

Book Reviews

Amartya Sen, *The Idea of Justice*, London and New York: Allen Lane-Penguin, 2009. pp. xxviii+468, hb. UK £ 25.

In this *magnum opus*, Sen moves beyond 'justice as fairness' paradigm of Rawlsian contractulism. Rawlsian contract treats every member of a liberal polity as equally advantaged or disadvantaged in formulating a principle of justice. Rawls' notion of formal right to justice as a rational choice of an individual on the basis of certain consensual primary goods, according to Sen, does not address the relational aspect of justice. Sen highlights this relational aspect of justice over the rational: relational aspect is embedded in an agent's sensitivity to consequences to everyone else, while rational aspect is supposedly agent-neutral. He distinguishes the two by asking two kinds of questions; rational questions presuppose a third person view such as asking, "What is it like to be a bat?", while relational questions place the human being at the centre by asking, "What is it like to be human?" (p.414) Sen attempts to find a different answer from other liberal-contractarians by delineating the very necessity of talking about justice,

In arguing that the pursuit of a theory of justice has something to do with the kind of creatures we human beings are, it is not at all my contention that debates between theories of justice can be plausibly settled by going back to features of human nature, rather to note the fact that a number of different theories of justice share some common presumptions about what it is like to be a human being. We could have been creatures incapable of sympathy, unmoved by pain and humiliation of others, uncaring of freedom, -unable to reason, argue, disagree and concur. The strong presence of these features in human lives does not tell us a great deal about which particular theory of justice should be chosen, but it does indicate that the general pursuit of justice might be hard to eradicate in human society, even though we can go about the pursuit in different ways. (pp.414-15)

Sen is highlighting the fragile and fallible state of human nature that afflict judgments of right and wrong and making a plea for adopting a pluralist stance towards

the idea of justice in order to make it relevant to the human condition. Liberal-contractarians reduce the inner resources of human nature and its problems to a matter of rational choice that makes public use of reason to offer justifications for choices. Such justifications are often based on an idea of just and right that guide social choices. Sen is unhappy about implications of social ordering of choices as it merely calculates the preconceived just outcome without taking into account how diverse agents interact, decide and actually behave. The interactive and constantly evolving games of strategy making between agents in order to settle for the just and the good arise always in relation to other such strategies and not merely by pre-calculating the best rational outcome for the agent. From the agent's own position, what seems to be subjectively adequate must converge either with other similarly placed agent's preferences or in response to such preferences. Such a positioning of the agent in relation to other agents provides the clue to individual's liberty and its necessity in a social and cultural environment that largely seeks freedom of action and weighs consequences of such freedoms. In the sphere of justice, an individual's determination of the sense of this freedom is closely connected with an idea of good and justice. The question is, how does freedom of action ensure just and good outcomes?

Sen theorizes on this possibility of justice on the dual bases of 'equal basic liberties' for all and counterposes it to 'inequalities' that can be used to garner the greatest benefit to the disadvantaged. On the positive side of it, basic liberties for Sen would amount to 'functionings' such as income and poverty alleviation that would ultimately expand the freedom of choice. Inequalities there act as a stand-in for evaluating the capacities to promote certain kind of functionings that implicitly assumes certain kinds of social arrangements. For a proper theory of justice Sen emphasizes on that kind of an evolved rationality that allows for linking up one's priorities, methods and visions about progress to a

redeemable and similarly placed global context. Sen emphasizes global justice that emerges as a mantra for overcoming positional limitations of a proposed theory of justice that ignores the whole world for serving the purpose of 'justice in one country'. What economic and political theories of justice should aim at is to first free itself from all forms of closure in terms of position and situation in order to break through a narrow concept of neighbour as the settled community(ies) and establish 'relations with distant peoples' (p.172). Sen proposes a two level understanding of a praxis of justice: at the first level an agent's cognitive framework of choice within a discursive matrix of distribution of rights and entitlement determines his concerns of justice while at the next level a transpositional perspective takes over that can neutralize the closed bounds of a framework of justice. Such a perspective does not ensure a transcendental solution to injustices and unfair practices that methodologically boils down to a 'view from nowhere'. Such a view from nowhere produces 'closed impartiality' based on an underlying ethical or cultural code. The style of thinking 'justice' in terms of abstractions that is fairly closed and disconnected from other such competing or complementary ideas turn out to be exclusionary and it denies the possibility of responding to or follow 'different types of reasoning' (p.178).

Narrowing of Mainstream Economics

This brings Sen to the point of exorcising some of the skeletons from the cupboard of justice. The very idea of rationality as used in Rational Choice Theory (RCT), for Sen leads to a paradoxical 'prisoner's dilemma' that merely indicates the standstill of options between actors. The brand name RCT within mainstream economics merely results into maximizing individual well-being in which hypothesizing about the position of the other is always considered as the basis for goals of maximization. RCT within the so called Welfare Economics assumes a terrifying proportion of normative restriction on the free choice of the agent as stated in Pareto's condition of optimality. The impossibility of a Paretian liberal seeking an optimal level of distribution through balancing of demands and supply in an imperfect world, according to Sen, undercuts the diversity of choices into a straitjacketed interpretation that narrowly establishes equilibrium. Speaking in the same vein, Sen discarded various strategies of playing an informational game, as any choice of strategy between participants of a game does not guarantee acceptable outcomes. Within mainstream economics, Sen does not see any possibility of resolving the problem of choice except by way of taking

an ethical turn towards justice.

This turn towards justice called for Sen's renewal of a mix between ethics and economics, which weighs foundational principles behind economic decisions and their outcomes. Such foundational principles constitute a significant body of writings. Sen engages the readers of his *magnum opus* in a dialogue with thinkers of the very First principles of economics. Much more than exorcising them in the light of the problem at hand, Sen expropriates their ideas in the annals of justice. A few examples may suffice to show how Sen invokes a key economic philosopher such as Adam Smith in order to examine how inequality and injustice is sustained in the reasoning of the 'impartial observer', who sets up a fixed set of goals through institutional mechanisms. The so called impartial observer calculating each one's entitlements and dividends from institutional processes does not provide sufficient reasons to make others reasonably accept someone's needs and demands. Sen rather problematizes the notion of an impartial observer by pointing out procedural parochialism involved in the so called impartiality that tend to reject various other ways of achieving justice as non-impartial. If 'Impossibility Theorem' leads us to a social ranking of goodies in consonance with fully revealed social preferences, then why is it that there always is a 'tragedy of commons'? Sen advocates 'plurality of impartial reasons' that results into mutual reciprocity between actors seeking a just distribution of goodies, which involves a sensitivity to consequences as well as to agents who have to evaluate the ground reality in terms of assessing justice.

The exclusionary neglect of agent independent concerns within theories of just distribution of income and resources, for Sen displays a kind of rationality that is not reflexive enough to see its own follies. What Sen called as transpositional justice arises here: the basic human rights and liberties are universal, and independent of the context in which justice is construed in an agent-relative manner. But universalizable tenets of basic human rights and liberties are still institutionally imperfect, yet such imperfect obligations are necessary in allowing human rights to stand. Transpositional notion of justice not only surpasses the narrow concept of utility, but it also overcomes the illusion of bearing values and interests in 'real' life of the agents. This illusion of justice being seen to be done in a positioned state of existence becomes meaningful if it could withstand public scrutiny. Judgments about justice must accommodate various kinds of scrutiny based on a variety of reasoning. Sen called it as 'non-parochialism as a requirement of justice', which is, an openness towards plurality of reasons that

are outside the 'captivating hold of entrenched traditions and customs'. (p.404) Sen further characterized it as the virtue of 'open impartiality' that does not exclude possibilities against its determined outcomes. Open impartiality can synchronize the interests of a focused group with that of 'rights as freedoms'. Such a synchrony leads to freedom from fear as well as to formation of values. The question that we can ask here is, to what extent does open impartiality set the stage for justice in economic decisions?

Sen gives an answer to this question by delineating a broad view of freedom, one that encompasses both processes and opportunities and allows for recognition of 'the heterogeneity of distinct components of freedom'. Freedom is both constitutive of social and cultural choice and it is also instrumental to interconnected range of social and economic opportunities, political liberties and normative safeguards. This leads Sen to provide for interpretative freedoms to economic phenomenon in terms of public reasoning that takes into account heterogeneous components of freedom such as link between human security and political power, democracy and development. This is also an attempt to provide for an evaluative criterion for mainstream economics that involves an inclusionary incoherence. In Sen's parlance political rights, including freedom of expression and discussion, are not only pivotal in inducing social responses to economic needs, they are also central to the conceptualization of economic needs themselves. Such a heterogeneous mix of components of freedom is a state of inclusionary incoherence that needs to be neutralized by an open impartiality. In Sen's words,

There is no embarrassment in accommodating several distinct features within the idea of freedom, focusing respectively on capability, lack of dependence and lack of interference. (. . .) A theory of justice can pay attention to each. (p.309)

If a theory of justice pays attention to this, it results into a description of plausible economic and social rights that reduce 'capability inequality', which needs not be seen only as agency-freedom, but also needs to be seen as well-being freedom. Such freedoms only can connect agency with well-being. This is exemplified in comparisons of freedoms and capabilities unfolding a multi-stage theory of justice.

Injustice Re-examined

Beyond the paring of equality/inequality, justice/injustice as contraries, Sen in his multi-stage theory of justice examines the import of injustice in terms of its experiential circumstances. Sen's paradigmatic statement:

'In this little world in which children have their existence there is nothing so finely perceived and finely felt as injustice.'(p. vii) This experiential domain of injustice compels us to think of reducing it as far as possible. This reduction is possible by working through responsibility that assumes asymmetries of institutional and power relations. Such asymmetries are useful in making better placed peoples more responsible towards those who are lesser mortals. This approach stands in contrast to application of reason in institutional arrangements for distribution and harps on 'comparison of justice for choosing among feasible alternatives'. (p.9) This comparative approach to justice is a point of departure from what Sen called 'transcendental institutionalism' that draws an idea of justice only on the basis of 'just society' or an ideal and perfect arrangement of institutions. Such a comparative approach can be based on 'social realizations' (based on actual behaviour of people and realization of justice). Sen bases his argument about choosing among feasible alternatives on actual situations of poverty, distribution of income and resources and perception of what is unjust, unfair and unequal. Injustice for Sen lay in destruction and diminution of capabilities of human beings involved in a struggle for existence which cannot in any way be compensated by entitlements. Injustice becomes the cornerstone for a theory of reasonableness that may determine the play between Rawlsian veil of ignorance and demands for justice. This demand for justice grows within our engagement with perspectives on justice in a well-ordered society, where the role of basic institutions of society lies in establishing a social world, within which alone, we develop 'care, nurture and education (. . .) and into free and equal citizens.'¹ Just as Rawls established the ontological ground of justice into an institutional framework of 'social good' in the same way Sen also advocated equanimity of liberatarian theory of justice that combines evaluative aspects of justice with its well-defined institutional framework. Cases of injustice arise by way of malfunctioning of the institutional framework, which interestingly enough, can self-reflexively see those cases and correct itself. This is where equanimity of liberatarian choice would play its role.

Injustice is a by-product of reasoned alteration between neutral and partial ordering of choices at the societal level that develops out of asymptotic behaviour of individual agents. Such asymptotic behaviour arises not out of institutional settings but it arises out of aggregation as well as segregation of individual's choices over different choice sets. The question that Sen addresses is, can choice

sets be operationalized with a consensual contract between supposed libertarian forms of reasoning and action within a well-ordered society? The question is raised in the context of reorienting the notion of 'capability' and 'individual functionings' into reasonableness of the demand for being just to the deprived and the marginalized. This is also a simultaneous assertion of a positioned subjectivity of the marginalized within the mainframe process of choosing and deciding, which is Sen's mainstay in the book.

The situation is exemplified by a supposed value conflict between distributive justice and recognition.² Similarly between liberal-contractarians and communitarians, the conflict of values arise centering the role that cultural specificity plays in assigning 'values' to development. They cannot resolve between themselves should the 'values' of justice be specific to culture or they should be trans-cultural. The developmentalist stance to eliminate cultural differences on the anvil of a common goal of 'just' material progress and prosperity complicates the debate between communitarians and liberal-contractarians. The thesis shall attempt to sort out the debate on the basis of an idea of 'good' based on the idea of 'justice' or rather on the basis of eliminating injustices that arise in the overall impact of a programme of development.

In its overall thrust, Sen's attempt to pluralize the debate between libertarians and contractualists in terms of equally possible solutions to questions of injustice is a novel attempt to move beyond the liberal paradigm of constrained freedom of choice. He privileges 'freedom of choice' both in theory and practice to evolve an alternative of parallel reasoning and resolving the problem of injustice. The book is extremely readable, well argued, meticulous and detailed in analytical as well as in phenomenological terms. Sen's inspirational attempt to such panoply of thoughtful and pleasurable essays is itself a striking achievement. Anyone interested in economics or philosophy should read this book for a defensible account of justice.

NOTES

1. John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993): 43.
2. In his book, *The Idea of Justice* Sen has exemplified the divergent views of justice with the example of three children and a flute: Anna, Bob and Carla fight over a flute. Anna claims that she should get the flute that is lying on the ground because she knows how to play it, Bob says he should get it because he is poor and has no toys of his own, and Carla says she should get the flute because she made it. Theorists of diverging

schools of justice would have different views, Sen writes: 'The economic democratic who is committed to reducing social gaps might feel that Bob should get the flute because he is poor; the libertarian would say that Carla should get the flute because she has made it; while the utilitarian hedonist may feel that Anne's pleasure would be greatest because she can play the flute.' (p.3)

PRASENJIT BISWAS

Associate Professor of Philosophy
North-East Hill University, Shillong

Bhalchandra Nemade, *Nativism (Desivad)*, Shimla: Indian Institute of Advanced Study, 2009. pp. 179. Rs. 360

Bhalchandra Nemade's 'nativism' concept and his reflections are already, for the last almost twenty years, a part of literary thinking in the departments of languages in the Universities and a widely discussed issue in Marathi intellectual circles and also in some other states such as Gujarat where the 'native' stream still runs strong. But what was earlier available in dispersed essays, and translations of some of them, and by word of mouth has now been put together as four coherent lectures with an appendix that puts some of his thoughts into critical/evaluative action.

It is a rich text bustling with ideas, rather a text with ideas jostling with each other – a clear evidence of Nemade having so much to say in a defined temporal space and anxious that he may miss out on something. It is a statement of the current vicissitude of a complex, variegated, long-lived, and in many respects a unique culture, the Vedic culture that is, that has been under siege in its own home for several centuries but has survived because it has always given birth to great minds that have acted as barriers against floods of counter-culture ideas that have off and on been swamping the vulnerable, intrinsically pluralistic, Hindu mind.

In these four lectures – 'Nativism,' 'Modernity,' 'Orality (Native Styles),' 'Marathi Novel' – and two appendices, Nemade seeks to ward off the onslaught of 'Modernity' (p.14.) on the already battered Hindu mind. His worries stem from what is rather uncommon among 'educated' Hindu intellectuals – the deep respect in which he holds what he calls (p.11) 'the oldest civilization of the world', the 'Vedic' civilization, though that one word is not used.

The apparent subject, the immediate concern, of course is the metropolitan Indian literary culture that has constituted itself following the contact with the West. It is a culture in which – (i) 'language controls literature'