , p. 83.

to distribution of income and wealth, and provides fair equality of opportunity among persons.

These two principles of justice are central for Rawls' theory. Although both of them constitute justice as fairness, Rawls believes there is a hierarchical relationship between them. He introduces this relationship in the following quote:

We may be able to find principles which can be put in what I shall call a serial or lexical order. (The correct term is "lexicographical," but it is too cumbersome.) This is an order which requires us to satisfy the first principle in the ordering before we can move on to the second, the second before we consider the third, and so on. A principle does not come into play until those previous to it are either fully met or do not apply.³⁰

This lexical ordering between the principles of justice is very important to understand Rawls' theory of justice. As a liberal philosopher, Rawls gives priority to basic liberties which refer to first principle of justice: namely the "equality principle". It is important to emphasize that "giving liberty this overriding priority over material prosperity is characteristic of the liberal tradition of political thought with which Rawls is often associated."³¹Therefore, as a follower of liberal tradition, Rawls values liberty above distribution of wealth. That is to say, basic liberties are the necessary conditions of establishing fair society. If first principle is guaranteed, we can move to the second principle. Rawls explicitly argues, "As an important special case I shall, in fact, propose an ordering of this kind by ranking the principle of equal liberty prior to the principle regulating economic and social inequalities."³²To that extent, the priority of basic liberties cannot change for the sake of economic improvements. Since having basic liberties and keeping the first principle are the

³⁰ Ibid. , pp. 42-43.

³¹ Colin, Bird, *An Introduction to Political Philosophy*, (Cambridge University Press, New York, 2006), p. 130.

³² Rawls, *A Theory of Justice*, p. 43.

essential conditions of fairness, justice as fairness should not be put into practice without the priority of the first principle of justice. To put it in a different way, if there is no guarantee of basic liberties, Rawls argues, we cannot constitute fairness in the society.

Another important issue about two principles of justice is related to the notion of primary goods. Rawls develops the two principles of justice by introducing the notion of primary goods. According to Rawls, the two principles of justice include primary goods which are social and natural goods. Social goods are rights, liberties, powers, opportunities, income and wealth. Natural goods are health and vigor, intelligence and imagination. Both social and natural goods are for the benefit of all citizens. Natural goods are not under direct control of the basic structure, but the state may partially, as it may be, regulate these. Nevertheless, social goods, such as liberty, are safeguarded by laws and institutions. According to Rawls, these two principles also safeguard primary goods in a well-ordered society.³³ Especially, the second principle of justice, namely the difference principle, aims to reduce inequalities among citizens. To sum up, applying the two principles of justice to the basic structure in a well-ordered society is the task of justice as fairness.

³³ Rawls, *A Theory of Justice*, p. 62.

CHAPTER III

AMARTYA SEN'S CRITIQUE OF RAWLS' THEORY OF JUSTICE AND SEN'S IDEA OF JUSTICE

In this chapter, I will focus on both Amartya Sen's critique of John Rawls' theory of justice and Amartya Sen's idea of justice. To this end, first of all, I mainly deal with Sen's critique of Rawls' theory of justice. According to Sen, Rawls' theory of justice is a kind of social contract theory, and Sen's critique basically depends on the critical examination of "transcendental institutionalism." Secondly, after analyzing Sen's critique of Rawls' theory of justice, I will try to examine Sen's suggestions on the idea of justice. Instead of "transcendental institutionalism", Sen offers the "realization-focused comparison" as an alternative approach to the idea of justice. Another main suggestion of Sen on idea of justice is Smith's impartial spectator. I will examine this suggestion in Chapter IV in some detail.

3.1. Amartya Sen's Critique of John Rawls' Theory of Justice

Amartya Sen is one of the greatest economists and political philosophers of twenty-first century. He is celebrated in the academic world since he was awarded the Nobel Memorial Prize in Economic Sciences in 1998 for his work in welfare economics. In this chapter, I will focus on his idea of justice rather than his views on economy. In this section, I will first try to examine his critique of Rawls' theory of justice. In doing so, I will try to examine his major work *The Idea of Justice* and one of his main articles on justice "What Do We Want from a Theory of Justice". He dedicates his major work to John Rawls, and he aims in this work to comprehend the main idea of Rawls' theory of justice and to criticize it in a comprehensive way. Amartya Sen's main critique focuses on Rawls' theory of justice which he calls an example of "transcendental institutionalism." Based on this consideration, Amartya Sen criticizes Rawls' theory of justice by examining the question on justice asked by the

social contract tradition and John Rawls. He claims that the question of “what is just society” leads to a transcendental approach to justice. For this reason, answer to this question must necessarily focus on identifying perfectly just institutions. Instead of asking what a perfectly just society would look like, Sen asks a fundamentally different question on justice in *The Idea of Justice*. According to Sen, the question should be “how can we remove injustice and advance justice” rather than identifying perfectly just society. In this sense, we can see that the starting point of Sen is essentially different from that of John Rawls. Sen focuses on removing or reducing injustice and advancing justice in the society. Rawls’ question on justice is limited to deliberation to realize justice in a well-ordered society. Sen takes the question of justice locally, at the state level as well as on a global scale, because he does not try to establish a theory of justice which identifies perfectly just institutions for a well-ordered society.

In order to understand Sen’s critique, we should also explain his position in political philosophy. He makes a distinction in the enlightenment political philosophy in terms of questioning the idea of justice. He argues that there are two different traditions in the enlightenment political philosophy. The first one is social contract tradition, and the second is “social realizations” tradition to tackle the question of social justice. The former tradition is represented by Thomas Hobbes, Jean-Jacques Rousseau, Immanuel Kant and John Rawls. Sen defines this tradition as “transcendental institutionalism.” The latter tradition is represented by Adam Smith, Marquis de Condorcet, Jeremy Bentham, Mary Wollstonecraft, Karl Marx and John Stuart Mill. Sen defines this tradition as “realization-focused comparison.”³⁴ Sen sees himself in the latter tradition.³⁵

In the light of this distinction, I would like to go back to the critique of Sen on Rawls’ theory of justice. According to Sen, from the point of view of “transcendental institutionalism”, namely from Rawls’ point of view on justice, we face six main difficulties:

³⁴ Sen, Amartya, *The Idea of Justice*, (Cambridge: Oxford University Press, 2009), p. 6.

³⁵ This categorization is first made by Amartya Sen.

The first difficulty is that “transcendental institutionalism” ignores answering comparative questions about justice. According to Sen, the idea of social justice should compare different questions on justice, but Rawls’ theory of justice merely deals with identifying the demands of perfectly just society.³⁶

The second difficulty is formulating the demands of justice with regard to the principles of justice. It strongly takes into consideration merely just institutions, and therefore ignores realization of justice in the society.³⁷

The third difficulty is that since it focuses on just institutions for a well-ordered society, but it ignores the interactions and effects of the countries across the globe. This also shows that Rawls’ theory of justice is insufficient for the problems of social justice in a global perspective.³⁸

The fourth difficulty is that it does not succeed in terms of having any systematic procedure to affirm the influence of parochial values on any society.³⁹

The fifth difficulty is that it is a closed system, that is, it has fixed and stable principles. Therefore, it does not allow changing the principles among persons even in the original position.⁴⁰

The sixth difficulty is that despite the hypothetical social contract, it is a well-known fact that some people do not always behave ‘reasonably’. According to Sen, this view on the social justice ignores this fact, and it dictates and uses forced compliance with the specific kind of ‘reasonable’ behavior.⁴¹

³⁶ Sen, *The Idea of Justice*, p. 90.

³⁷ Ibid. , p. 90.

³⁸ Ibid. , p. 90.

³⁹ Ibid. , p. 90.

⁴⁰ Ibid., p. 90.

⁴¹ Ibid., p. 90.

Apart from these six difficulties of “transcendental institutionalism” in relation to the question of justice, I would like to introduce Amartya Sen’s two significant critiques on Rawls’ theory of justice. Sen’s first critique is about Rawls’ second principle of justice. As we mentioned before, Rawls’ second principle of justice holds that “social and economic inequalities are to be arranged so that they are both (a) to the great benefit of the least advantaged.”⁴² It is important to emphasize that the second principle of justice is related to distributive justice. Rawls proposes the second principle of justice to take the least advantaged people as the center of distributive justice.

Sen criticize the impartiality of Rawls’ difference principle by giving an example. This illustration is significant to understand Sen’s critique. Sen’s illustration is as follows:

Let me illustrate the problem with an example in which you have to decide which of three children – Anne, Bob and Carla – should get a flute about which they are quarrelling. Anne claims the flute on the ground that she is the only one of the three who knows how to play it (the others do not deny this), and that it would be quite unjust to deny the flute to the only one who can actually play it. If that is all you knew, the case for giving the flute to the first child would be strong. In an alternative scenario, it is Bob who speaks up, and defends his case for having the flute by pointing out that he is the only one among the three who is so poor that he has no toys of his own. The flute would give him something to play with (the other two concede that they are richer and well-supplied with engaging amenities). If you had heard only Bob and none of the others, the case for giving it to him would be strong. In another alternative scenario, it is Carla who speaks up and points out that she has been working diligently for many months to make the flute with her own labor (the others confirm this), and just when she had finished her work, ‘just then’, she complains, ‘these expropriators came along to try to grab the flute away from me’. If Carla’s statement is all you had heard, you might be inclined to give the flute to her in recognition of her understandable claim to something she has made herself.⁴³

In this illustration, each of them wants the flute and they all have some reasons to claim it. Anna knows how to play it, and Bob is very poor, and Carla made it with her labor. Now, the most important question in this illustration is how can we make a decision to give flute to the right person justly. In other words, which principle ensures the right and just choices is the question in this illustration. Sen clarifies his illustration through forming a relationship with each case in terms of some political

⁴² Rawls, *A Theory of Justice*, p. 61.

⁴³ Sen, *The Idea of Justice*, p. 13.

principle and view. He puts these three different views in order. Firstly, since Anna knows how to play the flute, and she probably derives pleasure from this activity, the utilitarian view would tend to support the idea of giving the flute to Anna. Secondly, Bob is poorer than others. For this reason, the egalitarian view would tend to give flute to Bob. The reason behind this choice is to reduce economic inequalities. Lastly, since Carla makes this flute through her labor, the libertarian view would support the idea of giving the flute to Carla. Sen uses this illustration to take into account different approaches when we decide to choose any principle for social justice. Based on this consideration, Sen asserts the following:

The general point here is that it is not easy to brush aside as foundationless any of the claims based respectively on the pursuit of human fulfillment, or removal of poverty, or entitlement to enjoy the products of one's own labor. The different resolutions all have serious arguments in support of them, and we may not be able to identify, without some arbitrariness, any of the alternative arguments as being the one that must invariably prevail.⁴⁴

From this quote, it can be inferred that Sen pays attention to the realization of justice by considering all possible solutions with reasonable justification of these alternatives. Sen clarifies his assertion from this illustration by referring to Thomas Scanlon's work.⁴⁵ The quote reads, "Thinking about right and wrong is, at the most basic level, thinking about what could be justified to others on grounds that they, if appropriately motivated, could not reasonably reject."⁴⁶ Sen aims to show that all alternatives could not be rejected if they are properly justified by reasonable arguments. Furthermore, it is important to emphasize that this quote is highly important to understand Sen's aim, because it draws attention to the importance of a comparative approach, which he introduces, to tackle the idea of justice. In this illustration, we have different reasonable justifications for choosing a principle to distribute the resources in terms of justice. To put it briefly, Sen's critique of the two principles of justice is that they are chosen unanimously and impartially.

⁴⁴ Ibid. ,p. 13.

⁴⁵ Scanlon, Thomas, *What We Owe to Each Other*, (Cambridge, MA: Harvard University Press, 1998),

⁴⁶ Sen, *The Idea of Justice*, p. 197.

Another important critique of Sen of Rawls' theory of justice is related to lexical ordering between the two principles of justice which are equal liberty and difference principle. As we mentioned in the second chapter, Rawls gives priority to the first principle: "Each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others".⁴⁷ The first principle is prior, in terms of lexical ordering, to the difference principle", which points out that social and economic inequalities are to be arranged so that they are both (a) to the great benefit of the least advantaged and (b) attached to offices and positions open to all under conditions of fair equality of opportunity.⁴⁸ That is to say, without fully satisfying the requirement of the first principle, we could not move to the second one. Sen rejects this kind of ordering which gives absolute weight to one principle over the other. He argues as follows: "The total priority of liberty is too extreme. Why should we regard hunger, starvation and medical neglect to be invariably less important than the violation of any kind of personal liberty"⁴⁹? The main idea of this argument basically shows that giving priority to liberty does not work if there is famine, and if people die from starvation. Sen's purport in this criticism should not be taken as neglecting the importance of freedom for the idea of justice. Conversely, he regards liberty as one of the main questions of justice, but there are many important questions of justice such as starvation and medical neglect, and all of these questions have equal importance like liberty.

3.2. Amartya Sen's Idea of Justice

In this section, I will try to analyze Amartya Sen's idea of justice. In order to be able to give an account of Sen's idea of justice, his critique on Rawls' theory of justice should be considered. Sen's idea of justice could be read as a critique of Rawls' theory of justice as well as a suggestion of a new approach instead. For this reason, I

⁴⁷ Rawls, *A Theory of Justice*, (London; Belknap Press, 1971) p. 60.

⁴⁸ Rawls, *A Theory of Justice*, p. 83.

⁴⁹ Sen, *The Idea of Justice*, p. 65.

will explicate Sen's idea of justice through his main critique on Rawls' theory of justice.

As we mentioned earlier, Sen strongly criticizes Rawls' theory of justice, which belongs to social contract tradition, since Rawls' theory starts with a wrong question on the idea of justice. Sen argues as follows: "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."⁵⁰ According to Sen, this question leads to a "transcendental approach to justice, focusing, as it does, on identifying perfectly just societal arrangements."⁵¹ In this sense, it can be inferred that Sen believes that the social contract tradition reduces the idea of justice within "the boundaries of the institutional realm."⁵² Thus, Sen suggests that this question should be changed. Changing the question provides us the chance of looking at the question of justice from a new different perspective. Amartya Sen proposes two different questions for the idea of justice compared to "transcendental institutionalism". These questions are: "How to reduce manifold injustices."⁵³ Or "How justice would be advanced?", rather than others (for example, "what a perfectly just society would look like?"⁵⁴). These questions are quite important in understanding Sen's idea of justice. They lead to two important points about the idea of justice. The first one is how we advance justice and remove or reduce injustice. This is the core idea of Sen's view. He clearly refers to this issue in his work *The Idea of Justice*. He asserts the following: "What moves us, reasonably enough, is not the realization that the world falls short of being completely just – which few of us

⁵⁰ Sen, "What Do We Want From A Theory Of Justice," *Journal of Philosophy*, Vol.103, No.5, 2006, p. 216.

⁵¹ Ibid. , p.216.

⁵² Sen's argument is right on this issue, because Rawls affirms this claim in *Justice as Fairness, A Restatement*. He asserts that, "One main feature of justice as fairness is that it takes the basic structure as the primary subject of political justice." (Rawls, 2001: 10). In this sense, Rawls sees basic structure which refers to basic institutions as the center of theory of justice. In other words, theory of justice is primarily concerned with the institutions. Two principle of justice can work out if these principles are applied to the basic structure.

⁵³ Sen, *The Idea of Justice*, p. 100.

⁵⁴ Ibid. , p. .9.

expect – but that there are clearly remediable injustices.”⁵⁵ Moreover, Sen introduces this argument by giving the examples from history. He argues as follows:

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.⁵⁶

According to Sen, if we start from this point, we could reach a broader perspective on the idea of justice. Both questions depend on each other in Sen’s view. It is important to note that these questions, Sen believes, could be understood only through “diagnosis of injustice.” It also plays a key role to understand “realization-focused comparisons” which is offered by Sen as an alternative for the idea of justice. Therefore, I would like to analyze the relationship between “diagnosis of injustice” and “realization-focused comparisons” in the following sentences. As we mentioned before, Sen defines his position in political philosophy as being among the “realization-focused comparisons”. In order to understand “realization-focused comparisons” as an alternative approach for idea of justice, the notion of “diagnosis of injustice” should be examined as. It is the main feature of “realization-focused comparisons”. Philosophers, who are classified in this approach by Sen, give prime consideration to “diagnosis of injustice”. In this sense, Sen maintains the following:

They were all involved in comparisons of societies that already 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.⁵⁷

⁵⁵ Ibid. ,p. vii.

⁵⁶ Ibid. ,p. vii.

⁵⁷ Sen, *The Idea of Justice*, p. 7.

From above quote, it is obvious that “diagnosis of injustice” is the first task of the “realization-focused comparison” approach. Furthermore, its aim is not identifying perfectly just institutions for the idea of justice. Instead, “a realization-focused perspective also makes it easier to understand the importance of the prevention of manifest injustice in the world, rather than seeking the perfectly just institutions”. That is to say, since this approach mainly deals with the “diagnosis of injustice”, it also targets prevention of injustice. It is important to emphasize that prevention of injustice gives rise to advancement of justice, which is another main component of Sen’s idea of justice.

Another important aspect of Sen’s idea of justice is that it is not only based on western thought but also on eastern philosophy. He takes into account different views on justice, because the right perspective to study justice, Sen argues, should involve different views on the idea of justice. He chooses this way of philosophical attitude to be able to discuss the idea of justice comprehensively. This attitude constitutes the main characteristics of *The Idea of Justice*. He explicitly indicates, “In this work too, I will take reasoned scrutiny from different perspectives to be an essential part of the demands of objectivity for ethical and political convictions.”⁵⁸ Although he takes into account different views on justice both from western and eastern thought, the “realization-focused comparison” is central in his idea of justice. In other words, “realization-focused comparison” is the common aspect of these different views on justice. After giving this explanation, I would like to explicate the eastern element in Sen’s idea of justice. Sen develops his view by referring to the idea of justice in Indian thought. He suggests the following:

In understanding the contrast between an arrangement-focused and a realization-focused view of justice, it is useful to invoke an old distinction from the Sanskrit literature on ethics and jurisprudence. Consider two different words – niti and nyaya – both of which stand for justice in classical Sanskrit. Among the principal uses of the term niti are organizational propriety and behavioral 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

⁵⁸ Sen, *The Idea of Justice*, p. 45.

perspective of nyaya, which is inescapably linked with the world that actually emerges, not just the institutions or rules we happen to have.⁵⁹

In this quote, Sen introduces two words “niti and nyaya” from the Sanskrit language and Indian thought to explicate his idea of justice. The notion of niti basically considers the propriety of institutions, and nyaya focuses on actual life. In order to clarify these notions about justice, Sen introduces a new concept “matsyanyaya”, which refers to “justice in the world of fish.”⁶⁰ It basically means that big fish always eats small fish. According to Sen, this view was dispraised by Indian legal theorists and they also warned against this view to prevent it from taking place in the world. The notions of “niti” and “nyaya” are conceptualized not to allow the occurrence of “matsyanyaya” in the world. The main difference between niti and nyaya could be read in terms of the difference between “transcendental institutionalism” and “realization-focused comparison” approach. That is to say, the notion of “niti” mainly concerns the just institutions, and it takes this as the center of the justice as “transcendental institutionalism” does. Nyaya, on the other hand, focuses on realization of justice like “realization-focused comparison”. Sen gives two examples to instantiate niti and nyaya. The first example is about the statement of Ferdinand I, Holy Roman Emperor. The statement reads, “Fiat justitia, et pereat mundus”, which can be translated as “Let justice be done, though the world perish.”⁶¹ According to Sen, this statement focuses on the just and right rule or principle. For this reason, it is an example of niti that concentrates on what kind of institutions and rules are just. The second example is abolition of slavery. This example is significant to understand Sen’s position on the idea of justice. He asserts the following:

When people agitated for the abolition of slavery in the eighteenth and nineteenth centuries, they were not laboring under the illusion that the abolition of slavery would make the world perfectly just. It was their claim, rather, that a society with slavery was totally unjust (among the authors mentioned earlier, Adam Smith, Condorcet and Mary Wollstonecraft were quite involved in presenting this perspective). It was the diagnosis of an intolerable injustice in

⁵⁹ Sen, *The Idea of Justice*, p. 20.

⁶⁰ *Ibid.*, p. 20.

⁶¹ *Ibid.*, p. 21.

slavery that made abolition an overwhelming priority, and this did not require the search for a consensus on what a perfectly just society would look like.⁶²

From above quote, this example is a kind of nyaya perspective on the idea of justice, because nyaya pay attentions to the actual life of people and to the realization of justice. Therefore, abolition of slavery in this context could be regarded as the removal of injustice and realization of justice in terms of nyaya. However, it is important to emphasize that Sen does not ignore the significant role of institutions for the idea of justice. He suggests:

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, for reasons already discussed, 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-centered 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.⁶³

From this quote, it can be inferred that the roles of institutions and people's actual lives should be considered together in any theory of justice. The demand of justice is required not only for establishing just institutions and society but also for looking at how people's lives go on and what their behavior patterns are.

After examining Amartya Sen's interpretation of classical Indian thought about justice, I will explicate Sen's idea of justice by comparing two approaches to justice. As we mentioned before, there are some differences between these approaches, but I will try to analyze this comparison in some detail. Sen's idea of justice basically depends on Rawls' theory of justice. He tries to suggest a new approach on the idea of justice instead of Rawls' theory. In order to give account of Sen's idea of justice, two different approaches to justice will be examined in this section. As we mentioned above, according to Sen, the idea of justice is mainly dominated by

⁶² Ibid. , p. 21.

⁶³ Sen, *The Idea of Justice*, p. 82.

“transcendental institutionalism” within contemporary political philosophy. This approach refers to social contract theory. According to Sen, it is problematic and insufficient to conceive idea of justice. Therefore, he offers “realization-focused comparison” as an alternative approach.

The first approach to the idea of justice, “transcendental institutionalism”, centers upon what is just and unjust for assessing the idea of justice. In other words, it does not take into account the advancement of justice and removal of injustice. Although we do not have just institutions, we could reduce basic injustices, thereby making it easier to advance justice. Sen’s approach, “realization-focused comparison”, has this perspective. Sen explicitly indicates, “In a comparative perspective, the introduction of social policies that abolish slavery, or eliminate widespread hunger, or remove rampant illiteracy, can be shown to yield an advancement of justice.”⁶⁴

Sen also introduces the concepts “closed and open impartiality” by which he describes the nature of these two different approaches. I would like to focus on these concepts. This will enable us to clarify the nature of these different approaches. It also gives us the limits and suggestion of these approaches to the idea of justice. According to Sen, there are two types of impartiality in the realm of political philosophy about the idea of justice. The first type is *closed impartiality*. This refers to an impartiality of a focal group indicating the idea that “with closed impartiality, the procedure of making impartial judgments invokes only the members of the focal group itself.”⁶⁵ Sen identifies Rawls’ theory of justice as a type of closed impartiality. Since Rawls’ theory of justice is an original contract between citizens of a given state, it is limited by this focal group.⁶⁶ It is important to emphasize that Sen describes any contract theory as limited to certain citizens subject to a sovereign. That is to say, contract is realized only among citizens of a given state. Although Rawlsian veil of ignorance conceals people’s exact identities and allows the removal

⁶⁴ Sen, “What Do We Want From A Theory Of Justice,” *Journal of Philosophy*, Vol.103, No.5, 2006, p. 217.

⁶⁵ Sen, “Open and Closed Impartiality,” *Journal of Philosophy*, Vol; 99, No.9, (Sep., 2002), p. 445.

⁶⁶ *Ibid.* , p. 445.

of bias such as ethnic and gender discrimination, it cannot eliminate the fact of being a member of group. In other words, people who come together under the veil of ignorance know the fact that they are citizens of a given state. For this reason, Sen believes, the veil of ignorance makes Rawlsian theory of justice a closed impartiality.⁶⁷

Sen calls the second type of impartiality *open impartiality*. Open impartiality is not limited to the realm of the focal group. That is to say, “the procedure of making impartial judgments can (and in some cases, must) invoke judgments *sinter alia* from outside the focal group.”⁶⁸ Open impartiality is accessible to people who are not contractors or citizens. Sen introduces the impartial spectator to explain open impartiality. The impartial spectator could be a member of a given state or someone from outside. This makes impartial spectator an example of open impartiality. In this sense, Sen asserts the following:

Smith's strategy in invoking impartial spectators makes room for taking note of perspectives that are not overwhelmed by the biases of one's own groups. The partialities of group-based thinking are to be identified, with an attempt to override them.⁶⁹

The difference between closed and open impartialities refers to the main difference between “transcendental institutionalism” and “realization-focused comparison” approaches. The first approach is described as closed impartiality, and the latter is described as open impartiality. Sen argues for an open impartiality that considers different views and allows being able to make comparison among alternatives for the idea of justice. Sen characterizes the first approach as “transcendence” and “closed impartiality”, while characterizing the second one as “comparative” and “open impartiality”.

⁶⁷ Ibid. , p. 446.

⁶⁸ Ibid. , p. 446.

⁶⁹ Ibid. , p. 446

CHAPTER IV

AMARTYA SEN'S AND ADAM SMITH'S IMPARTIAL SPECTATOR AS THE STANDARD FOR MORAL EVALUATION AND QUESTION OF INJUSTICE

In this chapter I mainly deal with Adam Smith's impartial spectator and how Amartya Sen uses this notion as a standard for the question of injustice. In order to give an account of the impartial spectator in Adam Smith's moral philosophy, I will try to clarify some main concepts, which are at the foundation of Smith's moral philosophy, such as sympathy, agent and spectator, praiseworthiness and self-command. In the first part of this chapter, I will try to analyze the relationship between sympathy and moral judgments. In the second part, I will try to clarify the concept impartial spectator in Adam Smith's moral philosophy. Finally, in the third part, I will focus on impartial spectator and deal with the question of injustice in Amartya Sen.

4.1. Adam Smith on Sympathy and Moral Judgment:

Before analyzing the relationship between sympathy and moral judgment, I would like to give some information about Adam Smith and his position in the history of moral philosophy. Adam Smith is well-known as a great economist, and his great work *The Wealth of Nations* has been one of the most important works in the science of political economy. It is common misunderstanding to consider Adam Smith just as an economist or as the father of classical economy, because Adam Smith is not only a great economist but also one of the leading philosophers of Scottish Enlightenment.

Adam Smith was an important figure in the Scottish Enlightenment, and was linked to the French and American Enlightenment. After the publication of *The Theory of Moral Sentiments*(TMS) in 1759, he gained quick recognition, and the book was

translated from English into French and German. The book was published in six editions during his lifetime. It received appreciation, and was highly regarded by prominent philosophers such as Hume, Burke and Kant. In addition, Adam Smith knew western philosophical traditions along with different disciplines such as ancient languages, history, rhetorical theory, science, jurisprudence, religion and literature. This fact can be affirmed throughout TMS. Apart from these, he was also the student of a philosopher, Francis Hutcheson, and the best friend of great Scottish philosopher David Hume.⁷⁰

After this brief introduction about Smith, I would like to get back to Smith's moral philosophy and examine it in some detail. Basically, Adam Smith is regarded as a sentimentalist philosopher who explains morality through sentiments. Adam Smith's *Theory of Moral Sentiments* is the explanation of moral judgments and its relation to sentiments. For this reason, I would like to focus on the sentimental ethics which constitutes the Adam Smith's moral philosophy. In the *Blackwell International Encyclopedia of Ethics*, sentimentalist ethics is defined in the following way:

Our ethical stance is manifest in our attitudes and reactions, in what inspires or outrages us, in what we admire or detest, in whom we praise or blame. For sentimentalists, these human reactions are what is fundamental about ethics. There is no need to assume a moral reality that transcends the natural world or find a Moral Law binding on all rational creatures. Ethics is all about practice. It emerges when, under pressure of social conflict, we come to regulate our emotional responses from a point of view that goes beyond self-interest, and serves to foster mutually beneficial cooperation by guiding our choices. To understand ethics, sentimentalists hold, we need to investigate the practical aspects of evolved human nature as they manifest themselves in a social context.⁷¹

From the above passage, it can be inferred that our moral judgments and morality itself are only understood and explained by means of sentiments that give rise to action or reactions. In other words, sentiment which contains our emotions and passions are the basic foundation of morality, and it is all about practices. Francis Hutcheson, David Hume and Adam Smith explain morality in relation to sentiments

⁷⁰ Griswold, C. "*Adam Smith and the Virtues of Enlightenment*", (Cambridge: Cambridge University Press, 1999), pp. 7-9.

⁷¹ *Blackwell International Encyclopedia of Ethics*, ed. Hugh La Follette Final version, February 18, 2012

although they take different positions in sentimental morality. For example, David Hume argues for the sentimentalist moral philosophy in the following quote:

The hypothesis which we embrace is plain. It maintains that morality is determined by sentiment. It defines virtue to be whatever mental action or quality gives to a spectator the pleasing sentiment of approbation; and vice the contrary. We then proceed to examine a plain matter of fact, to wit, what actions have this influence. We consider all the circumstances in which these actions agree, and thence endeavor to extract some general observations with regard to these sentiments.⁷²

In *The Theory of Moral Sentiments*, Adam Smith explicitly indicates his position in moral philosophy when he analyzes the criteria of our approbation and disapprobation, or right and wrong on moral judgments. He divides the principle of approbation on moral judgment into three classes:

Three different accounts have been given of this principle of approbation. According to some, we approve and disapprove both of our own actions and of those of others, from self-love only, or from some view of their tendency to our own happiness or disadvantage: according to others, reason, the same faculty by which we distinguish between truth and falsehood, enables us to distinguish between what is fit and unfit both in actions and affections: according to others this distinction is altogether the effect of immediate sentiment and feeling, and arises from the satisfaction or disgust with which the view of certain actions or affections inspires us.⁷³

From the above quote, it is obvious that self-love, reason and sentiments are the principles of our approbation or disapprobation on moral judgments. According to Smith, neither self-love nor reason could be a principle for moral judgment.

Analyzing the sentimentalist moral philosophy in the “*Theory of Moral Sentiments*”, Smith expresses his position in sentimentalism, and he separates his sentimentalist moral theory from other philosophers by positioning sympathy as main criterion for moral judgment. He clearly states this in the following passage:

There is another system which attempts to account for the origin of our moral sentiments from sympathy, distinct from that which I have been endeavoring to establish. It is that which places virtue in utility, and accounts for the pleasure with which the spectator surveys the utility of any quality from sympathy with the happiness of those who are affected by it. This

⁷² Hume, D. *Enquires Concerning The Human Understanding and Concerning Principles of Morals*, (Oxford at Clarendon Press, London, 1902), p, 189.

⁷³ Smith, Adam, *The Theory of Moral Sentiment*, Edited by D. D. Raphael, (Liberty Fund, Indiana Polis, 1984), p.,315.

sympathy is different both from that by which we enter into the motives of the agent, and from that by which we go along with the gratitude of the persons who are benefited by his actions. It is the same principle with that by which we approve of a well-contrived machine. But no machine can be the object of either of those two last mentioned sympathies.⁷⁴

The reason why David Hume and Adam Smith give the key role to sympathy and their aims, particularly Adam Smith's, in making sympathy a principle could be understood by looking into the influence of science on the 18th century philosophy. This century is marked with a great development in physical sciences. Philosophers of this age were also influenced by science in their attempts to analyze the human being as an individual and social being. Logic and mechanistic explanations of the universe became the main tools in explaining human behavior and society in this century.⁷⁵ “*Most abstruse social questions could be reduced to a demonstration egoistic, scientific explanation of human being.*”⁷⁶ However, there are two philosophers such as David Hume and Smith who take a different position to explain and analyze individuals and their relations to society by abandoning the practice of defining man as a purely self-interested being. What makes both Hume and Smith different in terms of morality is that they take sympathy as a central notion in order to identify human beings both individually and socially. Therefore, “it is different to explain human being that is not an explanation of scientific research or wholly egoistic nature.”⁷⁷

What is the role of sympathy and why does it become the foundation of morality? These are two basic questions answered by these two philosophers. Before analyzing Adam Smith's point of view on sympathy, I would like to introduce David Hume's viewpoint since Hume is the first philosopher to consider sympathy as one of the main motives of our moral judgment. He gives a significant role to sympathy in order

⁷⁴ Ibid. , p. 327.

⁷⁵ Glenn R. Morrow, (1923), “The Significance of the Doctrine of Sympathy in Hume and Adam Smith”, *The Philosophical Review*, Vol. 32, No. 1 (Jan., 1923), p. 60.

⁷⁶ Ibid. , p. 60.

⁷⁷ Ibid. , p. 60.

to explain moral sense. In *A Treatise of Human Nature*, Hume introduces the notion of sympathy as a principle for moral sense:

We are certain that sympathy is a very powerful principle in human nature. We are also certain that it has a great influence on our sense of beauty, when we regard external objects, as well as when we judge of morals. We find that it has force sufficient to give us the strongest sentiments of approbation, when it operates alone, without the concurrence of any other principle; as in the case of justice, allegiance, chastity, and good-manners. We may observe that all the circumstances requisite for its operation found in most of the virtues; which have, for the most part, a tendency to the good of the society, or to that of the person possessed of them.⁷⁸

As we mentioned earlier, Hume does not consider man as a mere self-interested being or a being depending on self-love. It is important to note that Hume considers sympathy as a significant aspect of a human being with regard to morality. Similarly, sympathy can be considered as one of the basic motives of our moral judgments in contrast to self-interest which is regarded as another main motive of our moral judgments.

The *Theory of Moral Sentiments* begins with a clear assertion about human nature. The following first statement is quite crucial to understand Adam Smith's moral philosophy in a comprehensive way. He argues:

How selfish so ever man may be supposed, there are evidently some principles in his nature, which interest him in the fortune of others, and render their happiness necessary to him, though he derives nothing from it except the pleasure of seeing it. Of this kind is pity or compassion, the emotion which we feel for the misery of others, when we either see it, or are made to conceive it in a very lively manner. That we often derive sorrow from the sorrow of others, is a matter of fact too obvious to require any instances to prove it; for this sentiment, like all the other original passions of human nature, is by no means confined to the virtuous and humane, though they perhaps may feel it with the most exquisite sensibility. The greatest ruffian, the most hardened violator of the laws of society, is not altogether without it.⁷⁹

From the quote, it is obvious that Smith puts forward a clear statement about human nature which could also be interpreted as the main idea of this work. That is to say, all moral philosophies or theories basically depend on how a particular moral

⁷⁸ Hume, David. *A Treatise of Human Nature*, (London: Penguin Books, 1969) ,pp. 667- 668.

⁷⁹ Smith, *The Theory of Moral Sentiments*, p. 9.

philosophy or theory describes or depicts the human being and his relation to human nature. Smith's main argument regarding human nature is that human beings care for others' misery and happiness acting in accordance with certain principles in their nature in contrast to their selfish aspect. This argument gives us the main foundation of Smith moral philosophy. In other words, in *The Theory of Moral Sentiments*, Smith attempts to suggest and generate a moral philosophy based on the principle of unselfishness or a principle that does not involve self-love. Adam Smith's evaluation of this argument in this work along with his discussion on what principle makes us care for other people, in contrast to our selfish aspect, explains his notion of sympathy. The first sentence of *TMS* refers to the notion of sympathy.

According to Smith, sympathy plays a crucial role in the formation and evaluation of all our moral judgments. It takes human being as asympathetic being who cares for others. He argues, "Sympathy, however, cannot, in any sense, be regarded as a selfish principle."⁸⁰ Besides, Smith introduces the notion of sympathy as a relationship in the context of mutuality. He clearly states, "Nothing pleases us more than to observe in other men a fellow feeling with all the emotions of our own breast."⁸¹ That is to say, sympathy does not emerge just one-sided, and it has an important function that leads to caring for each other mutually. He also emphasizes the mutual nature of sympathy in the following quote:

Sympathy, however, enlivens joy and alleviates grief. It enlivens joy by presenting another source of satisfaction; and it alleviates grief by insinuating into the heart almost the only agreeable sensation which it is at that time capable of receiving.⁸²

It is obvious that Smith's moral philosophy pays attention to our daily life and our experiences. It is clear from observations of our moral life, that we always need a friend to share our happiness or misery. Smith suggests that human beings are dependent on others and on sympathy as the regulating principle within the social

⁸⁰ Smith, *The Theory of Moral Sentiments*, p. 317.

⁸¹ *Ibid.*, p. 13.

⁸² *Ibid.*, p. 14.

sphere. Human beings are mainly associated with their families, friends and coworkers with respect to their moral life. Isolating one from her or his social environment overrides the possibility of developing moral life. For this reason, sympathy enables us to understand each other mutually when we act in the context of morality, and it makes us social beings. In this regard, I would like to emphasize the point that Adam Smith's moral philosophy arises from human experiences in society. Furthermore, in the *TMS*, Smith asserts that we cannot develop and evaluate our moral life without living in a society, because thanks to society we, in the first place, learn the propriety or impropriety of our moral judgments and what beauty and deformity is. In other words, society is like a mirror in which we assess and develop our moral judgments.⁸³

After explaining the important role of sympathy and its relation to human nature in Smith's moral philosophy, I would like to discuss the account of sympathy in Smith's moral philosophy in some detail. How we sympathize with other people and how it works in the process of making moral judgments will be our initial concern now. According to Smith, we sympathize with other people by using our imagination. In that sense, imagination plays a crucial role and makes sympathy possible as a principle for us to follow. Smith explicitly states the role of imagination in the second paragraph of the *TMS*. Smith refers to imagination when he describes the possibility of sympathy. Hence, he argues, "It is by the imagination only that we can form any conception of what human being's sensations."⁸⁴In this statement, Smith is very clear about the fact that we form our moral judgments by using our imagination. We judge others by using imagination in the process of making moral judgments. This process is explained by Smith in the following quote:

By the imagination we place ourselves in his situation, we conceive ourselves enduring all the same torments, we enter as it were into his body, and become in some measure the same person with him, and thence form some idea of his sensations, and even feel something which, though weaker in degree, is not altogether unlike them. His agonies, when they are

⁸³ Ibid. , p. 110.

⁸⁴ Ibid. , p. 9.

thus brought home to ourselves, when we have thus adopted and made them our own, begin at last to affect us, and we then tremble and shudder at the thought of what he feels.⁸⁵

It can be inferred from this quote that imagination is an active process, and it enables us to care for and consider others. By imagination, we sympathize with others, and we put ourselves into others' shoes. In other words, we consider or assess what we would do and feel if we were in the same situation with other people. That is to say, we put ourselves in the others place by using the imagination; and we make a decision or pass judgments on people's moral acts. Smith explains this process by giving basic examples in the following quote:

When I condole with you for the loss of your only son, in order to enter into your grief I do not consider what I, a person of such a character and profession, should suffer, if I had a son, and if that son was unfortunately to die: but I consider what I should suffer if I was really you, and I not only change circumstances with you, but I change person and characters. My grief, therefore, is entirely upon your account, and not in the least upon my own. It is not, therefore, in the least selfish.⁸⁶

In the light of above quote, it can be argued that human beings have the capacity of imagination and a principle which allows them to have sympathy. The capacity of imagination makes it possible to sympathize with others and allows us to understand and assess both our and others' moral judgments.

As we mentioned above, from a sentimentalist morality perspective, we act in accordance with our sentiments. Smith focuses on the sentiments which involve passions, which result in our acts in terms of morality. Therefore, other crucial aspects of imagination and sympathy are explained with the regard to passions in the *TMS*. Smith introduces and argues this relationship in the first part of the *TMS* under section II. According to Smith, our passions either come from body or imagination. In other words, body and imagination are literally two different sources of our passions. Since we do not live in the same body with others, we cannot fully sympathize with them with regard to passions which come from the body. This shows that "it is indecent to express any strong degree of those passions which arise from a certain situation or disposition of the body; because the company, not being in

⁸⁵ Ibid. , p. 9.

⁸⁶ Ibid. , p. 317.

the same disposition, cannot be expected to sympathize with them.”⁸⁷Therefore, sympathizing with others’ acts in relation to passions which come from the body is not fully possible. Violence and hunger are these kind of passions. In this context, Smith gives an example on the issue. He argues that when we read any news about the hunger problem in a place, we cannot properly sympathize with others if we do not have the same experience.”⁸⁸

Unlike the passions which originally come from the body, we can sympathize with others more strongly and easily through the passions which come originally from imagination. In this regard, Smith states the following:

A disappointment in love, or ambition, will, upon this account, call forth more sympathy than the greatest bodily evil. Those passions arise altogether from the imagination. The person who has lost his whole fortune, if he is in health, feels nothing in his body. What he suffers is from the imagination only, which represents to him the loss of his dignity, neglect from his friends, contempt from his enemies, dependence, want, and misery, coming fast upon him; and we sympathize with him more strongly upon this account, because our imaginations can more readily mold themselves upon his imagination, than our bodies can mold themselves upon his body.⁸⁹

Another important point about sympathy and its relation to the moral judgments is that when we sympathize with others, we look at sentiments and passions of people in accordance with two different features that reveal two different types of moral judgments. In the chapter on Sympathy, Smith asserts the following:

The sentiment or affection of the heart from which any action proceeds, and upon which its whole virtue or vice must ultimately depend, may be considered under two different aspects, or in two different relations; first, in relation to the cause which excites it, or the motive which gives occasion to it; and secondly, in relation to the end which it proposes, or the effect which it tends to produce.⁹⁰

In this quote, Smith depicts that we concentrate on both motive of action and its aim or effect that becomes a moral judgment. The motivation of action is referred to as the propriety or impropriety of moral actions, and the aim and effect of the moral

⁸⁷ Ibid. , p. 27.

⁸⁸ Ibid. , p. 28.

⁸⁹ Ibid. , p. 29.

⁹⁰ Ibid. , p. 18.

actions is referred to as the merit or demerit of moral actions. It is important to note that the first type of relation, which is the propriety or impropriety of action, is also the title of first chapter of the *TMS*; and the second type of relation, which is the merit or demerit of action, is the title of second chapter of the same book. Before examining these two different types of relation to the actions, I would like to introduce two important concepts: agent and spectator. Without understanding the notions of agent and spectator, we would understand neither the two different types of relation to the moral acts nor the impartial spectator. I will discuss the impartial spectator in the next chapter in some detail. At this point, I will try to examine the meaning of agent and spectator and how Smith uses these two concepts in *TMS*. He argues:

When I endeavor to examine my own conduct, when I endeavor to pass sentence upon it, and either to approve or condemn it, it is evident that, in all such cases, I divide myself, as it were, into two persons; and that I, the examiner and judge, represent a different character from that other I, the person whose conduct is examined into and judged of. The first is the spectator, whose sentiments with regard to my own conduct I endeavor to enter into, by placing myself in his situation, and by considering how it would appear to me, when seen from that particular point of view. The second is the agent, the person whom I properly call myself, and of whose conduct, under the character of a spectator, I was endeavoring to form some opinion. The first is the judge; the second the person judged of.⁹¹

The quote shows that, according to Adam Smith, we are both an agent and a spectator when we act morally or pass a moral judgment. Whenever we judge others' actions in terms of morality, we become a spectator, and as a spectator, we use the power of imagination. Imagination enables us to put ourselves into their place. Therefore, we consider what we would feel and do if we were the in the same position with them. On the other hand, whenever we are judged by others, we become an agent. It should be noted that the spectator becomes the central character of Smith's moral view. In other words, with the sympathy of spectator, we evaluate or constitute the criteria of moral judgments; this indicates that all moral actions of agent are assessed by the spectator.

⁹¹ Ibid. , p. 113.

After making a distinction between the agent and spectator, I would like to return to analyzing two different types of relation to the moral actions. As we mentioned above, when we look at the motives of action, we consider its propriety or impropriety. Through considering the motivation behind the action, we obtain the reason of moral actions and our assessment of the moral judgments based on information. Therefore, we do not judge any action without knowing the reason behind. Propriety and impropriety are considered by the spectator as a standard when assessing the moral judgment of an agent. Smith explicitly expresses this point in the following quote:

When the original passions of the person principally concerned are in perfect concord with the sympathetic emotions of the spectator, they necessarily appear to this last just and proper, and suitable to their objects; and, on the contrary, when, upon bringing the case home to himself, he finds that they do not coincide with what he feels, they necessarily appear to him unjust and improper, and unsuitable to the causes which excite them.⁹²

It is important to emphasize that the spectator focuses on the motives of the agent's actions, and he looks for the propriety of such motives. Since Smith considers the propriety as a standard to assess the moral actions through the sympathy of the spectator, the spectator could not sympathize with others when assessing the moral judgments if there was no propriety in the agent's moral actions. That is to say, we approve or disapprove the action of an agent by checking the propriety. Therefore, spectator primarily considers the propriety when assessing the moral judgments. To that extent, Smith introduces another concept to explain the propriety of action. This concept is mediocrity, and it is like a balance between the excess and deficiency of any moral action. He argues:

The propriety of every passion excited by objects peculiarly related to ourselves, the pitch which the spectator can go along with, must lie, it is evident, in a certain mediocrity. If the passion is too high, or if it is too low, he cannot enter into it.⁹³

⁹² Ibid. , p. 16.

⁹³ Ibid. , p. 27.

The other type of relation to the moral action is referred to as the merit or demerit of an action. Smith believes that the merit or demerit of an action in terms of morality is related with gratitude and resentment. Through the passions of gratitude and resentment, we focus on the aim and effect of a moral action, and pass judgment in accordance with assessment of the moral action. According to Smith, merit or demerit of act in terms of morality is related to gratitude and resentment. In this context, deserving reward results in gratitude, and deserving punishment results in resentment. Smith suggests that if a person is protected and helped by another person, we sympathize with the joy of the person who needs help, and we feel gratitude to the person who assists and protects the other.⁹⁴ On the other hand, we also sympathize with others to consider the resentment. Smith maintains that when we see a person who attacks another, we sympathize with the victim due to the pain he suffers as a result of the attack; and we resent the attacker.⁹⁵

To sum up, we have examined the notion of sympathy in Adam Smith's moral philosophy in this section. Sympathy holds a central position in Adam Smith's moral philosophy. The reason why sympathy is the core idea in Smith's morality is that sympathy, first of all, is basically related to human nature. All sentiments or passions of human beings, which give rise to actions namely moral acts, are revealed as moral judgments thanks to the principle of sympathy in human nature. Sympathy which we achieve through imagination renders us sensitive and responsible towards others. By means of sympathy, we also learn how we act morally, but it depends on the propriety of the actions in question. That is to say, it is also a learning process for us in terms of morality. Secondly, sympathy constitutes our moral life, and the mutual aspect of it urges us to care for one another although we as human beings have a selfish nature. In the next section, we also use and take into account the notion of sympathy as a principle when analyzing the impartial spectator. Since sympathy is the foundation of Smith's moral philosophy and constitutes our moral judgments

⁹⁴ Ibid. , p. 70.

⁹⁵ Ibid. , p. 14.

according to him, the impartial spectator is also a sympathetic being, and he determines and describes moral actions with the principle of sympathy.

4.2. Adam Smith on the Impartial Spectator

The objective and normative character of Smith's moral philosophy basically depends on the notion of the impartial spectator. Through the principle of sympathy which makes it possible to constitute our moral judgments, the impartial spectator appears as the standard of our moral judgments. In *Theory of Moral Sentiments*, Adam Smith does not devote a chapter to the impartial spectator. The reason behind this is that the impartial spectator is related to all chapters of the book, and the standard of moral judgments clear only to the impartial spectator. Hence, I will mainly deal with Adam Smith's moral philosophy with some basic concepts which constitute his moral philosophy and appear throughout the chapters of the *TMS*. In other words, these concepts enable us to clarify what impartial spectator is according to Smith. For this reason, in order to be able to give an account of the impartial spectator in Adam Smith's moral philosophy, our initial concern, first of all, is the agent and spectator distinction, praiseworthiness and blameworthiness, self-command, the corruption of moral sentiments and self-deceit. With these concepts, I will try to analyze the impartial spectator.

Smith is principally concerned with the impartial spectator, and his understanding of this concept is geared towards presenting it as a criterion for objective moral judgments. Simply put, by definition, being impartial and a spectator are two of its main features. In this respect, the impartial spectator as a spectator is the normative standard of our moral judgments. For this reason, to understand the impartial spectator, agent and spectator distinction, the role of spectator should be analyzed. As mentioned earlier, Smith's moral philosophy is to be understood by taking into account the notion of sympathy as a principle that takes place between the agent and spectator. The role of the spectator is immediate, unlike that of the agent since the agent's action is considered right or wrong through spectator's view. In other words,

we can comprehend Smith's moral philosophy in accordance with the spectator's view. Two important experts, Griswold and Raphael agree that Smith's moral philosophy should be understood by means of spectatorial perspective.⁹⁶ I will try to examine the concept of impartial spectator in this respect. The reason why I include spectatorial perspective in my analysis and explanation of impartial spectator stems from two main points.

Firstly, as we mentioned above, it is well-known that Smith's morality is understood through the principle of sympathy. Sympathy requires imagination in that it makes us think what we would do or feel, as a spectator, if we were in the same position with the agent. Based on this consideration, it can be said that moral judgment begins with the reaction of spectators to the actions and motives of other people. The 'spectators' in question are ordinary members of society. Smith assumes that nearly all of them will react in much the same way.⁹⁷ In this regard, all of our moral judgments should be evaluated by the view of spectator. We are both agent and spectators but being a spectator, Smith thinks, carries us to the position where we sympathize with others and make moral judgments. We take into account the situation of agents and the reasons which lie behind their actions. This allows us to achieve sympathy in the light of impartiality. In other words, "each of us, as a spectator, judges others. Each of us finds spectators judging him. We then come to judge our own conduct by imagining whether an impartial spectator would approve or disapprove of it."⁹⁸

Secondly, when we become spectators, we distance ourselves from our position. In other words, we gain an impartial view which we did not have before. Therefore, we

⁹⁶ Spectatorial perspective was used by Griswold in his book " *Adam Smith and Virtue of Enlightenment*"; He explains Smith's moral philosophy in this respect, and argues " *The spectatorial perspective is at the core of Smith's system of the moral emotions, for without it the emotions would seem to be a rather unstable, subjective, and variable basis for morality.*" P. 143.

⁹⁷ Griswold, C. " *Adam Smith and the Virtues of Enlightenment*", (Cambridge: Cambridge University Press, 1999), p. 16.

⁹⁸ Raphael, D. D. *The impartial spectator: Adam Smith's Moral Philosophy.* (Oxford: Oxford University Press, 2007), p. 35.

leave the selfish and partial evaluations when we become a spectator, but this is not enough to be impartial spectator. It is just one of the main attributes of impartial spectator. Raphael in his book *Impartial Spectator, Adam Smith Moral Philosophy*, emphasizes the importance of being a spectator with regard to impartiality. He argues, “The spectator is ‘indifferent’ in the sense of not being an interested party, and he expresses a universal point of view in being representative of any observer with normal human feelings.”⁹⁹

The other concepts, namely praiseworthiness and blameworthiness, are important to understand the impartial spectator. We will now focus on these concepts and their relations with the impartial spectators. In the *TMS*, in the section entitled “Of Duty,” Smith returns to explaining how we judge our own actions and how we determine and describe any action in terms of being praiseworthy and blameworthy. He holds that we approve or disapprove our own actions in same way. Smith argues as follows:

The principle by which we naturally either approve or disapprove of our own conduct, seems to be altogether the same with that by which we exercise the like judgments concerning the conduct of other people. We either approve or disapprove of the conduct of another man according as we feel that, when we bring his case home to ourselves, we either can or cannot entirely sympathize with the sentiments and motives which directed it.¹⁰⁰

It can be inferred from the above that we approve or disapprove of our own actions as we approve or disapprove of the actions of others. Thanks to the principle of sympathy, we use the power of imagination, and we change our position and leave our own situations looking from the impartial view. It must be emphasized that when we put ourselves into the others place, we become a spectator, and we also practice this for ourselves. Thus, we can look at ourselves with the principle of sympathy and evaluate our own actions. Since the spectatorial perspective gives us an impartial view as we distance from our own place, this brings us closer to the view of impartial spectator. Smith states following:

⁹⁹ Ibid. , p. 34.

¹⁰⁰ Smith, *The Theory of Moral Sentiments*, p. 109.

We endeavor to examine our own conduct as we imagine any other fair and impartial spectator would examine it. If, upon placing ourselves in his situation, we thoroughly enter into all the passions and motives which influenced it, we approve of it, by sympathy with the approbation of this supposed equitable judge. If otherwise, we enter into his disapprobation, and condemn it.¹⁰¹

We grow up in a society, and always consider what others think about our own actions. As we mentioned above, society has a significant role in people's moral education and moral considerations. For this reason, Smith explains our moral evaluation taking into account society. He considers society as a mirror, and uses the mirror as a metaphor to demonstrate how we learn which actions are approvable or unapprovable. According to Smith, we learn these attributes from society in the first place. He asserts, "It is placed in the countenance and behavior of those he lives with, which always mark when they enter into, and when they disapprove of his sentiments."¹⁰²We are social beings, and our moral education begins in society. Furthermore, Smith believes that our aesthetic judgments are first evaluated in the society as well. Smith argues, "It is here that he first views the propriety and impropriety of his own passions, the beauty and deformity of his own mind."¹⁰³Smith explains how we make our own moral judgments apart from the society, which builds up our moral life in the first place:

To judge of ourselves as we judge of others, to approve and condemn in ourselves what we approve and condemn in others, is the greatest exertion of candor and impartiality. In order to do this, we must look at ourselves with the same eyes with which we look at others: we must imagine ourselves not the actors, but the spectators of our own character and conduct, and consider how these would affect us when viewed from this new station, in which their excellencies and imperfections can alone be discovered. We must enter, in short, either into what are, or into what ought to be, or into what, if the whole circumstances of our conduct were known, we imagine would be the sentiments of others, before we can either applaud or condemn it.¹⁰⁴

¹⁰¹ Smith, *The Theory of Moral Sentiments*, p. 110.

¹⁰² Ibid. , p. 110.

¹⁰³ Ibid. , p. 110.

¹⁰⁴ Smith, *The Theory of Moral Sentiments*, p. 111.

Smith notes that we naturally desire to be loved or praised, and not to be hated or blamed. The love of praise is different from the praiseworthiness, because the latter requires an action by a person which invokes our approval. To put in a different way, if we approve our own actions with regard to praiseworthiness, there must be something we do to call our own actions praiseworthy. Otherwise, Smith argues, it is just an unmerited praise. Smith gives the examples of foolish liar and a coxcomb when he explains unmerited praise. He identifies their positions with vanity. Thus, according to Smith, “We are pleased not only with praise, but with having done what is praiseworthy.”¹⁰⁵ Deserving praise makes any action praiseworthy, and we come to that conclusion by considering what we do, not considering whether the action is worthy. This idea also leads us to evaluate our actions in the light of impartial spectator. Accordingly, in the following quote Smith argues:

The man who is conscious to himself that he has exactly observed those measures of conduct which experience informs him are generally agreeable, reflects with satisfaction on the propriety of his own behavior. When he views it in the light in which the impartial spectator would view it, he thoroughly enters into all the motives which influenced it.¹⁰⁶

According to Smith, desire of being approved and disapprobation of being blamed are not man’s only considerations but he is also endowed “with a desire of being what ought to be approved of; or of being what he himself approves of in other men.”¹⁰⁷ The first trait of our consideration leads us to consider the effects of virtue and prevent vice, but the second trait gives rise to the real love of virtue and hate of vice. That is to say, the second feature is completely related to the merited actions or the real love of virtues which is a virtue itself. Smith explains the difference between praise and praiseworthiness introducing a comparison between the weak and wise man. Smith argues, “In every well-informed mind this second desire seems to be the strongest of the two.”¹⁰⁸ It is important to note that Smith uses the notion of being

¹⁰⁵ Ibid. , p. 115.

¹⁰⁶ Ibid. , p. 116.

¹⁰⁷ Ibid. , p. 116.

¹⁰⁸ Ibid. , p. 117.

well-informed¹⁰⁹ as an attribute of the impartial spectator in the *TMS*. Therefore, impartial spectator considers what ought to be approved of, and he basically does not approve the actions of weak man, because weak man only considers the desire of being praised. In other words, the foolish liar or a coxcomb, acts according to the motives of self-love. Unlike a weak man, a “wise man feels little pleasure from praise where he knows there is no praiseworthiness, he often feels the highest in doing what he knows to be praiseworthy.”¹¹⁰

Now, I would like to explain another significant concept to clarify the notion of the impartial spectator in the moral philosophy of Adam Smith. This is self-command. As mentioned earlier, the wise man is not the impartial spectator, but some of his aspects make him akin to impartial spectator. Smith explains this relation in the following quote:

He has never dared to forget for one moment the judgment which the impartial spectator would pass upon his sentiments and conduct. He has never dared to suffer the man within the breast to be absent one moment from his attention. With the eyes of this great inmate he has always been accustomed to regard whatever relates to himself.¹¹¹

According to Smith, the wise man always considers his actions in the light of the impartial spectator’s view. Smith states, “He does not merely affect the sentiments of the impartial spectator. He really adopts them.”¹¹² It must be noted that self-command is one of the main attributes of the wise man according to Smith. He clearly describes the wise man as “the man of real constancy and firmness, the wise and just man who has been thoroughly bred in the great school of self-

¹⁰⁹ In the following sentences, Smith describes the impartial spectator with some concepts presenting well-informed as one his attributes: “*But though man has, in this manner, been rendered the immediate judge of mankind, he has been rendered so only in the first instance; and an appeal lies from his sentence to a much higher tribunal, to the tribunal of their own consciences, to that of the supposed impartial and well-informed spectator, to that of the man within the breast, the great judge and arbiter of their conduct.*” p. 130.

¹¹⁰ Smith, *The Theory of Moral Sentiments*, p. 117.

¹¹¹ *Ibid.*, pp. 146-147.

¹¹² Smith, *The Theory of Moral Sentiments*, p. 147.

command”. That is to say, Smith believes that self-command constitutes the character of wise man. The notion of self-command has great importance in stoical philosophy, and it is a well-known fact that Smith was highly influenced by the stoic school. In the *TMS*, Smith also gives a special place to stoicism, and praises stoical philosophy. Considering the role of self-command in stoical philosophy, it is obvious that it plays a key role in stoic morality in restraining and disciplining passions, and helping to overcome self-love.

After giving some information about the influence of stoics on Smith, I would like to address the relationship between self-command and impartial spectator. Smith is predominantly concerned with self-command, and his understanding of it aims at making self-command a way of abandoning our selfishness when we act morally. To put it in a different way, getting away from self-love or being merely self-interested is only achievable by the training and acquiring the self-command in our characters. Smith thinks that since self-command makes us virtuous and leads us to the love of virtue itself, we should try to acquire this quality. He gives a significant role to self-command not just for individuals but also for the whole humanity. He suggests that “the man of the most perfect virtue, the man whom we naturally love and revere the most, is he who joins, to the most perfect command of his own original and selfish feelings, the most exquisite sensibility both to the original and sympathetic feelings of others.”¹¹³ Through self-command, Smith believes, we acquire the sympathy of the impartial spectator and also learn about ourselves and cultivate morality. Since the impartial spectator cares about humanity, he approves of self-command as quality. According to Smith, we develop our moral understanding through self-command.

Smith gives a special place to self-command in the section “Character of Virtue”. Here, Smith examines what makes us virtuous and what kind of quality leads to virtuous characters. It is important to emphasize that the impartial spectator considers virtuous actions and he can sympathize with. Smith suggests, “The man who acts

¹¹³ Smith, *The Theory of Moral Sentiments*, p. 152.

according to the rules of perfect prudence, of strict justice, and of proper benevolence, may be said to be perfectly virtuous.”¹¹⁴In this perspective, prudence, justice and benevolence are the main traits of perfectly the virtuous human being. Yet, a basic question remains: How do we acquire and cultivate this virtue in our characters and moral lives? Smith answers it suggesting that one should obtain and train himself through self-command because everyone is always under the pressure of passions that mislead him. He argues, “The most perfect knowledge, if it is not supported by the most perfect self-command, will not always enable him to do his duty.”¹¹⁵

Another concept, last but not the least, in relation to the impartial spectator is self-deceit. Since Smith describes impartial spectator as “*the man within the breast and a man in general*”¹¹⁶, he is the judge of all our moral actions. It is the voice of conscience, and he appears in our imagination when we act morally. Smith suggests that there are two cases in which we come across the impartial spectator’s view during our actions. He argues, “We examine our own conduct, and endeavor to view it in the light in which the impartial spectator would view it: first, when we are about to act; and secondly, after we have acted.”¹¹⁷ Self-deceit dominates us when we engage in an action, because we are under the pressure of our passions such as anger or fear at that time. Consequently, we might not act or respond objectively. The impartial spectator does not approve our actions if we act in accordance with our judgments that come from self-deceit.

In order draw attention to the danger of self-deceit concerning our moral life, Smith notes, “This self-deceit, this fatal weakness of mankind, is the source of half the

¹¹⁴ Ibid. , p. 237.

¹¹⁵ Ibid. , p. 237.

¹¹⁶ That is, impartial spectator, who embraces all individuals in every single case when making any moral judgment.

¹¹⁷ Smith, *The Theory of Moral Sentiments*, p. 157.

disorders of human life.”¹¹⁸ On the other hand, having completed our actions, we become calmer than before. We then look at ourselves and others from a distance; however, we act calmly and objectively and see ourselves from the impartial spectator’s view. As mentioned earlier, Smith is very careful about the destructive aspect of self-love involved in self-deceit: “The heart of every impartial spectator rejects all fellow-feeling with the selfishness of his motives, and he is the proper object of the highest disapprobation.”¹¹⁹

4.3. Amartya Sen’s Impartial Spectator for the Question of Injustice

Amartya Sen uses the notion of impartial spectator in a different way than Adam Smith. He does not consider Smith’s impartial spectator as the criterion of moral judgment. Sen is mainly concerned with the impartial spectator as a criterion for removing injustice and advancing justice. Thus, Sen believes that the impartial spectator should be considered with regard to question of injustice.

As we mentioned in the second chapter, Sen divides enlightenment political philosophy into two with regard to the question of justice. The first category is “transcendental institutionalism”. This view on justice emerges from the social contract tradition which is represented by Thomas Hobbes, John Locke, Rousseau, Kant and John Rawls. Sen thinks that the contractarian approach aims to establish perfectly just institutions and a just society. In an attempt to answer the question “what a perfectly just society would look like”, the social contract tradition focuses on the principles which create perfectly just institutions and a just society. According to Sen, this kind of approach “concentrates primarily on getting the institutions right and it is not directly focused on the actual societies that would ultimately emerge.”¹²⁰ For this reason, Sen believes that the question should be changed as “how

¹¹⁸ Ibid. , p. 158.

¹¹⁹ Ibid. , p. 78.

¹²⁰ Sen, Amartya, *The Idea of Justice*, Cambridge: Belknap Press, 2009), p. 7.

do we remove injustice and advance justice”. In this sense, Sen introduces and argues for the second tradition which he calls “realization-focused comparison”, and which he sees as represented by Adam Smith, Marquis de Condorcet, Jeremy Bentham, Mary Wollstonecraft, Karl Marx and John Stuart Mill.

Unlike “transcendental institutionalism”, this approach deals with the question of injustice by mainly focusing on how to remove or reduce injustice and advance justice. It must be noted that “transcendental institutionalism” does not consider removal of the injustice, and it mainly targets establishing just institutions, which is a fundamental requisite to establish a just society. From this classification and different characteristics of the two approaches on question of justice, it can be inferred that Sen employs the impartial spectator as a standard for removing injustice and advancing justice.

The way how the impartial spectator would be a standard and solution to remove injustice is indicated by some qualities of the impartial spectator such as *disinterestedness*¹²¹, *being unbiased* and *well-informed*. These qualities are what make the impartial spectator a standard for the question of injustice. The reference to the impartial spectator particularly appears as an objective and normative solution for the question. Therefore, this approach takes into account the comparisons among solutions for removing or reducing injustice.

Sen argues that there are four main reasons to offer this alternative approach to transcendental institutionalism. The first reason is that it deals with the comparative assessment on social justice to solve the problem of injustice and advance justice. Therefore, it does not to seek or find merely transcendental solutions for the question of justice. The second reason is that it focuses on social realizations with regard to removing injustice and advancing justice. Consequently, it does not concentrate only on the demands of institutions and rules. The third reason is that this approach allows us to take into account the incomplete and urgent partial problems of social justice. It does not focus only on seeking permanent and stable solutions for the complete theory of justice. The fourth reason is that it does not ignore the problems of people

¹²¹ By disinterested we mean, having no personal interest.

who are not contractors. This approach also considers different societies which are governed and shaped by different types of political doctrines or systems. In this regard, its aim is to avoid being a parochial perspective on the idea of justice.”¹²²

In order to clarify the notion of impartial spectator in Sen’s view on the question of injustice, I would like refer to an example that Sen gives in his Idea of Justice from Adam Smith about the influence of customs on societies:

...The murder of new-born infants, was a practice allowed of in almost all the states of Greece, even among the polite and civilized Athenians; and whenever the circumstances of the parent rendered it inconvenient to bring up the child, to abandon it to hunger, or to wild beasts, was regarded without blame or censure. This practice had probably begun in times of the most savage barbarity. The imaginations of men had been first made familiar with it in that earliest period of society, and the uniform continuance of the custom had hindered them afterwards from perceiving its enormity. We find, at this day, that this practice prevails among all savage nations; and in that rudest and lowest state of society it is undoubtedly more pardonable than in any other.¹²³

The importance of this example is associated with the reactions of philosophers such as Plato and Aristotle. In this context, Smith shows how customs influence a society. Smith continues by showing how philosophers continued to live such a custom. He argues:

Aristotle talks of it as of what the magistrate ought upon many occasions to encourage. The humane Plato is of the same opinion, and, with all that love of mankind which seems to animate all his writings, nowhere marks this practice with disapprobation.¹²⁴

Philosophers too might be influenced, and remain under the influence of customs. Smith believes that customs which cause injustices could only be removed by invoking the impartial spectator. Being both well-informed and disinterested, the impartial spectator could bring solution. Based on this consideration, Sen suggests

¹²² Sen, *The Idea of Justice*, p.90.

¹²³ Smith, *The Theory of Moral Sentiments*, p. 210.

¹²⁴ *Ibid.* , p. 210.

that comparative assessments are required in such cases, and this refers to the impartial spectator who does not have any personal interests and biases. Besides, this case reminds us how parochialism is a threat to society and people. Therefore, knowing and considering parochialism of any society is quite important to realize where problems arise and how we assess them. In this regard, Sen argues as follows:

It is this limitation of reliance on parochial reasoning, linked with national traditions and regional understandings, that Adam Smith wanted to resist by using the device of the impartial spectator, in the form of the thought experiment of asking what a particular practice or procedure would look like to a disinterested person—from far or near.¹²⁵

Impartial spectator as both disinterested and well-informed entity helps people to move from parochialism to universality. The well-informed, impartial spectator takes into account these parochial views and considers different viewpoints. Sen considers impartiality as important different solutions, and this is not just for the claim of objectivity. Sen says that “Objectivity demands serious scrutiny and taking note of different viewpoints from elsewhere, reflecting the influence of other empirical experiences.”¹²⁶

In order to understand Sen’s interpretation of objectivity of the impartial spectator, we should consider how Smith depicts the impartial spectator: objectivity of the impartial spectator is understood as in the example of placing “ourselves in the situation of another man, and view it, as it were, with his eyes and from his station.”¹²⁷

In order to understand the notion of impartial spectator, we should also look at Sen’s critique of Rawls’ theory of justice. According to Sen, Rawls has a transcendental approach which takes the contractarian view as central and focuses on negotiation among the members of any given society rather than those outside. In other words,

¹²⁵ Sen, A. (2010), “*Adam Smith and The Contemporary World*”, Vol. 3, No. 1, 2010, pp. 63.

¹²⁶ Sen, *The Idea of Justice*, p.130.

¹²⁷ Smith, *The Theory of Moral Sentiments*, pp. 109-110

this approach concentrates on the fact that a “person's voice counts because he or she is directly involved in the social contract, which will "regulate the institutions" of the society of which he is a member.”¹²⁸ It pays attention merely to the negotiation of certain people who live in a given society. Therefore, the impartiality of this approach is limited. Sen describes this kind of impartiality as “closed impartiality” and holds that this approach refers to the “negotiable justification of the confinement to local points of view.”¹²⁹ Sen argues that Adam Smith’s impartial spectator considers, assesses all possibilities and offers solutions. Sen argues:

Smith’s device of the impartial spectator leans towards an “open impartiality” in contrast with what can be called the “closed impartiality” of the social contract tradition, with its confinement to the views of the parties to the social contract and therefore to fellow citizens of a sovereign state.¹³⁰

In the light of above quote, Sen argues that we need a different approach beyond this limitation for the sake of impartiality:

There is a different approach to impartiality which brings in different voices, possibly even from "a distance" (to use Adam Smith's articulate phrase), precisely because these voices illuminate public decisions and help to make them impartial. In the terminology of conflict resolution, this is more like arbitration, rather than negotiation; the arbitrators need not themselves be parties to the dispute. I have argued elsewhere that the interpretation of fairness and impartiality through an understanding of "fair arbitration" is a serious rival to the route of "fair negotiation," which is the exclusive direction in which the contractarian feature of Rawls' transcendental approach- "Justice as fairness"- proceeds.¹³¹

As pointed out in the quotation, Sen thinks that the transcendental approach is limited to contractors. He identifies this approach as being limited and based on a negotiation of certain individuals who participate in the social contract. Instead, he

¹²⁸ Sen, “What Do We Want From A Theory Of Justice”, *Journal of Philosophy*, Vol.103, No.5, 2006, p. 229.

¹²⁹ Ibid. , p. 229.

¹³⁰ Sen, A. (2010), “*Adam Smith and The Contemporary World*”, Vol. 3, No. 1, 2010, p. 60.

¹³¹ Sen, “What Do We Want From A Theory Of Justice”, *Journal of Philosophy*, Vol.103, No.5, 2006, pp. 229-230

proposes arbitration rather than negotiation. The difference is highly important to understand why Sen introduces the notion of impartial spectator as a standard to remove injustice and advance justice. Sen's proposal of arbitration refers to the impartial spectator. In this regard, Sen argues:

The approach of fair arbitration is well exemplified by Smith's invoking of the perspectives of "impartial spectators." The impartial spectators are imagined observers who need not be members of the society, and their impartiality does not come, as in the Rawlsian system, exclusively- or even primarily- through the thought experiment of a veil of ignorance about the personal circumstances of individual members of a given society. Rather, the thought experiment by members of society, in the Smithian system of fair arbitration, invokes the judgments of disinterested observers who are not themselves parties to the societal decisions that are to be taken.¹³²

It is important to emphasize that Sen's suggestion of the impartial spectator is a thought experiment like Rawls' "veil of ignorance". The quote clearly shows that impartial spectator as an imaginary observer is an arbitrator. To that extent, the impartial spectator does not have to be a member of a certain society which is constituted through negotiation among citizens who have mutual interests. Therefore, the impartial spectator appears a "disinterested observer" who could be near or far from us.

The reason behind Sen's reference to the impartial spectator in this respect is that He considers Rawls' theory of justice or the contractarian approach to justice insufficient to take the question of justice to the global level. According to Sen, we should put aside this approach for global justice because of three main reasons. The first reason is that "the interests of other people may be affected (for example, by national policies on "global warming," or for that matter what is called the "war against terror")."¹³³ The second reason is that the local parochialism shared by all (or almost all) persons within a given society may call for a distant challenge in the interest of

¹³² Ibid. , p. 230.

¹³³ Ibid. , p. 231.

objectivity.”¹³⁴ Finally, the third reason is that “additional knowledge about what is feasible can be acquired from the experiences of other countries.”¹³⁵ These reasons necessitate a new approach for the problems of global justice. Therefore, Sen sees Smithean impartial spectator as a new alternative for the problems of global justice.

¹³⁴ Ibid. , p. 231.

¹³⁵ Ibid. , p. 231.

CHAPTER V

CONCLUSION

The systematic philosophical discussion of the question of justice was introduced and made a primary subject of contemporary political philosophy by John Rawls in twentieth century. It is important to indicate that Rawls' theory of justice is a systematic critique of classical utilitarianism on the idea of justice. As we mentioned in the second chapter, *A Theory of Justice* is both a critique of classical utilitarianism and introducing a new approach on the problem of justice. He claims that "this theory seems to offer an alternative systematic account of justice that is superior, or so I argue, to the dominant utilitarianism of the tradition."¹³⁶ He identifies classical utilitarianism as teleological doctrine which aims to the well-being or good in the realm of social and political life. Rawls sees the teleological doctrines as problematic the relationship between good and rights. He asserts that

It is essential to keep in mind that in a teleological theory the good is defined independently from the right. This means two things. First, the theory accounts for our considered judgments as to which things are good (our judgments of value) as a separate class of judgments intuitively distinguishable by common sense, and then proposes the hypothesis that the right is maximizing the good as already specified. Second, the theory enables one to judge the goodness of things without referring to what is right. For example, if pleasure is said to be the sole good, then presumably pleasures can be recognized and ranked in value by criteria that do not presuppose any standards of right, or what we would normally think of as such.¹³⁷

In the light of above quote, it is clear that classical utilitarianism as teleological doctrine gives priority to good instead of right. That is to say, rights could be ignored for the sake of good. Rawls as a liberal philosopher rejects this claim. He explicitly asserts that

¹³⁶Rawls, John, *A Theory of Justice*, (London; Belknap Press, 1971), p. viii.

¹³⁷Rawls, John, *A Theory of Justice*, (London; Belknap Press, 1971), p. 25.

we distinguish as a matter of principle between the claims of liberty and right on the one hand and the desirability of increasing aggregate social welfare on the other; and that we give a certain priority, if not absolute weight, to the former. Each member of society is thought to have an inviolability founded on justice or, as some say, on natural right, which even the welfare of everyone else cannot override. Justice denies that the loss of freedom for some is made right by a greater good shared by others.¹³⁸

In Chapter II, we quoted Robert Nozick, who is another important contemporary political philosopher. He argues that all philosophical discussions on justice in the contemporary philosophy should be compared with Rawls' theory of justice. He notes, "political philosophers now must either work within Rawls' theory or explain why not."¹³⁹ For this reason, almost all contemporary discussion on theory of justice focuses on criticism of Rawls' theory of justice. Amartya Sen, as a contemporary political philosopher, challenges Rawls' theory of justice in this regard. He expressly states:

I must begin by recording that my greatest debt is to John Rawls, who inspired me to working this area. He was also a marvelous teacher over many decades and his ideas continue to influence me even when I disagree with some of his conclusions. This book is dedicated to his memory, not only for the education and affection I received from him, but also for his encouragement to pursue my doubts.¹⁴⁰

Sen puts forwards his view of justice to challenge and criticize Rawls' theory of justice, and hence this led him to introduce a different approach. This difference stems from the starting points of these philosophers. Rawls begins with the question "what a perfectly just society would look like?" This question makes seeking principles of justice and applying these principles to the just institutions necessary. The question Amartya Sen raises is "how do we remove injustice and advance justice?" This question requires the evaluation of social realization of justice. I believe that two philosophers made great contributions to the idea of justice. Rawls' theory of justice pays attention to ensuring basic liberties and minimizing the inequalities in relation to distribution of income and wealth. This is the great

¹³⁸Rawls, John, *A Theory of Justice*, (London; Belknap Press, 1971), pp. 27-28.

¹³⁹Nozick, R. "Distributive Justice", *Philosophy Public Affairs*, Vol.3, No.1, 1973, p. 79.

¹⁴⁰ Rawls, *A Theory of Justice*, (London; Belknap Press, 1971) p. xxi..

contribution of Rawls to the idea of justice. However, Rawls' theory of justice is designed for a well-ordered democratic society. Amartya Sen's approach to justice, instead focuses on removing injustice and advancing justice not only in a particular society, but also in the world.

Sen pays special attention to the diagnosis of injustice which results in looking at the actual life. In this sense, the idea of justice mainly deals with the removal of injustice enabling us to advance justice. This perspective enables us to look at the idea of justice from different angle and it enriches our understanding of the problem. The diagnosis of injustice also provides us to prevent of injustice. Sen explains prevent of injustice in the *Idea of Justice* with example of abolition of slavery. He asserts that

A realization-focused perspective also makes it easier to understand the importance of the prevention of manifest injustice in the world, rather than seeking the perfectly just. As the example of *matsyanyaya* makes clear, the subject of justice is not merely about trying to achieve – or dreaming about achieving – some perfectly just society or social arrangements, but about preventing manifestly severe injustice (such as avoiding the dreadful state of *matsyanyaya*). For example, when people agitated for the abolition of slavery in the eighteenth and nineteenth centuries, they were not labouring under the illusion that the abolition of slavery would make the world perfectly just.¹⁴¹

The other main feature of Amartya Sen's idea of justice is that he takes into account not only the western thought on the idea of justice but also eastern thought. As mentioned in Chapter III, Sen borrows two notions of justice, *niti* and *nyaya*, from classical Indian political thought. The importance of this kind of approach to the idea of justice is that it enables the person to consider different thoughts and experiences of others about the idea of justice. These two concepts refer to the two different kinds of view on justice. Sen explains that *niti*, relates to organizational propriety as well as behavioural correctness, whereas the latter, *nyaya*, is concerned with what emerges and how, and in particular the lives that people are actually able to lead.”¹⁴²

¹⁴¹Sen, *The Idea of Justice*, p. 22.

¹⁴²Ibid. , p. xv.

Niti basically aims to establish just society by means of just institutions like transcendental institutionalism. On the other hand, *nyaya* aims the social realization of justice like realization-focused comparison. Nyaya is basically aims to reduce or remove injustice. Sen explains this approach with the notion of “*matsyanyaya*, ‘justice in the world of fish’, where a big fish can freely devour a small fish.”¹⁴³ Nyaya is against the justice of *matsyanyaya*. In this sense, Sen claims that “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.”¹⁴⁴ To that extend, Nyaya is not only related to the institutions but also societies. It makes possible to establish a relationship between institutions and society. Social realization of justice and removing of injustice depends on the take into account both institutions and society critically.

Furthermore, another important contribution of Sen to the idea of justice is related to his making a distinction between the *closed* and *open* impartiality. Sen considers Rawls’ theory of justice in the context of *closed impartiality*, because it is limited to the realm of a focal group that refers to being a citizen of a given state only. Instead, Sen proposes *open impartiality*. The significance of open impartiality is that it gives us Sen’s main contribution to the idea of justice. This is the notion of *impartial spectator*. To put it in a different way, impartial spectator as an entity in thought experiment does not have to be a member of given state. Sen introduces the notion of impartial spectator mainly not to be limited to the realm of parochialism, namely refers to the remaining in any specific group in terms of culture and ideology. Being disinterested and looking with the eyes of others makes the impartial spectator an alternative standard for the idea of justice.

¹⁴³Ibid. , p. 20.

¹⁴⁴Sen, *The Idea of Justice*, p. 22.

Apart from the distinction between *closed and open impartiality* which is the main difference between “transcendental institutionalism” and “realization-focused comparison”, Sen depicts the differences between these two approaches. Firstly, transcendental institutionalism does not permit to compare and assess less just or more just. On the other hand, “realization-focused comparison” considers more or less just in terms of social justice. Sen asserts that

The grand partition between the "just" and the "nonjust," which is what a theory of transcendental justice yields, would leave the society on the "nonjust" side even after the reform, despite what can be seen, in a comparative perspective, as a justice-enhancing change. Some nontranscendental articulation is clearly needed.¹⁴⁵

Secondly, “transcendental institutionalism” is propounded to be the best social arrangement. Conversely, “realization-focused comparison” aims to take into account all other social theories about justice. In this sense, Sen argues that

They may point in particular to their understanding that a "right" social arrangement must not, in any way, be understood as a "best" social arrangement, which could open the door to what is sometimes seen as the intellectually mushy world of graded evaluations in the form of "better" or "worse" (linked with the relationally superlative "best"). The absoluteness of the transcendental "right"?against the relativities of the "better" and the "best"?may well have a powerfully reasoned standing of its own. But it does not help at all in comparative assessments of justice.¹⁴⁶

The problem with Sen’s idea of justice is that it is not a systematic account of the idea of justice. Let me explain this point referring to Rawls’ theory of justice and its relation to the political liberalism. Rawls’ position is very clear on the idea of justice and he argues within the boundaries of the political liberalism. His model on justice is related to the liberalism, and it gives us the chance to comprehend and criticize his idea of justice from an obvious perspective. To put it more explicitly, Rawls, like

¹⁴⁵Sen, "What Do We Want From A Theory Of Justice," *Journal of Philosophy*, Vol.103, No.5, 2006, p. 217.

¹⁴⁶Sen, "What Do We Want From A Theory Of Justice," *Journal of Philosophy*, Vol.103, No.5, 2006, p.p 220-221.

other liberal philosophers, gives priority to basic liberties. It is well-known that liberalism mainly advocates basic liberties of individuals and citizens as a primary concern. Therefore, we can criticize Rawls' theory of justice in a systematic way take our model as political liberalism in the context of political philosophy. In contrast, we do not find Sen's position on justice as clear as that of Rawls. He considers himself in a tradition which hosts dissimilar political philosophies like those of Marx and Smith. Thus, Rawls' theory of justice has a strong background and a systematic philosophical content in terms of political philosophy.

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APPENDICES

A. TURKISH SUMMARY

Adalet, siyaset felsefesi tarihinin en temel problemlerinden biri olagelmiştir. Adalet problemi, siyaset felsefesinin temel problemlerinden biri olması yanı sıra, günlük hayatımızda da önemli bir yere sahiptir. İlk birbirimizle olan ilişkilerimizde adalet vazgeçilmez bir unsur olarak karşımıza çıkmaktadır. Birbirimize karşı olan saygı ve güven duygularının şekillenmesinde adalet algımız ve onun varlığı önemli bir rol oynamaktadır. Her zaman adil olan insanlara karşı daha fazla bir güven ve saygı duygusu geliştirmişizdir. Günlük hayatımızda bu kadar önemli bir yere sahip olan adalet düşüncesi siyaset felsefesinde de önemli bir problem olarak ele alınmıştır. Nitekim siyaset felsefesi tarihinde iyi bir siyasi oluşumun temelinde adalet düşüncesi her zaman önemli bir yere sahip olmuştur. İyi bir devlet aynı zamanda adil bir devlet olarak tanımlana gelmiştir.

Bu tez çağdaş siyaset felsefesinin önemli bir filozofu olan Amartya Sen'in adalet fikrinin, John Rawls ve Adam Smith'in felsefeleriyle olan ilişkisi üzerinde durmaktadır. Amartya Sen yazmış olduğu *The Idea of Justice* (Adalet Düşüncesi) adlı eseri ile adalet problemini tartışmış ve kendinden önceki siyaset filozofu olan John Rawls'un adalet teorisini eleştirerek yeni bir adalet düşüncesi ortaya koymuştur. Bunu yaparken de özellikle Adam Smith'in impartial spectator (tarafsız gözlemci) kavramından istifade etmiştir. Amartya Sen'in adalet düşüncesinin John Rawls'un adalet teorisinin hem bir sistematik eleştirisi hem de onun yerine öne sürülmüş yeni bir yaklaşım olarak karşımıza çıktığını söyleyebiliriz. Nitekim Amartya Sen *The Idea of Justice* (Adalet Düşüncesi) adlı eserinde bunu açıkça beyan etmiştir. O bu eserin John Rawls'a adandığını ve kendi adalet düşüncesinin çağdaş siyaset felsefesinde çok önemli bir yere sahip olan Rawls'un adalet teorisine karşı yeni bir alternatif olduğunu iddia etmiştir. Yukarıda vermiş olduğumuz açıklamalardan hareketle bu çalışmada sırasıyla John Rawls'un adalet teorisinin analizi, Amartya Sen'in Rawls eleştirisiyle birlikte Sen'in adalet düşüncesi ve son olarak da Adam Smith'in tarafsız

gözlemci kavramı ve Amartya Sen'in tarafsız gözlemci kavramını adaletsizlik sorununa bir çözüm olarak ileri sürüşü bu çalışmanın bölümlerini oluşturmuştur.

Amartya Sen 18. Yy aydınlanma dönemi siyaset felsefesinin çağdaş siyaset felsefesinde adalet problemi ile alakalı öne sürülmüş olan tüm felsefi düşünce ve tartışmaların kaynağını oluşturduğunu iddia etmiştir. Sen'e göre 18. Yy aydınlanma dönemi siyaset felsefesine baktığımızda adalet problemi ile alakalı iki temel ana akım karşımıza çıkmaktadır. Bunlardan ilki Sen'in aşkınsal kurumsalcılık (transcendental institutionalism) akımı olarak nitelendirdiği toplumsal sözleşme kuramı geleneğidir. Bu akımın en önemli temsilcileri Thomas Hobbes, Jean Jack Rousseau, Immanuel Kant ve John Rawls'dur. İkinci ana akım ise Amartya Sen tarafından gerçekleştirme odaklı karşılaştırmalı yaklaşım (realization-focused comparison) olarak adlandırılmıştır. Sen'e göre bu akımın temsilcileri Adam Smith, Marquis de Condorcet, Jeremy Bentham, Mary Wollstonecraft, Karl Marx ve John Stuart Mill'dir. Amartya Sen kendi adalet düşüncesini bu iki ana akımın ayrımı üzerinden kurmaktadır. Nitekim Sen kendi adalet düşüncesini ikinci akım olan gerçekleştirme odaklı karşılaştırmalı yaklaşım (realization-focused comparison) olarak tanımlar.

Daha önce belirttiğimiz gibi Sen adalet düşüncesini oluştururken çağdaş siyaset felsefesinin önemli filozofu John Rawls'un adalet teorisinin sistematik bir eleştirisinden hareket etmektedir. Bu eleştiriden sonra kendi adalet düşüncesini bir alternatif olarak sunmaktadır. Bu sebepten evvela Sen'in Rawls eleştirisine geçmeden önce bu çalışmanın ikinci bölümünde John Rawls'un adalet teorisinin analizi yapılmıştır. John Rawls 21. Yy çağdaş siyaset felsefesinin en önemli filozoflarından biridir. A Theory of Justice (Adalet Teorisi) 1971 yılında yayımlandıktan sonra çağdaş siyaset felsefesinin en önemli eserlerinden biri olmuştur. Nozick'e göre filozofların bu eser üzerine çalışmaları gerektiğini ve bunu yaparken de Rawls'un öne sürdüğü fikirlerin neden doğru olup olmayacağını açıklamaları gerektiğini ifade etmiştir. Zira Nozick'e göre bu eser John Stuart Mill'den beri siyaset felsefesi alanında yazılmış en güçlü ve sistematik eserdir.

John Rawls'un adalet teorisi toplumsal sözleşme kuramı geleneğinin bir devamı olarak okunabilir. Zira Rawls kendisi de toplumsal sözleşme geleneğinin temsilcisi olduğunu A Theory of Justice (Adalet Teorisi) adlı eserinde ifade etmiştir. Toplumsal sözleşme kuramı bugünkü modern devlet teorisinin temelini oluşturan ve aydınlanma dönemini filozoflarının meydana getirdikleri kuramdır. Modern devlet teorisinin temelini oluşturan toplumsal sözleşme kuramı insanın bir egemene tabi olması ve siyasal oluşuma katılmasını izah ederken, insanın ilk başta bir doğa durumunda bulunduğunu ve bu doğa durumunda herhangi legal bir otoritenin varlığı olmadığını belirtir. Bu sebepten toplumsal sözleşme kuramı geleneği doğa durumunda adalet ya da adaletsizlikten bahsedilemeyeceğini iddia etmiştir. Zira doğa durumunda adaletten bahsedilemezken aynı zamanda bir egemen ya da devletten de bahsedilemez. Doğa durumundaki en önemli husus ise insanların can ve mal güvenliğinin olamamasıdır. Şüphesiz insan doğa durumundaki bu hayatı devam ettiremez ve toplumsal hayatta bu durumda ne kurulabilir ne de gelişebilir. İnsan bu doğa durumunda evvela can ve mal güvenliğini sağlamak için bir çare arayacaktır. Yani can ve mal güvenliğinin olmadığı doğa durumundan insan ancak haklarını bir egemene devrederek çıkmış olacaktır. Buradaki en önemli husus, adalet veya adaletsizlikten bahsedemediğimiz doğa durumundan kurtuluşun nihayetinde toplumsal sözleşme sayesinde gerek teoride gerekse de pratikte karşılığını bulacağıdır. Kısacası adalet düşüncesi toplumsal sözleşme ve siyasi otoritenin olamazsa olmaz en temel parçası olarak karşımıza çıkmaktadır. Toplumsal sözleşme kuramı bize ideal yasa ve kurumlar aracılığıyla adaletli bir devlet oluşturabileceğimizi söyler.

John Rawls kendi adalet teorisini izah ederken kendi adalet teorisini en genel anlamıyla hakkaniyet olarak adalet (justice as fairness) biçiminde ifade etmiştir. Hakkaniyet olarak adalet diye adlandırdığı bu teorinin anlaşılması Rawls'a göre şu beş tane olan temel fikirler(fundamental ideas)' in anlaşılması ile mümkündür:

- 1- Adil bir işbirliği olarak toplum (society as a fair system of cooperation):
- 2- İyi bir biçimde düzenlenmiş toplum (well-ordered society)
- 3- Temel yapı (basic structure)
- 4- Eşit ve özgür kişiler (free and equal persons)

5- Başlangıç durumu (original position)

Bu beş madde Rawls'un adalet teorisinin temel yapıtaşlarıdır diyebiliriz. Rawls, kendi adalet teorisini bu beş temel fikir etrafında oluşturmuştur.

Bunlardan ilki olan adil bir işbirliği olarak toplum (society as a fair system of cooperation) bize Rawls'un adalet teorisinin nasıl bir topluma hitap ettiğini açıklar. Zira Rawls'un adalet teorisi, birbirlerini karşılıklı olarak tanımış ve herkesin rasyonel anlamda avantajını esas alan özgür bireyler arasındaki adil bir işbirliği olan toplumda karşılığını bulmaktadır. İkinci temel fikir olan İyi bir biçimde düzenlenmiş toplum (well-ordered society) ise herkesin adalet duygusuna sahip olduğu ve politik anlamıyla adalet fikrinde uzlaşmaya varmış olduğu toplum anlamındadır. Üçüncü temel fikir olan Temel yapı (basic structure) bu fikirlerden en önemlisidir diyebiliriz. Rawls, temel yapıyı politik anlamıyla adalet konusunun ilksel öznesi diye nitelendirmektedir. Temel yapı bireysel ve sosyal aktivitelerin meydana geldiği sosyal yapının temel çerçevesidir. Başka bir deyişle, temel yapı bir siyasal sistemdeki en temelde bulunan politik ve sosyal kurumları temsil eden yapıdır. Temel yapının en önemli yanı ise, Rawls'un adalet teorisindeki iki temel adalet prensibinin ancak bu temel yapıya uygulanabildiği takdirde pratikte karşılığını bulacağı gerçeğidir. Dördüncü temel fikir olan Eşit ve özgür kişiler (free and equal persons) ise Rawls'un adalet teorisinin eşitlikçi ve özgürlükçü yanını izah etmektedir. Bir toplumsal sözleşme kuramı geleneğinin temsilcisi ve liberal filozof olan Rawls için adalet ancak kişilerin eşit ve özgür olduğu bir durumda gerçekleştirilebilir. Bu fikirlerden sonuncusu olan beşinci fikir Başlangıç durumu (original position) bir teori olarak Rawls'un düşüncelerini anlamada önemli bir yere sahiptir. Başlangıç durumu tıpkı toplumsal sözleşme kuramındaki doğa durumuna benzer hipotetik bir varsayım biçiminde ifade edilmiştir. Başlangıç durumu tarihsel olarak herhangi bir zaman dilimini ifade etmez. Başlangıç durumu kişilerin bilmezlik peçesi (veil of ignorance) aracılığıyla kendi sosyal statü veya temsil ettikleri öğretiyi bilmelerine izin verilmediği; ayrıca kişilerin etnik kökenini, cinsel kimliğini, doğal kabiliyetini, donanımını ve yaşını bilmedikleri durumun tasavvurudur. Buradaki esas amaç adalet

ilkelerinin ortaya çıkışında hakkaniyeti sağlamaktır. Zira daha öncede belirttiğimiz gibi Rawls'un adalet teorisi hakkaniyet esasına bağlıdır. Bu beş temel fikrin ışığında Rawls'un adalet teorisini kısacası şöyle açıklayabiliriz: Rawls'a göre adalet teorisinde hakkaniyet en önemli ve esas ölçüdür. Bu sebepten başlangıç durumunda bilmezlik peçesi ile bu hakkaniyet sağlanır. Kişilerin hakkaniyeti bozacak olan bilgileri bilmelerine izin verilmez. Rawls'a göre bu aşamada iki adalet ilkesi ortaya çıkmaktadır. Hakkaniyet olarak adalet diye tanımlanan Rawls'un adalet teorisi bu iki ilkeyle sonuçlanmaktadır. Bu ilkeler eşitlik ve özgürlük ilkesi (equality and freedom principle) ile farklılık (difference) ilkesidir.

İlk ilke olan eşitlik ve özgürlük ilkesi şudur: her bir kişinin herkes için benzer olan en kapsamlı temel özgürlüklerle uyumlu biçimde eşit haklara sahip olmasıdır. Bu ilkenin temel amacı bireylerin temel özgürlükler (basic liberties)'ni garanti altına almaktır. Burada zikredilen temel özgürlükler sırasıyla bireylerin siyasal özgürlüğü (oy verme ve seçilme hakkı), ifade ve toplanma özgürlüğü, vicdan ve düşünce özgürlüğü, mülkiyet edinme özgürlüğüdür. Birinci ilkedeki temel özgürlükler hususunda herkesin eşit hakka sahip olması ve kimsenin bu anlamda bir diğerine göre ayrıcalığının olamaması Rawls'un adalet teorisinin mihenk taşı diyebileceğimiz hakkaniyet olarak adalet fikrinin en somut örneğidir.

Başlangıç durumundan ortaya çıkan ikinci ilke ise farklılık ilkesidir. Farklılık ilkesi şudur: sosyal ve ekonomik eşitsizlikler öyle düzenlenmelidir ki; a) her zaman en az avantajlı kesimin yararına olmalı ve b) tüm makam ve konumlar hakkaniyetli bir eşitlik koşulları altında herkese açık olmalıdır. Farklılık ilkesindeki amaç gelir ve refahın dağıtımında sosyal ve ekonomik eşitsizliklerin önüne geçmek ve onu asgariye indirmektir. Bununla beraber, makam ve konumlara erişimde herkese eşit ve adil fırsat hakkı sunmaktır. Bu ilkede de hakkaniyet olarak adalet gerçekleştirilmek esastır.

John Rawls, bu iki adalet ilkesi arasında hiyerarşik ve mantıksal bir ilişki kurmaktadır. Rawls bu ilişkiyi dizilim sıralaması (lexical ordering) biçiminde tanımlar. Bu sıralama kuralına göre birinci ilke tamamlanmadan ikinci ilkeye geçilemez. Rawls, birinci ilke olan eşitlik ve özgürlük ilkesinin tamamlanmadan

ikinci ilke olan farklılık ilkesine geçilemeyeceğini söyler. Burada önemli olan husus ise özgürlüklerin ekonomik ve sosyal gelişmeler uğruna kısıtlanamayacağıdır. İki adalet ilkesi ile ilgili bir önemli husus da bu iki adalet ilkesinin ortak iyiler (primary goods)'i içermesidir. Ortak iyiler herkesin sahip olması ve korunulması gereken iyilerdir. Bu ortak iyiler sırasıyla sağlık, özgürlükler, refah, fırsatlar ve gelirdir. Rawls'a göre bu iki adalet ilkesi ortak iyilerin toplumsal ve siyasal anlamda gerçekleşmesinin teminatıdır.

Bu çalışmanın üçüncü bölümünde Amartya Sen'in John Rawls'un adalet teorisinin eleştirisi ve Sen'in adalet düşüncesi analiz edilmiştir. Amartya Sen 21. Yüzyılın en önemli ekonomi alanındaki bilim adamlarından ve siyaset filozoflarından biridir. Özellikle kalkınma üzerine olan eserleri ile 1998 yılında Nobel ekonomi ödülüne layık görülmüştür. Bu çalışmamızda Sen'in ekonomi görüşlerinden ziyade adalet düşüncesi analiz edilmiştir. Amartya Sen 2007 yılında yazmış olduğu "Adalet düşüncesi (The Idea of Justice)" eseri onun adalet problemi ile ilgili görüşlerini yansıtan en temel eseridir. Bu eseri çağdaş siyaset felsefesinin en önemli filozoflarından biri olan John Rawls'a adamıştır. Sen bu eserdeki amacının ise John Rawls'un adalet teorisine sistematik bir eleştiri getirmek ve onun yerine yeni bir adalet tasavvuru sunmak olduğunu belirtmiştir. Amartya Sen, Rawls'un adalet teorisinin eleştirisini daha evvel bahsettiğimiz aydınlanma geleneğinin iki ana akımdan biri olan aşkınsal kurumsalcılık (transcendental institutionalism) eleştirisi üzerinden yapar. Sen'e göre toplumsal sözleşme geleneğini temsil eden bu yaklaşım adalet problemi ilgili teori oluştururken yanlış bir sorudan yola çıkmıştır. Bu soru adaletli bir toplum nedir ya da başka bir ifadeyle mükemmel anlamıyla adaletli toplum nedir sorusudur. Sen'e göre daha başlangıçta bu yanlış sorulmuş olan soru adalet probleminde yalnızca mükemmel anlamıyla tanımlanmış ve betimlenmiş adaletli kurumlar fikrine odaklanılmasına yol açmıştır. Nihayetinde mükemmel anlamıyla adaletli bir toplum nedir sorusu bu adaleti sağlayacak mükemmel biçimde betimlenmiş adil kurumlarla ancak gerçekleşebilir sonucunu ortaya çıkarmıştır. Sen'e göre Rawls'un bağlı olduğu bu yaklaşım adalet problemi ile alakalı altı temel sorunu ortaya çıkarmıştır:

İlkin bu yaklaşım adalet problemi hakkındaki karşılaştırmalı soru ve cevapları görmezden gelmektedir. Oysaki sosyal adalet fikri karşılaştırmalı soruları içermelidir. Bunun yerine Rawls'un teorisi yalnızca mükemmel anlamda adil bir toplumun taleplerini tanımlamaya odaklanmıştır. İkinci olarak, Rawls'un adalet teorisinde, adaletin gerektirdiklerinin adalet ilkelerine göre formüle edilişi ve bundan dolayı güçlü bir biçimde adil kurumlar fikrine odaklanılması nihayetinde sosyal anlamda adaletin gerçekleşmesi gerçeğini görmezden gelmiştir. Üçüncü olarak, Rawls'un teorisi, iyi düzenlenmiş belirli bir anlamda toplumu hedef aldığından belirli bir devleti temsil eder. Bu sebepten dolayı küresel anlamda adalet problemini ele almada yetersiz kalmaktadır. Dördüncü olarak, yerel değerlerin toplum üzerindeki etkisini doğrulamada bize sistematik bir yöntem sunmaz. Beşinci olarak, daha en baştan yani başlangıç durumundan itibaren kapalı ve sabit bir yapıya sahiptir. Altıncı olarak, toplumsal sözleşme geleneğinin akıllı merkeze alan yaklaşımı ile ilgili sorundan kaynaklanmaktadır. Zira herkes akıllı bir biçimde hareket edemez. Bu altıncı sorundan Sen'in kastettiği belirli bir anlamda akılcılığın toplumsal alandaki adalet problemine uygulanmasıdır. Yukarıda belirtmiş olduğumuz Sen'in Rawls'un adalet teorisine yönelik eleştirisindeki altı temel husustur. Bunların dışında iki temel eleştiri daha Sen tarafından yapılmıştır. Bunlardan ilki Rawls'un ikinci ilkesi olan farklılık ilkesine yapılmış olan eleştiri ve aynı zamanda genel anlamıyla bir ilkeyi tercih etme üzerine yapılan bir değerlendirmedir aynı zamanda. İkincisi ise Rawls'un adalet ilkeleri arasında kurduğu hiyerarşik ilişki üzerinedir.

Bu eleştirilerden ilkinin Sen adalet problemi ile ilgili kendisine ait olan bir örnekten hareketle yapmıştır. Örnek bir flütün üç öğrenciden hangisine verileceğine dairdir. İsimleri Anne, Bob ve Carla olan üç öğrenciden her biri flütün kendisine verilmesi gerektiğini iddia etmektedir. Anne, onların arasında yalnız flüt çalabilen öğrencidir. Bob, onların arasındaki en fakir öğrencidir. Carla ise flütü bizzat kendi emeğiyle yapmış olan öğrencidir. Bu örnekte Anne yalnız flütün nasıl çalınabildiğini bilen ve onu çalabilen biri olduğundan flütün kendisine verilmesi gerektiğini söyler. Bob ise aralarındaki en fakir öğrenci olduğunu ve bu flütü alabilecek parası olmadığından flütün kendisine verilmesi gerektiğini söyler. Son olarak Carla ise bu flütü meydana getirmede kendi el emeğinin olduğunu belirterek flütü hak edenin kendisi olduğunu

söyler. Amartya Sen bu örnekte üç farklı görüşün ortaya çıktığını söyler. Ona göre bunlardan ilki faydacı görüş (utilitarian view) flütü çalmayı bilen kişi olduğundan ve bu çalma aktivitesinden haz alacağından Anne'ye flütün verilmesi fikrini savunacaktır. İkinci görüş olan eşitlikçi görüş (egalitarian view) flütün aralarından en fakir öğrenci olan Bob'a verilmesini savunacaktır. Üçüncü görüş olan özgürlükçü görüş (libertarian view) ise flütü kendi emeğiyle yaptığından dolayı onu hak edenin Carla olduğu fikrini savunacaktır. Bu örnekle Sen eğer adil bir seçim yapılacak ise bu üç öğrenciden- ki bunların her biri bir görüşü temsil etmektedir- hangisine flüt verileceği sorusunu sorar. Sen, Thomas Scanlon'u referans göstererek, şu argümanı öne sürer: bir görüş veya düşünce için onun doğruluğu ve yanlışlığı hakkında düşündüğümüzde en temel düzeyde eğer bu görüş veya düşünce mantıklı gerekçelerle kendini meşru kılıyorsa biz onu reddedemeyiz. Sen'e göre Rawls'un adalet teorisindeki ikinci ilke olan farklılık ilkesi bu anlamda diğer alternatifleri yok saymaktadır. Örnekten çıkan sonuç ise aslında yukarıda belirtilen her bir görüşünden kendini mantıklı gerekçelerle savunduğunu ve her bir ilkenin diğer bir ilke kadar geçerliliği olduğunu ifade etmektedir.

Sen'in ikinci temel eleştirisi ise Rawls'un adalet teorisinde özgürlükleri mutlak anlamda sosyal ve ekonomik problemlerin üzerinde tutmasına dairdir. Sen bu eleştirisinde özgürlüklerin önemini teslim etmekle birlikte, yalnızca şu gerçeğe işaret etmektedir: eğer bir ülkede kıtlık, hayatta kalma mücadelesi ve önemli sağlık sorunları var ise, neden bunlar özgürlüklerden daha az önemli olsun. Zira insan hayatının tehlikede olduğu durumlar da en az özgürlükler kadar önemlidirler.

Sen Rawls'un adalet teorisine dönük bu eleştirilerinden sonra, aşkınsal kurumsalcılık (transcendental institutionalism) olarak nitelendirdiği Rawls'un adalet teorisi yerine gerçekleştirme odaklı karşılaştırmalı yaklaşım (realization-focused comparison) yaklaşımını önermektedir. Bu yaklaşımı diğer yaklaşımdan ayıran en belirgin özellik ise Sen'e göre adalet problemi ile ilgili doğru soruları sormasıdır. Sen'e göre bu doğru sorular evvela adaletsizliği nasıl ortadan kaldırırız veya azaltabiliriz sorusu ile adaleti nasıl daha iyi düzeye taşıyabiliriz sorusudur. Bu sorular Sen'in önerdiği yaklaşımın başlangıç noktası ve temelde onun adalet düşüncesinin hedeflerini belirleyen sorulardır. Sen gerçekleştirme odaklı karşılaştırmalı yaklaşım (realization-

focused comparison) yaklaşımın evvela adaletsizliği teşhis etme (diagnosis of injustice) düşüncesini merkeze aldığı ve bu teşhisten sonraki adımın ise gerek bu adaletsizliği ortadan kaldırma ve gerekse de adalet düzeyini daha üst bir düzeye taşıma ile sonuçlanacağını bildirir. Sen tarafından bu yaklaşımın önemli temsilcileri kabul edilen Adam Smith, Condorcet ve Mary Wollstonecraft'ın her birinin köleliğin bir adaletsizlik olduğu teşhisini yapmaları ve köleliğin ortadan kaldırılması gerektiğini söylemeleri bu yaklaşımın sonuçlandığı en somut örneğidir. Amartya Sen'in adalet düşüncesindeki diğer önemli bir husus ise Sen kendi adalet düşüncesini oluştururken batı düşünce geleneğinin yanında doğu düşünce geleneğinden de istifade etmiş olmasıdır. Sen adalet kavramının Sanskritçe'deki anlamının iki kavramla ifade edildiğini belirtir. Bunlardan ilki niti ve ikincisi ise nyaya kavramlarıdır. Bu kavramlar aynı zamanda adalet problemi ilgili iki farklı görüşü temsil ederler. Niti olarak adalet doğru yasa ve kurumlar üzerinden bir adalet anlayışını savunur. Nyayaise adalet problemine yaklaşımında şunu dikkate almaktadır: adaletli kurumlar kadar gerçekte olanın ne olduğuna bakmak bu sayede adaletsizlikleri teşhis etmek ve nihayetinde bu adaletsizliklerin ortadan kaldırmayı hedefleyen yaklaşımdır. Bu iki yaklaşımda esasında kadim Hint düşüncesinde matsyanyaya diye ifade edilen büyük balığın küçük balığı her zaman yediği bir dünya düşüncesi ile mücadele etmeyi hedef almıştır. Sen nyaya yaklaşımını savunmaktadır. Kısaca ifade edecek olursak, Sen mükemmel adaletli toplum tasavvuru ve teorisi üretmekten ziyade gerçekte neler olduğuna bakmaya ve var olan adaletsizlikleri tanımlamamız gerektiğine işaret eder. Bu adaletsizlikleri belirleme konusundaki anlaşma aynı zamanda bunların ortadan kalkmasını sağlayacaktır.

Bu çalışmanın dördüncü bölümünde, Amartya Sen'in adaletsizlik probleminin çözümünde öne sürüldüğü ve kendi adalet düşüncesinin en önemli kavramlarından biri olan tarafsız gözlemci (impartial spectator) kavramı analiz edilmiştir. Amartya Sen tarafsız gözlemci kavramını kullanırken kendisine Adam Smith'i referans olarak kullanmaktadır. Bu sebepten bu bölümde tarafsız gözlemci kavramının analizi yaparken bu kavramı ahlak felsefesinde normatif bir ölçüt biçiminde öne süren Adam Smith'in ahlak felsefesi ve tarafsız gözlemci kavramının Smith felsefesindeki yeri analiz edilmiştir. Daha sonrasında ise Amartya Sen'in bu kavramı hangi bağlamda

kullandığı ve onun adalet düşüncesindeki yeri tetkik edilmiştir. Adam Smith, Ahlaksal Duygular Kuramı (The Theory of Moral Sentiments) adlı eserinde temelde duygudaşlık (sympathy) kavramı üzerinden bir ahlak felsefesi oluşturmuştur. Smith bu eserin daha ilk paragrafında insanların her ne kadar bencil bir tabiata sahip olsalar da birbirlerinin mutluluğuna ve üzüntüsüne duyarsız olmadığını ve bu duyarlılığın da ancak insandaki duygudaşlık sayesinde ortaya çıktığını belirtir. İnsanların tüm ahlaki yargılarında ancak karşısındaki ile duygudaşlık kurabildiği ölçüde doğru veya yanlış ahlaki yargılamada bulunabileceğini söyler. Örneğin en küçük bir sevinci veya acıyı gereğinden fazla abartan bir kişi ile duygudaşlık kuramayacağımızı söyler. Tarafsız gözlemci ise bu duygudaşlık aracılığıyla ahlaki yargının doğruluğunu ve yanlışlığını belirlemede nihai belirleyici olarak karşımıza çıkmaktadır. Smith'e göre insan dünyaya geldiğinde gerek ailesi ve gerekse de içinde yaşadığı toplum tarafından şekillendirilmekte ve ahlaki yargılarında hep bir taraflılık esas olmaktadır. Smith'e göre bu durumda bir tarafsız gözlemciye ihtiyaç olacaktır. Smith tarafsız gözlemci kavramını betimlerken onu önyargısız (unbiased), iyi bilgilendirilmiş (wellinformed) ve disinterested(çıkartı olmayan)olarak betimler. Amartya Sen tarafsız gözlemci kavramını Adam Smith'in kullandığı bağlamdan farklı bir biçimde kullanmaktadır. Sen bu kavramı ahlak felsefesi alanından siyaset felsefesi alanına taşımıştır. Sen tarafsız gözlemci kavramını adaletsizliğin ortadan kaldırılması ve adalet durumunun iyileştirilmesinde bir standart olarak betimler. O tarafsız gözlemci kavramını tıpkı Rawls'un bilmezlik peçesi (veil of ignorance) gibi bir düşünce deneyimi (thought experiment) biçiminde tasarlar.

Amartya Sen, kendi adalet düşüncesinin en temel unsuru olan tarafsız gözlemci kavramını sunarken bunu Rawls'un adalet teorisinin eleştirisi üzerinden yapmaktadır. Sen'in Rawls'un adalet teorisine getirdiği en temel eleştirilerden biri de teorideki tarafsızlık fikrinin analizi üzerinedir. Bu eleştiri ve analiz bize Sen'in tarafsız gözlemci fikri ile Rawls'un adalet teorisi arasındaki en temel farkı da sunmaktadır. Sen tarafsızlık fikrinin analizine temel bir ayırım yaparak başlar. Bu ayırım esasında iki farklı adalet düşüncesini açıklamaktadır. Sen, kapalı tarafsızlık (closed impartiality) ve açık tarafsızlık (open impartiality) olmak üzere iki tür tarafsızlık olduğunu söyler. Sen'in Rawls'un adalet teorisi ile alakalı en temel eleştirilerinden

biri de bu teorinin kapalı tarafsızlık (closed impartiality) özelliğine sahip olmasıdır. Toplumsal sözleşme kuramındaki bir egemene tabi olan belirli bireylerin yapmış olduğu bir sözleşme fikri gibi, Rawls'un adalet teorisi de daha başlangıç durumu (original position)'da kendisini belirli bir devlet ya da siyasal organizasyonun üyesi yurttaşlarıyla sınırlandırmaktadır. Bununla beraber, Sen'e göre adalet ilkelerinin seçiminde de yine bir kapalı tarafsızlık vardır. Bu yönüyle Sen Rawls'un adalet teorisini aynı zamanda belli bir kültür ya da bölge ile sınırlandırılmış bir yapı (parochial) olduğunu söyler. Oysaki Sen'e göre özellikle küresel sorunlar söz konusu olduğunda bir işbirliği ve farklı görüşlerin de dikkate alınabileceği açık tarafsızlık fikrine ihtiyaç vardır. Tam da bu noktada tarafsız gözlemci fikri bir açık tarafsızlık örneği olmaktadır. Sen'e göre açık bir tarafsızlık türü olan tarafsız gözlemci fikri gerek adaletsizliklerin ortadan kaldırılması gerekse de adaletin iyileştirilmesinde temel belirleyici olacaktır. Amartya Sen, Adam Smith'in betimlediği tarafsız gözlemcinin temel nitelikleri olan önyargısız (unbiased), iyi bilgilendirilmiş (wellinformed) ve disinterested (çıkarcı olmayan) niteliklerden hareketle adaletsizliklerin kaldırılması ve adaletin daha iyi bir düzeye taşınmasında tarafsız gözlemcinin hakem rolünü göreceğini belirtmiştir. Son olarak Amartya Sen bunu bize Adam Smith'ten aktardığı bir örnekle izah eder. Örnek, Antik Yunan'da yeni doğan bebeklerin ölümünün meşru kabul edildiği dönem üzerine verilmiş örnektir. Bu örnekte Adam Smith o dönemde yaşamış olan Aristoteles ve Platon gibi filozofların dahi bu pratiğe karşı çıkmadıklarını söyler. Bu örnekte önemli olan husus ise Adam Smith'in tarafsız gözlemci fikrinin bu duruma uygun bir örnek teşkil etmesidir. Amartya Sen'e göre eğer bir tarafsız gözlemci burada devreye girseydi muhtemelen bunun önüne geçilecekti ve bu adaletsizlikte ortadan kalkacaktı.

Amartya Sen kendi adalet düşüncesi bağlamında önermiş olduğu tarafsız gözlemci fikrinin, adalet problemi ile ilgili birbirinden farklı görüş ve deneyimleri hesaba katma özelliğine sahip olduğunu ve bu yönüyle adaletsizliğin kaldırılması ya da daha iyi bir düzeye taşınması hususunda yerel, ulusal ve bilhassa küresel düzeyde etkili olacağı fikrini savunmuştur.

B. TEZ FOTOKOPİSİ İZİN FORMU

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TEZİN ADI (İngilizce): AMARTYA SEN'S IDEA OF JUSTICE, AND ITS RELATIONS WITH JOHN RAWLS AND ADAM SMITH

TEZİN TÜRÜ :

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