Abstract. The aim of this paper is to put forward the underlying concept of judgments on the basis on Sen’s wide philosophical contributions on positional objectivity and justice. Sen’s conception of democracy, which includes deliberation, goes beyond the mere aggregation of individual preferences as captured in social choice theory. This distinction includes two basic components. On the one hand, and while this is never presented this way in Sen’s papers, we highlight the importance of the three following elements to characterize judgments: positions, objectivity and the sense of otherness. Combined together, these conditions are necessary to characterize positional judgments, which are relevant for justice issues, unlike individual preferences. On the other hand, we identify three forces of judgments evolution: a widened informational basis, sentiments, and communication. This dynamic should induce a better coincidence of judgments than any mere aggregation of preferences could. The stakes of this paper are threefold. First, we examine closely the basic elements of Sen’s conception of justice in clear and understandable language for social choice theorists. Second, we scrutinize the links between the normative or positive nature of judgments, and identify where, among individual or collective judgments, normativity emerges. Thirdly, we highlight how inquiries on the framework of social choice theory may enrich deliberation theories.

Key-words. Social choice theory, positional objectivity, individual preferences, democracy, deliberation, positional judgments, judgments, idea of justice

Résumé. Cet article vise à présenter le concept de jugements sous-jacent dans les contributions philosophiques de Sen sur l'objectivité positionnelle et la justice. La conception de Sen a de la démocratie, qui comprend la délibération, dépasse la seule agrégation des préférences individuelles propre à la théorie du choix social. Cette distinction implique deux conséquences. D’une part, et bien que Sen ne l’ait jamais explicitement exprimé ainsi, nous mettons en évidence l’importance des trois éléments suivants pour caractériser les jugements: la position, l'objectivité et le sens de l'autre. Ils constituent des conditions nécessaires, une fois combinées, pour caractériser les jugements positionnels pertinents pour les questions de justice, à la différence des préférences individuelles. D’autre part, nous identifions trois forces d’évolution de ces jugements: une base informationnelle élargie, les sentiments, et la communication. Cette dynamique devrait induire une coincidence des jugements qui, si elle n’est idéale, est au moins meilleure que ne le permettrait l’agrégation des préférences. Les enjeux de ce papier sont de trois ordres. Premièrement, nous étudions les fondements de la conception senienne de la justice en termes clairs et compréhensibles pour les théoriciens du choix social. Deuxièmement, nous examinons le lien entre la nature positive ou normative de jugements, et nous identifions où, des jugements individuels ou collectifs, émerge la normativité. Troisièmement, nous montrons en quoi les discussions sur le cadre d’étude de la théorie du choix social peuvent nourrir les théories de la délibération.

Mots-clés Théorie du choix social, Objectivité positionnelle, préférences individuelles, démocratie, délibération, jugements positionnels, jugements, idée de justice

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A POSSIBLE SOCIAL CHOICE: 
DEMOCRACY AND POSITIONAL OBJECTIVITY

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INTRODUCTION

As Peter (2007: 373) and many others have observed (for instance Bohman 1998; Dryzek 2000), "democracy theory has become deliberative. [...] Democracy is now widely perceived not simply as a mechanism to aggregate pre-politically fixed individual interests, but as a process of public reasoning in which conflicting interests are scrutinized and transformed." Even when considered seriously, results in social choice theory (henceforth SCT) have led some theorists to conclude on the irrelevance of voting for tackling democracy.

Unlike these highly pessimistic views on the reaches of SCT, Amartya Sen has rather been clear-sighted, and made constructive contributions meeting democratic studies and SCT. If he explicitly refuses to put democracy in the same category as majority rules, nor as any mechanical aggregation procedure, he considers public debate and voting systems as complementary. Sen made use of SCT to derive a social judgment from individual judgments from the sixties and hereafter (Sen 1970a notably). His idea of justice is fundamentally a theory of democracy, in the sense that the source of normativity ultimately relies on the consideration of individuals’ views. For this reason, SCT does appear as a particularly suitable framework to tackle democratic procedures of collective choices and justice in this sense (Sen 2009: Chap. 4). Along with Arrow’s assertion (1963: 18), he agrees that the preferences to be aggregated should be viewed in terms of individual values rather than in terms of individual tastes. But he considers democracy as the locus of a co-construction of value judgments for collective decisions, and gives high priority to public debate, rather than mere aggregation of individual preferences (Sen 1999b: 579): "decision process, thanks to discussion, may enrich the information we have on a given society, on its individual properties that may evolve after a public deliberation" (2005: 13). While Sen mainly targeted welfare economics in his critics of welfarism (See Baujard and Gilardone 2012 for further insights), we claim he also made substantial contributions to shake the idea according to which the informational bases of social choice was well-adapted to tackle the issue of deriving welfare judgments. According to us, Sen has even gone much further in challenging the standard definition of individual preferences and in thinking democracy, drawing important lessons from famous results of SCT (Arrow 1963, Sen 1970b).

First, Sen has seriously questioned an important assumption of SCT as designed by Arrow, namely that individual preferences are just the orderings of individual considered separately, without any social interactions or interpersonal comparisons. Within the context of SCT, Sen has worked on the integration of the latter, that he considers as critical for welfare economics if equity concerns

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1 Notice Sen uses the spelling ‘judgement’ and not ‘judgment’ in his last publications. Unlike Sen, we use the more common spelling ‘judgment’ and not ‘judgement’, which seems more specific to British English in non-legal contexts. The word ‘judgment’ here relates to the act of forming an opinion built on the basis of careful and reflexive reasoning.

2 As shown by Gilardone (2013), Rawls has been a constant reference for Sen in his long-run attempt to include equity concerns in SCT, initially without questioning its exclusive grounding on utility information. However, it is worth noting that it is a very specific and restrictive interpretation of Rawls’ work that Sen has used in the context of SCT: the maximin principle to order social states based on individual orderings. It is inspired by Rawls’ second principle of justice,
are to be taken seriously: “Consider a nasty proposal to take some of the income of the poorest person and to divide it over several others. In a society of selfish persons, this will be a majority improvement. So the problem here is not the lack of consistency of majority rule, or any other voting rule. It is that we are in wrong territory by concentrating only individual preference orderings […] . It is the wrong informational base for many welfare economic concerns, and it is perhaps all to the good that the majority rule is also - in addition to being obtuse - inconsistent.” (Sen 2011: 10, underlined by us)

Second, Sen considers that his “impossibility of the Paretian Liberal” can – among other interpretations – highlight the dependence of democracy on the formation of tolerant values and priorities, when the protection of minority’s rights is considered as essential: “One of the lessons drawn from the social choice result of the ‘impossibility of the Paretian liberal’ […] is the crucial relevance of mutually tolerant preferences and choice in making liberty and liberal rights consistent with the priority of majority rule and of being guided by unanimity over particular choices. If a majority is ready to support the rights of minorities, and even of dissenting or discordant individuals, then liberty can be guaranteed without having to restrain majority rule.” (Sen 2009: 337, underlined by us)

Third, Sen has proposed two criteria of classification for social choice exercises: “(i) Is the aggregation of individual interests (I), or that of individual judgements (J)? (ii) Is the intention to arrive at decisions (D) or at welfare judgements (W)? These yield four categories, viz., ID, JD, IW, and JW.” (Sen 1977: 54, underlined by us) According to him, the arrowian framework is inappropriate for interest aggregation, whether IW or ID, since the n-tuples of individual orderings are informationally inadequate for representing conflicts of interests. Unsurprisingly, works on interest aggregation have moved towards a wider informational basis, for instance in making room for interpersonal comparisons. But the impact of Arrow-type impossibility results is “quite disturbing” for JD – judgment rankings of alternative policy in terms of social good as seen by each other – and “dismal” for JW – combined judgment giving one ranking in terms of social good (Sen 1977: 81). In this regard, Sen (1977: 82) stresses the fact “that JW is of considerable philosophical interest”. Here is highlighted a difficulty to represent efficiently individual judgments within the framework of SCT. This latter difficulty, which is linked to the former lessons Sen draws from impossibility results of SCT, has not really been faced so far.

The thesis we want to defend here is that, Sen, in the context of philosophy, has shaped a concept of positional judgments that clearly clashes with the welfarist and prescriptivist framework of SCT, and ultimately completes and enriches this criticism. Let us clearly recall that Sen does not elaborate specifically on the concept of positional judgments, nor does he ever explicitly stated it could be considered as a criticism of the SCT framework to tackle democratic issues. The concept of positional judgment has been gradually mentioned and alluded to in Sen’s works on justice and positional objectivity in the eighties, but has never been studied as such by Sen himself. Sen has indeed maintained a clear-cut disciplinary separation between his contributions to philosophy and to economics. Without denying the importance of the disciplinary context within which a concept has been developed, we claim that it does not imply that this concept necessarily has neither origin from another field nor any bearing on this other field. We thus intend to conduct a back-and-forth analysis between SCT and philosophy, and shall present Sen’s idea of justice through the prism of judgments.

“interpreted to require that “social inequalities be arranged to make the worst-off best-off,” i.e., the welfare level of the worst-off individual be made as high as possible” (Sen 1970: 136).

3 Sen’s aim was to draw attention to the trouble caused by the use of one general framework for all of social choice exercises.

4 Our analysis of judgments is notably based on Sen’s writings covering positional objectivity (Sen 1982b, 1983, 1993, 1994, 2000, 2001, 2006, 2009), but also draws on previous analyses based on Sen’s contributions to social choice theory, to the
Our enquiry tries to size what critical bearing a consideration of ‘positional judgments’ rather than 'individual preferences' would have on SCT. The focus on judgments enables to integrate of the issue of preferences formation – and transformation – in the framework; this integration would constitute a condition for SCT to recover as a democratic device at a later stage. Again, we are well aware that Sen would not recognize such a connection. In other words, we do not claim at all that Sen ever intended to replace individual preferences with some information now based on some kind of positional objectivity as an adequate ingredient for democratic procedures. In asserting that positional individual judgments may be a better way to consider individual relative values when thinking about social choice problems, Sen indeed does not suggest that they become the ingredient that should replace utility or preferences as such in a similar framework. We also recognize that elements defining relevant judgments do not at all exhaust the idea of justice. On the contrary, the move from preferences to judgments drastically modifies our mechanical view of collective decisions from aggregation of preferences to a subtle and rich process of open interactions implying a diversity of well-defined judgments. This is specifically what we want to put forward in this paper by 1) identifying the conditions for suitable judgments, and 2) clarifying the dynamical process which guarantees their evolution in Sen’s view.

The stakes of this paper are threefold. We examine closely the basic elements of Sen’s conception of justice in clear and understandable language for social choice theorists. Besides, we scrutinize the links between the normative or positive nature of judgments, and identify where, among individual or collective judgments, normativity emerges. Last but not least, the analysis of Sen’s contributions of political philosophy helps to understand the relevance of judgments rather than preferences for SCT, and we highlight how such inquiries on the SCT framework may ultimately enrich deliberation theories.

The paper is organized as follows. In the first section, we shall see how to overcome the apparent contradiction in words opposing “position” and “objectivity”, and study how this concepts translate into the domain of ethics, and specifically shape the kind of individual judgments that Sen has in mind; we shall then be able to circumvent the scope of positional judgments likely to be considered in a fruitful deliberation. We shall claim that the concept of positional judgment is built on the intertwined analyses of the importance of three elements: specific positions, objectivity, and the sense of otherness. Their combination is shown to constitute some necessary conditions for judgments to respect justice issues. In the second section, we shall put into light the dynamics of judgments. Not only does the transformation of positional judgments need to be based on widened informational bases, but it also needs a serious taking into account of sentiments, and an efficient approach of communication. We shall demonstrate that Sen's view of deliberation is closer to Smith’s ideas on rhetoric and communication than to Rawls’ definition of a fair deliberation. Section 3 concludes that the consideration of such positional judgments in a deliberative democracy rather than mere given preferences is more likely to favor the coincidence of individual judgments.

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issues of welfarism (see, among others Sen 1970b, 1979a,b, 1998; Baujard and Gilardone 2012), and impartiality (Sen 2002, 2009). Sen indeed imported the concept of positional objectivity to the land of ethics from his researches in epistemology. We voluntarily overcome the usual distinction between Sen’s philosophical and economic contributions in order to be able to draw reliable links between both domains.
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SECTION 1. THE FOUNDATIONS OF POSITIONAL JUDGMENTS

Section 1 aims at identifying in what positional judgments, taken as the relevant basis for an approach of justice, differ from individual preferences. Besides the usual properties of preferences, they respect a combination of the three following elements: position (subsection 1.1), objectivity (subsection 1.2), and the sense of otherness (subsection 1.3). We shall then be able to clarify the issue of consequentialism, the source of normativity, and the links between individual and collective judgments.

1.1. POSITION

Positionality is an important element to capture Sen’s nuanced version of consequential ethics for justice issues. In the particular case of welfarist consequentialism, only individual utilities are considered for such consequences. Consequentialism supposes a specific role of an evaluator likely to assess the actual consequences (e.g., deciding utility is the relevant information) and to aggregate them. The focus is exclusively on resulting social states, independently of individuals’ actions and specific contexts from which they come. Sen questions these three characteristics when introducing positionality in the analysis. He eventually gives up with strict consequentialism and develops a nuanced notion of consequential ethics. We shall here discuss the importance of positions to evaluate social states beyond mere individual views (i), to discuss the role of individuals as evaluators rather than external evaluators (ii), and to frame the relevant consequences for normative reasons.

(i) Positions indeed matter for the evaluation of social states rather than just utilities. In the welfarist framework, we wonder about individual judgments to assess social states. Are those reliable, given and fixed? If they were, the issue of evaluation may focus on the issue of aggregation, and may suffice with mere consequentialism, as in social choice theory. Sen’s answer to this question is though no. Individual judgments are not always reliable, given, neither fixed, because they depend on positions; and that for several reasons.

The individual’s observation may differ according to her position. If she looks at the moon from the earth or from the space, she may assess the size of the moon differently or similarly to the size of the sun, and her judgment shall consequently be position-dependent. The individual’s view may also vary and change with her position. If she goes from the space to the earth, the relative size of the moon and the sun will automatically change. Sen (1983: 123) underlines the fact that “[t]he person is not free to choose the position from which he should evaluate the states”. Hence her view is imposed as dependent from such positions and there is nothing we can do about this.

Consequently, in proposing a positional interpretation of individual judgments, Sen underlines that the only judgment that makes sense, given one’s position, is the one related to that position. Individual judgments might be very different from one individual to another, because it takes into account the agency\(^5\) of the individual in the considered situation, and not his tastes\(^6\). This

\(^5\) The notion of agency used by Sen is very close to the one of free-will or sovereignty, as it supposes an agent as “someone who acts and brings about change, whose achievement can be evaluated in terms of his or her own values and objectives” (Sen 1999: 19)

\(^6\)
does not involve self-centered judgments, especially when welfarism is dropped, and there does exist “the substantive possibility that some things may be valuable or disvaluable from every position (starvation or acute suffering no matter to whom it occurs, for example, being a moral disvalue for every evaluator)” (Sen 1982b: 37). However, what is important to him in acknowledging the positional interpretation of every moral judgment is that it “permits categories of moral thoughts not admissible in more traditional formats” (Sen 1982b: 37).

(ii) Overcoming welfarism does not imply to put aside the importance devoted to individual’s sovereignty. On the contrary, Sen questions the respective role of individuals and the external evaluator. Sen’s idea of positional judgments indeed appeared in his writings on individuals’ relative values (Sen 1982b, 1983), where he has defended the “possibility of using consequence-based evaluation combined with an evaluator-relative outcome morality” (Sen 1982b: 33). In other terms, the goodness of a state of affairs depends intrinsically on the position of the individual qua evaluator in relation to the state: “The positional interpretation of evaluator relativity makes the truth-value of such statements as [...] “x is a better state of affairs than y” primitively dependent on the position occupied by the person making the statement” (Sen 1983: 114). However evaluator-relativity is not justified “by virtue of their being different evaluators”, but “only to the extent that evaluators differ from each other in their respective positions” (Sen 1982b: 36). In his “Rights and Agency”, Sen (1982b: 37) states that the partiality of judgment is not due to a lack of “ability to imagine what it would be like to evaluate the state from a different position”, “but that one of the positions in that state is peculiarly your own”. In a nutshell, the evaluator is the set of individuals who are each of them evaluators, given that they speak from their own positions.

We claim that Sen hence paradoxically reestablishes individuals’ sovereignty – the focus on individuals – by primarily precluding strict welfarism. Within welfarism, individuals lose their sovereignty defined either as being all alone to have a say on their judgment, or as the freedom to choose among which of their personal views should be at stake; on the contrary, an external evaluator shall choose among them to select his favorite notion of utility. Two arguments support this original view. The first argument challenges the so-called neutrality of welfarism. While welfarism pretends to devote extreme attention to individuals, identifying the relevant concept of utility for welfarist ethics is debatable (Haslett 1990). Most of the time, laundring preferences is necessary (Goodin), together with a distinction between actual preferences and ethical preferences (Harsanyi 1955 among others). A “third element” of external normative importance, besides the mere principle of welfarism and aggregation, is therefore necessary to complete this consequential ethics (Baujard 2010, 2012a). The existence of this third element implies the essential role attributed to the external observer or evaluator, who is responsible for selecting the retained concept of individual utility. And this process of choosing among different concepts of utility implies value judgments (Baujard 2012b). A second argument concerns the tension between utility and freedom, another relevant element of individuals’ well-being. In one of the numerous interpretations of the impossibility of the Paretian liberal (Sen 1970b), people happen to be prisoners’ of their preferences, even though they are better off if they waive the right they have to see their preferences respected (Gibbard 1974). Giving an intrinsic value to freedom or to the act of choice supposes individuals’ autonomy from one’s proper preferences (Jones and Sugden 1982, Sen 1985). In our reading, Sen eventually and definitely gives up with the idea of an external observer or with the undebatable

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6 According to us, this is a manner particularly skilfull to leave room for a diversity of judgments without giving way to purely subjectivist interpretations. Indeed, in the last case, there would be nothing to say, except that “every mind is inscrutable to every other mind and no common denominator of feeling is possible” to remind Jevon’s proposition popularized by Robbins (1938: 637) with such an echo that it led to forget about interpersonal comparisons of utility for several decades.
concentration on individual utilities, by favoring a focus on individual positional judgments. The relevant consequence to take into account is hence the set of all individual positional judgments.

(iii) Among the relevant consequences to be taken into account, not only individual views matter, but also individuals’ positions.

If we are to rely on individual judgments to evaluate social states, then we cannot demand these judgments to be neutral, relatively to the place occupied by the judging individual. The mere fact that people are definitely concerned by the evaluated state is a part of that state of affairs. To illustrate this, Sen re-analyzes the standard distinction between: “(a) murdering someone oneself, and (2) failing to prevent a murder committed by a third person” (Sen 1993: 143; see also Sen 1983: 118). Sen considers, unlike the common interpretation, that we cannot pretend that the consequences are the same, at least if we consider social states from the position of the person in question. Among others, his sense of responsibility makes the two situations very different. Rather than the strict consequentialism proper to standard consequential ethics or social choice theory, Sen suggests a wider notion of consequentialism where the consequences at stake incorporate information on individual positions and agency. Hence a more general notion of consequentialism can be retained, where “there is no basic conflict between consequential ethics and agent relativity in judging states and actions” (Sen 1993: 145).

Individual judgments are not relevant all alone; they need to be considered more broadly, as positional judgments. Positional parameters should hence be identified. What are these positional parameters to be taken into account? Positional parameters are a question of “any general, particularly non-mental, condition that may both influence observation, and that can systematically apply to different observers and observations” (Sen 2009: 158). Sen (1993: 127) had mentioned that “any condition that (1) may influence observation, and (2) can apply to different persons”. This includes: “being myopic or color-blind or having normal eyesight; knowing or not knowing a specific language; having or not having knowledge of particular concepts; being able or not able to count” (Sen 1993: 127). According to that view, taking note of the parametric dependence of individual observations, beliefs, and decisions leads to a view of judgments that departs from subjectivity. If we accept the existence of positional parameters as suggested by Sen, what is important to assess the objectivity of each individual judgment is not to be able to identify who is the individual in question, but in what position he or she is to consider an issue.

Sen’s demonstration that judgments are unavoidably “position-based” is quite different from cultural relativism – given the theoretical possibility of discovering every parameter that specifies a position. We can deduce that if positional parameters change – particularly the informational basis available in a specific position – preferences are likely to change. According to us, it allows overcoming a serious limitation of the usual framework of social choice theory to tackle ethical judgment, for preferences are there given and fixed. In this original light, individual judgments – or preferences in the standard language – are a result of positionality, not of personality. Indeed, Sen has particularly insisted on another implication of this: individual judgments may not be considered as merely subjective as we will see now.

1.2. OBJECTIVITY

The focus on objectivity is – it may indeed appear as a paradox – a key element to understand the origin of normativity in Sen’s idea of justice. Objectivity for ethical purposes is not so

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7 In a nutshell, position has a deterministic effect on judgment, while positions are defined as what may have influence on judgment. Notice Sen’s definition and analysis of position suffer to be either trivial or cyclical.
much a view from the considered society or from nowhere (i), which would imply external conditions to define what impartiality is about. Sen rather defends that, for a given position, the positional dependence of judgment does not imply their subjectivity (ii), but we shall claim the normative aspect of objectivity is there enforced by the consideration of a plurality of positional judgments (iii).

(i) Before defining the kind of individual objective judgment likely to be acceptable in a collective discussion, we shall better understand in details Sen’s notion of impartiality by discussing what it is not: it is not the view from the considered society, neither a view from nowhere, nor from any fictional veil of ignorance.

First, positionality does not entail cultural relativism. Sen develops a very strict determinist idea according to which any individual observation can be entirely explainable by an adequate specification of all positional parameters vis-à-vis the observed object. In other terms, if every parameter were to be revealed, then the observation should be fully understandable by anyone, and in a sense objectivized. It would though be a complete misunderstanding of Sen’s conception of objectivity to amalgamate the integration of cultural considerations with a defense of cultural relativism. Culture is part of the parameters that have to be brought out and in no case can fully express an individual’s position. The problem, of which Sen is conscious, relates to the difficulty of staking out all the parameters that often leads to mention only one or two parameters – frequently the fact of belonging to a particular society or culture –, which is clearly insufficient. To illustrate his idea that culturally influenced reading of social phenomena, when exclusive, are misleading, Sen (1993: 138) gives an example taken from gender studies: “[...] belief in women’s inferiority in particular skills may be statistically associated with living in a society that partly or wholly reserves those skilled occupations for men, giving little opportunity for women to establish their ability to perform these jobs. Let us call such a society an S* society. Is this belief [...] objective from the position of members of that S* society, however senseless it might seem from elsewhere? [...]?” Answering yes to this question would demand to ignore other positional parameters – like not knowing what happens in other societies – and to consider a society as a whole – without any internal criticism, but a uniform viewpoint that is in fact “an establishment view or a majority opinion” (Sen 1993: 138). To deny the fact that belonging to that S* society necessarily implies positional belief in women’s inferiority in particular skills, Sen considers that we have to 1) acknowledge the underspecified character of the position “living in society S*” and 2) not take the dominant viewpoint on any issue as the only one in society S*. Indeed positional parameters could include knowledge of practices in other societies or criticism coming from “outside” that can sensibly influence one’s judgment. Taking them into account definitely removes any suspicion of cultural relativism, even if Sen admits that internal criticism from skeptics or dissenters – through they are often themselves influenced by foreign authors – always carry more weight than “alien critique”, as we shall further develop in the next section.

Second, we should acknowledge that the idea of impartiality as ‘a view from nowhere’ is not always completely rejected by Sen: “The search for some kind of position-independent understanding of the world is central to the ethical illumination that may be sought in a non-relational approach. When Mary Wollstonecraft pilloried Edmund Burke for his support of the American Revolution without taking any interest in the status of the slaves, as if the freedom that he supported for white American people need not apply to its black slaves [...]. Wollstonecraft was arguing for a universalist perspective that would overcome positional prejudice and sectional favouritism. The point there is not positional comprehension, but some kind of a transpositional understanding. Taking a ‘view from nowhere’ would obviously be the appropriate idea in that context.” (Sen 2009: 161) An ideal definition of impartiality necessarily, but not sufficiently, derives from objective judgments. Positional judgments from individuals are objective conditionally to each of their positions. The aim of overall ethical objectivity – or impartiality – may just be confirmed by the invariance of judgment. Imagine a judgment that would not only be personal invariant, but also positional invariant: this would be an objective judgment at all. Sen nevertheless does not consider this aim but as utopian and unsuitable to his idea of justice. It does not meet the principles he defends for justice, namely comparative versus transcendental judgments and a focus on realizations rather than on institutions.
What holds Sen’s attention is the consideration of judgments coming from real people, which happens to be positional, and each of them may hardly be transpositional.

Third, Sen’s concept of “positional objectivity” also departs from a tradition – common to normative economics and moral philosophy – according to which objectivity comes from an impartial observer. That tradition has been particularly illustrated by Harsanyi and Rawls who both rely on the “veil of ignorance” to characterize the position of an impartial observer. The aim is to deprive individuals of “certain morally irrelevant information” such as “their place in society, their class position or social status, their place in the distribution of natural assets and abilities, their deeper aims and interests, or their particular psychological makeup” (Rawls 1974: 141). In contrast, we have just seen that Sen considers the individual in the role of evaluator remains rooted in a society, a culture and influenced by his specific position. “What we can observe depends on our position vis-à-vis the objects of observation”, Sen writes (1993: 126). In no case, objectivity can be understood as a “neutrality of the evaluator” vis-a-vis his own position. On the contrary, it would be arbitrary to assess an individual situation or a social state by excluding straightforward the agent relative judgment. However, interactions might help to overcome positional illusions or adaptive preferences, which are objective but irrelevant for just social choice or welfare evaluations.

(iii) We now know what impartiality is not according to Sen, and that position is important to derive judgments. Let us now show that the fact that judgment depends on positional parameters does not question their objectivity in that very position. Whichever in his epistemological or ethical perspectives, Sen (1993, 2009) provides the same illustration of positional observations. From your position on the earth, you perceive the sun and the moon have the same size. Saying that “I see they have the same size” is not a subjective fallacy, but an objective observation which verisimilitude is conditional to the position from which this assertion is made. Sen considers that objectivity would be better defined as a “view from a delineated somewhere” (Sen 1993: 126), “of no one in particular” (Sen 1993: 129), rather than a “view from nowhere”. It means that it has to be both position-dependent and person-invariant: “Objectivity may require interpersonal invariance when the observation position is fixed, but that requirement is quite compatible with position-relativity of observations” (Sen 1993: 129). According to this definition, it is possible to ensure that an observation or a judgment is objective by checking “whether such an observation could be reproduced by others if placed in a similar position” (Sen 1993: 129).

Positional observations or positional judgments may be illusory though objectively derived. In other words, they may prove to be wrong if they were faced to other positional judgments. Sen (1993: 132) recalls the concept of “objective illusion” from the Marxian philosophy and interprets it in his own framework: “An objective illusion [...] is a positionally objective belief that is, in fact, mistaken”. The reason for the illusion is that the focus on the very position is not able to take into account the very role of the dependence on the position. Among others, the determinacy of the position may explain the case of adaptive preferences, as we shall see below (subsection 2.1). Identifying illusory preferences would depend greatly on an appropriate specification of positional parameters as well as a confrontation to rival concepts and competing lines of reasoning. Some views could then appear to be “objective illusions” while others more appropriate to consider a situation. The problem here is not that the judgment is not sincere or ill-thought out, but the absence of access to other positional scrutiny. As different positional views exist, a judgment may be efficiently corrected, nourished or completed by the plurality of positional judgments. Taking into consideration the positional dependence is a first step towards a better judgment. If we are well aware of the parametric dependence of the judgment, they may well be considered as objective.

Sen acknowledges the distinction between the positive notion of objectivity and its normative use is not straightforward (Sen 2009: 118). He nevertheless does not give many sound arguments to justify his bridging the gap. Rather than relying on rigorous logic, outstanding knowledge of the philosophical literature, sharp conceptual distinctions, and long reasoning – as we have come to expect from Sen’s writings –, he chooses to apply this notion to ethical perspectives on the basis of a vague parallel in which he recalls that similar problems occur in both contexts. In other
words, from objectivity to impartiality, similarities are put forward, but neither clear distinction nor rapprochement is explicitly discussed. We shall stay with the impression that impartiality is a kind of ethical objectivity. Now, questioning the notion of ethical objectivity, notice that any individual judgment is generated by two kinds of sources. On the one hand, positional parameters are likely to influence any individual in the same manner. On the other hand, different persons may have a different view of the same situation for strictly personal reasons. This is what defines subjectivity, i.e., when observation has its source in the mind, or as peculiar to an individual subject. If we summarize the demonstration, Sen has merely excluded the very discussion of the subjective problem. He first uses a strictly epistemic scrutiny to understand observation — where personality is not relevant per se—in his 1993 paper, and applies it to the understanding of the notion of ethical objectivity (in the 2009 book). What we learn from these apparent big steps is the importance of the normative rather than positive definition of judgment in Sen’s view: what is eventually at stake is that individual should express a kind of judgment that is rendered person-invariant as well, while positions are relevant information. These positions are the only acceptable information because no other kind of information has the same relevance for justice issues: mutual discussion is just possible on the basis of objective elements (see notably Sen 2009: 118). We shall eventually see in the second part of the paper how this is indeed enforced by Sen’s framework.

(iii) In our reconstruction of Sen’s idea of justice, we claim that his notion of impartiality is based on a plurality of different positional judgments. More specifically, the overall objective judgment, as acceptable for justice issue, is based from the diversity of these distinct positional objective judgments. Our reading in terms of judgment and our consideration of the framework of social choice theory induce us to make clear-cut distinction between the individual and the collective level. While this is not explicit in Sen’s writings, it is worth noting that, unlike the attempts to build impartial judgments by Rawls, Scanlon, Harsanyi, or even Smith, impartial judgments in Sen’s idea of justice are generated at the collective level and not previously at the individual level. For instance, unlike in Harsanyi’s writing (Harsanyi 1955), there are no universal ethical preferences that would be shared by any individual, whatever his position might be. Impartiality — here corresponding to what we could call a certain amount of transpositional objectivity — is provided by the sufficiently wide scope of different views that will be represented together in the collective discussion. An ethical judgment concerns the society as a whole, and in Sen’s view, it is held by the society as a whole rather than each individual separately. Notably to the difference of the impartial spectator, Sen does not consider that this overall judgment may be built on the basis of a personal thought experience. Rather than from external conditions, Sen’s impartiality emerges by the consideration of the plurality of individual views.

Normativity thus notably emerges from the consideration of a wide scope of a plurality of views, i.e., different positional judgments. And a further question remains: what is the scope of different positions to be considered? Which criteria should we retain to define which positions are relevant for deriving social judgments?

1.3. THE SENSE OF OTHERNESS

As seen in the two first sub-sections, the concept of “positional objectivity” involves an acknowledgment of each individual-evaluator’s position, and objective judgments requires both to take into account this parametric dependence of individual judgment, and a wide diversity of such positional judgments. The sense of otherness is the last element to define individual judgments rather than preferences. Studying this element shall help us to clarify how individual and collective judgments take into account this parametric dependence of individual judgment, and a wide diversity of such positional judgments.

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8 Bentham’s utility calculus for instance, is based on objective measures of elements of pains and pleasures, even if they are subsequently adapted to idiosyncratic features (Bentham 1789: chap.1-4; Baujard 2009). Objectivity is there a condition for implementing the calculus. Conversely in Sen, the ability to measure is not the expected property of such objectivity.
judgements interact. The fact that individual judgments are positional does not question the fact that individuals are influenced hence concerned by the existence of others. On the contrary, their positions are linked to their social identity, hence their relation to others. We shall see why individuals take the others into account even for non-selfish reasons, which constitutes some social bases of ethical judgments. If this were not fully accomplished this way by individuals at their own level, the overall collective judgments should take into account the widest scope of possible positional judgments, which corresponds to Sen’s commitment to “open impartiality”.

(i) Justice is concerned with mutual obligations. The social bases of individual judgments can be linked to Sen’s criticism of rational choice theory on the one hand, and to his analysis of power, identity and responsibility on the other hand. Here, we shall see why individuals do think of others when they make decisions, for other reasons than mere self-interest – in any case, as broad its interpretation as possible. Before all, Sen does not retain the main assumptions of rational choice theory to devise social judgments. Even when talking of actual individual preferences, he severely doubts that we should retain the standard interpretation of selfish or mutually disinterested individuals (Sen 2009: chap 8: Rationality and other people). Certainly when talking about ethics, the consideration of others should be part of the scope of individual judgments for different reasons.

First, Sen (2009: 205-6) elaborates on power and its consequent obligation: “if someone has the power to make a change that he or she can see will reduce injustice in the world, then there is a strong social argument for doing just that (without his or her reasoning having to intermediate the case for action through invoking the benefits of some imagined cooperation)”. He draws on Gautama Buddha’s argument according to which we have responsibility to animals because we are enormously more powerful than other species. Buddha uses the same line of reasoning to discuss the responsibility of a mother toward her child: “The mother’s reason for helping the child [...] is not guided by the rewards of cooperation, but precisely from her recognition that she can, asymmetrically, do things for the child that will make a huge difference to the child’s life and which the child itself cannot do”. Hence the sentiment of responsibility does not only frame judgments, it is enforced by the capacity to modify the curse of things. Even though this sense of otherness is not always captured by the mere observation of behaviors, it implies on a radical questioning of a notion of rationality merely based on self-interest.

Second, “others” are an ingredient of individual judgment because they share a common identity with them (Sen 2009: 142). Not only do they come from the same family, or city or country, they also share common features such as religion, gender, etc. Following Sen, it would be silly to close our eyes on the importance of personal identity as required in the Rawlsian veil of ignorance: it is on the contrary the medium by which the consideration of others, hence the sense of justice, is incorporated in individual judgments. If we are aware to share the common identity of women, it is highly likely that our judgment shall eventually take into account the gender problem; if we are aware to share the common identity of human being, it is highly likely that our judgment shall eventually take into account the whole humanity. As a conclusion from these diverse arguments, Sen ensures that overall individual judgments positively embody the consideration of others.

Third, at some point of the time, people see each other. Not only do they see each other but the life and actions of some persons impact the curse of others’ lives. Sen discusses the definition of the relevant “neighbor” (‘plèson’ in Greek) based on the analysis of the “Good Samaritan”: different religious people walk nearby a person who have been severely beaten and do not stop by, while the only person who stops by and help is a Samaritan (Sen 2009: 171-172). The standard Christian analysis of this story discusses responsibility, and praises the Samaritan for feeling spontaneously responsible as a human being for another human being. Sen infers from it that the scope of the people you should care about in a justice quest does obviously not restrict to your close neighbors – those who you share a social identity with –, but spreads to anybody whom you happen to interact with. In the Samaritan example, the normative relationship between the beaten guy and the Samaritan emerged from the mere positive fact of their meeting in the same street. Because the event of interaction existed, the other becomes part of a positional judgment. In other words, that is
because they saw each other that they become part of a common society, hence that the Samaritan eventually incorporated the existence of the beaten guy in his individual judgment. Now, for any interaction, be it direct or indirect, concerned individuals should eventually take it into account in their judgment. This more or less implies that almost everybody should be concerned in most judgments. Considering today’s globalization not only of economic exchanges but also of political issues, and even of terrorism (among others), Sen concludes “there are few non-neighbours left in the world today” (Sen 2009: 173). In other words, everybody is concerned and Sen’s resulting philosophy is praising for Universalist judgments.

(ii) Not only do individuals take into account others in the scope of their judgments, collective judgments should also consider a wide scope of possible positional judgments: “in the case of ‘open impartiality’, the procedure of making impartial judgements can (and in some cases, must) invoke judgements, among others, from outside the focal group, to avoid parochial bias.” (Sen 2009: 123, see also Sen 2002). The reasons to defend open impartiality belong to different families of arguments, mostly through Sen’s arguments to reject the Rawlsian closed impartiality. First, positional views from outside the society are not just ‘distracting details’ (Sen 2009: 150); on the contrary, they represent the most relevant ideas to build an ethical judgments so that it should not remain biased by local prejudices. Second, any society discussing is likely to influence its neighbors, which supports their inclusion within a discussion they are actually concerned with. Last but not least, obligations towards those outside the group emerge from the share of plural identities with them, as we developed above. Except the latter that concerns both individual and collective levels, the arguments for open impartiality do concern collective judgments. Impartiality is hence enforced by the involvement of a wide scope of different positional and other-regarding individual judgments, including from anybody with whom we a priori do not share anything in common but happen to interact with, directly or indirectly, as well as from people coming from outside the society.

On the basis of the two latter sub-sections, we can now encapsulate the origins of normativity in the two following assertions. First, individual judgments do incorporate a sense of otherness, hence some kind of collective issues. Second, normativity emerges from the consideration of a wide plurality of judgments, hence several individual judgments at the collective level. Now, what can we expect from such judgments? Can we hope they will generate a possible social choice, some unique set of principles of justice, or something else? We consider in the next section the dynamic of judgments, which shall allow envisaging an integration of the issue of deliberation in SCT.

SECTION 2. THE DYNAMICS OF JUDGMENTS

As well studied in SCT, impossibilities of deriving a social choice from individual preferences are difficult to overcome. One way around is to modify individual preferences until they become consistent with one another. For instance, if individual orderings are single-peaked, the arrovian impossibility does not hold any more; if deliberation has the ability to modify preferences in such direction, a possible social choice is then likely to occur without any dramatic change from the welfarist framework of social choice theory (see notably Dryzek and List 2003). In our reading of Sen’s idea of justice based on positional objectivity, Sen describes a move of individual judgments, drastically different in nature but similar in certain respects, and which may serve to obtain some kinds of possible collective discussions. It shall prove interesting to study carefully how individual judgments – defined as above according to the concept of positional judgments, and on the basis of position, objectivity and the sense of otherness – may be modified, i.e., either self-limited or restored to be forthright, by the characteristics of the dynamics induced by the process of democratic deliberation.

Sen seems to reject the common narrow view of democracy as aggregation, which is due to the influence of rational choice theory into democratic studies. While aggregation of fixed and independent individual preferences is not likely to induce a possible social choice, democracy is requiring more than just aggregation: including exchange of information and influences, sentiments,
communication. On the one hand, deliberation provides the relevant information for an open impartiality, hence allowing individual judgments to conform to comply with more social concerns, while this is specifically hindered by the informational bases of social choice theory (subsection 2.1). On the other hand, deliberation allows sentiments to emerge as a condition to incorporate interaction insights within individual judgments, including the sentiment of responsibility (subsection 2.2). We shall be able to conclude that the communication implied by public deliberation shall be likely to conduct this dynamics towards a coincidence of judgments (subsection 2.3).

### 2.1. INFORMATION

Once we accept the idea that individual judgments are positional, it might be possible to acknowledge that some judgments can be objective, and yet illusory. Informational bases available in different positions are crucial for the transformation of individual judgments. As we shall see, transformation of preferences may be sought-after to overcome objective illusions, adaptive preferences or any kind of social pressure. In all cases, identification of relevant positions would be a primary condition to go beyond such illusions (i). This is the reason why not only is open impartiality a normative framework to identify relevant judgments for justice, it also has the ability to transform those kinds of inappropriate judgments for justice (ii).

(i) Modifications of preferences are not envisaged in the standard framework of RCT where they are given and fixed. Yet Sen has carefully studied the case of objective illusion, adaptive preferences, and self-centered or cultural influences. In each case, we shall see how information on corresponding positions is a key element to detect this adaptation.

We have identified in sub-section 1.2 at least one reason for Sen’s interest in the formation of judgments in connection with the concept of “objective illusion” that Sen (1993: 132) adapts from the Marxian philosophy. In using the concept of “objective illusions”, Marx’s point was to show that the common belief about the fairness of exchange in the labour market was illusory but objectively accepted by people, even by the exploited workers. This is linked to what he called “false consciousness”. Sen (1993) applies this concept to rather different contexts: 1) the health situation in developing economies, and 2) the dissonance between the ranking of perceived morbidity and that of observed mortality of Indian men and women. He shows that 1) “The comparative data on self-reporting of illness and the seeking of medical attention call for critical scrutiny taking note of positional perspectives” (Sen 1993: 135) and 2) “Despite the relative disadvantage in mortality rates, the self-perceived morbidity rates of women in India are often no higher – sometimes much lower – than those of men” (Sen 1993: 135-136). Sen relates the latter fact to women’s deprivation in education, and also to the social tendency to see gender disparity as a ‘normal’ phenomenon – a tendency that often participate in the perpetuation of gender discriminations: “Given these conditions, it is very hard to challenge received gender inequalities, and indeed even to identify them clearly as inequalities that demand attention. [...] Since gender inequalities within the family tend to survive by making allies out of the deprived, the opaqueness of the positional perspectives plays a major part in the prevalence and persistence of these inequalities.” (Sen 1993: 136) For the evaluation of health situation, individual perceptions are obviously of central importance. When there do exist “distortions” of perception, it can lead to misleading or even perverse analysis of a situation. For instance, when women tend minimize their health problems, they do not use medical services. Not only will this increase their morbidity, but it also reinforces their unconsciousness of health problems. Further, the low use of medical services does not allow a social understanding of women’s health situation. This is also relevant for women’s self-assessment of well-being and for the understanding of who is being how “productive” and who is “contribution” how much to the family’s joint benefits (Sen 1989). Indeed, it can be shown that women’s desires and judgments are often biased by local beliefs or traditions and positional prejudices, especially when they have no or little access to education, information, travels, etc. Some views could then appear to be “objective illusions” while others more appropriate to consider a situation. Identifying illusory judgments depends greatly on an appropriate specification of positional parameters.
Another interpretation of “inappropriate” judgments would be the one of adaptive preferences that Sen has sometimes used in the context of gender inequality and poverty evaluations to criticize again the welfarist perspective that ignores social conditioning: *The utility calculus can be deeply unfair to those who are persistently deprived: for example, the usual underdogs in stratified societies, [...] hopelessly subdued housewives in severely sexist cultures. The deprived people tend to come to terms with deprivation because of the sheer necessity of survival, and they may, as a result, lack the courage to demand any radical change, and may even adjust their desires and expectations to what they unambitiously see as feasible.* (Sen 1999: 62-63). As welfarism grounds the moral importance of needs on utility only and does not differentiate the sources of satisfaction, it is thus unfair to those who “adjust their desires” to what is *a priori* feasible, given social norms and conventional perceptions of legitimacy. That problem however remains in any framework that rests on individual preferences, as the one of SCT. A person’s choices and preferences are influenced by her sense of obligations and her perception of what would be a legitimate behavior. And indeed Sen (1989: 68-69) already referred to that idea of “false consciousness” invoked by Marx to point the problem of “non-individualistic, self-denying perceptions” of Indian women. Consequently he demonstrates that a valuation “is a matter for reflection and cannot be simply inferred from the prevailing perceptions that pre-reflectively dominate day-to-day actions of individuals” (Sen 1989: 69). And again, he considers that the perception problems are not immutable: “With politicization and educational change, and also better understanding of the objective inequalities between the sexes in India, substantial shifts in perceptions can be expected to come about”. Hence the identification of positional parameters explaining such adaptive preferences is a primary and necessary condition to challenge false consciousness into a perceptive consciousness.

Last but not least, self-centered judgments or parochialism inhibit perceptive consciousness. If we are to rely on individual judgments to make social choices with the idea of saying something about justice – there is a need to submit these judgments to public reasoning and see if the proposed claims and the arguments in their support are publicly defendable and resist to a trans-positional examination. In other words, social choice exercises need a sphere of deliberation where competing lines of reasoning, diverse experiences, new information and knowledge can be exposed and discussed concerning the specific evaluations and choices that are to be done. Sen (2009: 134) adds another important quotation of Rawls to stress that individual judgments, particularly if they are to carry justice concerns, cannot be an entirely private affair that would be unfathomable to others: “We look at our society and our place in it objectively: we share a common standpoint along with others and do not make our judgments from a personal slant” (Rawls, 1971: 516-517). This point cannot but strengthen Sen’s idea since the late 1960’s according to which value judgments can be discussed and can evolve through discussion, and his more recent idea according to which positionality of judgments needs to be acknowledged and in some ways overcome. Conversely, open impartiality shall “broaden the discussion to avoid local parochialism of values, which might have the effect of ignoring some pertinent arguments, unfamiliar in a particular culture” (Sen 2009: 44-45). Confrontation to rival concepts and competing lines of reasoning therefore constitutes a necessary step to gather the relevant information for social choice.

(ii) Preferences may change in the influence of others, norms, etc. Rather than complaining about it, Sen sees in it the ability to improve the situation and accepts preferences change unlike the standard social choice theory. The framework of “open impartiality” can indeed be very helpful for changing illusory judgments of all kinds.

Like in Smith’s writing, the individual is radically incomplete; he greatly needs his fellow men and women to forge his preferences and make her choices. Consequently when there is no public

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9 For an explication of the relationship between Sen’s analysis of gender inequality and his critics of welfarism, see Gilardone (2009).
sphere of reasoning that allows the examination of positional parameters at the source of judgments, it can be a threat to individual freedom and democracy. Indeed, Sen (2002: 329) considers that economists and political theorists need more social psychology than they are disposed to admit: “social influences can induce that a person does not make choices in the way she would like to”. This phenomenon he qualifies “choice inhibition” can have a significant impact in social decisions built on individual choices. It is particularly “the concrete scope of social choice theory [that] is considerably reduced by its tendency to ignore value formation through social interactions” (Sen 2002: 230). Mere voting would hide the relevant information. Conversely, considering a wider notion of democracy, including deliberation, allows putting forward positional parameters, by contrast with other positions or other cultures. The identification of the positional parameters constitute for each individual a necessary condition for changing their views towards justice judgments.

A comparison with rawlsian views makes things clear. Rawls makes substantive claims about the reasonable persons entitled to take part in what he calls the “public political forum”: they have a willingness to cooperate on fair terms, recognize and appreciate the consequences of the “burdens of judgment”, and have a sense of justice. Sen though does not confine the discussion to “reasonable” persons who belong to the polity entitled to make collective choice or social evaluation. He does not only urge us to consider the ones from “outside” as admissible voices for their enlightenment relevance, and because they might “bear some of the consequences of decisions taken in that particular polity” (Sen 2009: 134). Sen also considers “all of us are capable of being reasonable through being open-minded about welcoming information and through reflecting on arguments coming from different quarters, along with undertaking interactive deliberations and debates on how the underlying issues should be seen” (Sen 2009: 43). Sen actually departs from Rawls who states clearly that deliberation concerns reasonable persons who “enter on an equal footing the public world of others and [...] [think] are ready to offer or to accept [...] equitable terms of collaboration with them” (Rawls 1993: 53). It is not necessary for him to insist on a category of “reasonable persons” which leads to exclude straightaway those who would not be. He prefers focusing “on the characterization of deliberating human beings rather than on the categorization of some ‘reasonable persons’” (Sen 2009: 44).

According to us, Sen’s writings on “positional objectivity” suppose two basic principles: 1) the very notion of individual advantage and the conception of the good is formed or better understood through public discussion; and 2) all doctrines that actually exist in the society must be publicly discussed and clarified (Gilardone, 2013). This is an important contrast with Rawls who considers that neither actual preferences related to individual advantages and present position in society, nor “unreasonable doctrines”, must enter the “public political forum”. Sen’s concept of open impartiality implies incorporating more information, and a more flexible source or identification of the relevant information, in the actual social decision making. The importance of public debate is related to people’s capacity to reason and to scrutinize their own judgments, as well as those of others. Conversely the possibility of choice, whether individual or collective, does exist only on the basis of this kind of deliberation, and with an acknowledgement of conflicts of interests and values.

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10 Sen’s statement can be interpreted as a questioning of the so-called “values of free inquiry, universalism, individual autonomy” upheld by SCT “as opposed to autocratic tyranny or irrational mob rule” (Amadae 2003: 256). According to us, it is to be linked to the distinction Sen makes between negative liberty – which demands the absence of intrusive interference by others – and positive freedom – which is a broader conception of freedom including interference or help by others as well as one’s own powers and limitations. (See for instance Sen 2009: 281-282)

11 For a discussion of these claims, see Freeman (2004) or Peter (2007, 2009).

12 For instance, Sen (2009: 109) considers that “Sometimes the so-called ‘individual’ rankings and priorities can be seen not as those of distinct persons, but of different approaches by the same person to the decisional issues involved, all of which could command some respect and attention”. This can be seen as a deliberation of the individual with himself.
2.2. SENTIMENTS

Information on positional parameters, which explain illusory or adaptive preferences, is a necessary condition for a fruitful transformation of individual judgments. As we reconstruct his idea of justice, Sen also emphasizes the complex relationship between reason and emotions likely to induce such transformation of judgments. He shall particularly give an important role to the Smithian notion of “sympathy” that stresses the desire to be approved in the sentiments and passions that motivate one’s acts (i). Sentiments may play an important role in this regard as far as they actualize individuals’ interdependency often more powerfully than reason alone (ii).

(i) For Sen, emphasizing the importance of reason and public debate in contrast to faith and unreasoned convictions does not entail ignoring the role played by emotions, psychology or instincts in decision-making: “the significant place of emotions for our deliberations can be illustrated by the reasons for taking them seriously (though not uncritically). If we are strongly moved by some particular emotion, there is good reason to ask what that tells us. Reason and emotion play complementary roles in human reflection [...]” [Sen 2009: 39] It was already quite unusual to claim that value judgments can be discussed, but Sen goes even further in incorporating sentiments in the framework. There is no “sentimentalism” here, but the idea of a reasoning that is not synonym of “cold calculation”, which is an indirect criticism to rational choice theory as it has been conceived for at least one century. To this end, Sen finds a fundamental support in Adam Smith’s philosophical writings which tend to prove that sentiments are important, and that it is possible to examine them in order to make local prejudices and preconceptions at their source evolve. Drawing on Smith, Sen (2009: 185) claims that “a person’s basic ‘sympathy’ can, in many cases, make him or her do spontaneously things that are good for others, with ‘no self-denial’ involved, since the person enjoys helping others”. Moreover, sympathy – through the device of the impartial spectator – can have significant scope and power in debates on issues like stopping terrorism across borders or thinking about human rights. Taking interest in outsiders’ point of view beyond the constraint of local conventions may force us to think seriously about what can be done, rather than proceeding as if societies did not owe anything to each other. Here is a good starting point for a more comprehensive ethical reasoning – creating above all a moral obligation for thinking – but sympathy alone cannot replace practical reasoning. Smith’s “opened impartiality” – involving taking note of what is seen by ‘the eyes of the rest of mankind’ – is certainly even more necessary today in our present globalized world.

(ii) We can now wonder in what sense Sen’s insistence on sentiments would favor impartiality for social choice exercises. It is right that Sen has above all developed the importance of sentiments in reasoning in his last book dedicated to justice theory, but Sen (2009: 296) advocates a comparative approach of justice, which would be “an adequate theory of normative social choice”. Indeed, Sen’s book on justice can be seen both as a defense of SCT and a return to a tradition of economists largely described by Emma Rothschild, his wife, in Economic Sentiments, including particularly Adam Smith and Condorcet. For Rothschild, the indefinite idea of a sentiment – as a feeling of which one is conscious and on which one reflects – was at the heart of Smith’s and Condorcet’s political and moral theory. For these authors, sentiments were “events that connected the individual to the larger relationships in which he or she lived (the society, or the family, or the state)” (Rothschild 2001: 9). It is also the case of Sen’s idea of an adequate theory of normative social choice, which invites us to speak another language than the mere language of self-interest, to revive the grammar of our moral sentiments, in order to give way to the theoretical dignity of solidarity, social commitment and impartiality understood as disinterestedness.

13 However Sen (2009: 50) keeps away from David Hume, who “often seems to take passion to be more powerful than reason”.
Sen criticizes the authors who based their theories exclusively on reason among whom he seems to put Kant and Diderot, addressing without doubt indirectly his contemporaries. Indeed, Sen considers that: “[…] the informational inputs in a social choice exercise in the form of individual rankings can also be interpreted in ways other than as utility rankings or happiness orderings. […] the nature of the debate on the consistency of social choice systems can be – and has been – moved to a broader arena through reinterpreting the variables incorporated in the mathematical model underlying social choice systems […] and indeed voice is a very different – and in many ways a more versatile – idea than the concept of happiness.” (Sen 2009: 281, underlined by us)

In considering individual judgments as voices, Sen claims that instinctive reactions have something to say, while it is crucial that they do not have the last word. The importance of emotions can be appreciated within the reach of reason, in particular by deliberating on the motives which make that we have to take them seriously. For instance, Sen (2009: vii) stresses, quoting Charles Dickens, “there is nothing so finely perceived and finely felt, as injustice”. This suggestion contrasts with James Buchanan’s proposal (1984) of “A Politics without romance”, a rational choice theory in which value judgments and, worse, sentiments would be irrelevant. On the contrary, we guess that Sen considers that politics needs some romance because the pursuit of justice, or more modestly the will to reduce injustice in the world, requires a combination of indignation and reasoning. His interest for Mary Wollstonecraft’s fight for the rights of women or other deprived groups of people in the eighteenth century is very characteristic of this view: “The role and reach of reason are not undermined by the indignation that leads us to an investigation of the ideas underlying the nature and basis of the persistent inequalities […] While Wollstonecraft is quite remarkable in combining wrath and reasoning in the same work (indeed, alongside each other), even pure expressions of discontent or disappointment can make their own contributions to public reasoning if they are followed by investigation (perhaps undertaken by others) of whatever reasonable basis there might be for the indignation.” (Sen, 2009: 392)

Naivety – or romance – is not always where one might think it is. Democracy, ethics and justice cannot be a mere question of individual utility or rationality. The contrast between Sen’s and Buchanan’s views of political economy reminds us an older one revived by Dow (2009: 15): “being unpersuaded himself by Descartes’ rationalism, Smith regarded Descartes’ physics as ‘one of the most entertaining romances that have ever been wrote’”. Surprisingly, Sen does not criticize Buchanan on that point. On the contrary he has been very prone to acknowledge one important advance of Buchanan on Arrow with respect to his view of democracy as “government by discussion”.

Deliberation does not necessarily entail a coincidence of interests or priorities, but it can highlight a disproportion of advantages according to some shared values. This statement requires surmounting divisions of class, gender, rank, location, religion, community, and other established barriers with which injustices are often linked. And when disadvantage is clearly stated within a public and open framework of thought, it is then very hard to pretend to be unaware. The outcome of the collective deliberation does belong to each individual rather than to an anonymous collective body. A sentiment of responsibility, or at least the conditions for its emergence, is indeed enforced. In a nutshell, sentiments are a vector of transformation of judgments. But not only that: by construction, they induce a fruitful transformation of judgments.

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14 In his chapter “voice and social choice”, Sen (2009) prefers speaking about a person’s voice, rather than her preference, choice or vote. He does not give a clear definition, but we can infer from his writings that it includes a person’s judgment and the reasoning that leads to this judgment. And the most important thing in people’s voices is not the judgment per se, but the perspective and the reasons behind the judgment either “because their interests are involved” – and it might be useful to clarify in what sense –, or because it brings “important insights and discernment into an evaluation” – and “there is a case for listening to that assessment whether or not the person is a directly involved party” (Sen 2009: 109). Notice that Sen (2009: 281) adds that “voice is a very different – and in many ways a more versatile – idea than the concept of happiness”. One can also think about one of Sen’s influence: Albert Hirschman who wrote in 1970 Exit, Voice and Loyalty.
2.3. COMMUNICATION

Information on positional parameters is necessary to modify judgments. Sentiments are a vector of transformation. Now, concretely, which are the institutions, the context to make this possible? As we have understood so far, the mere aggregation of individual preferences, voting, as this is well studied by SCT does not provide the required conditions to guarantee such information to spread and this transformation to occur. Another source of organizing democratic decision is available, namely, democratic deliberation. Deliberation is therefore one instance, which enables individuals to discuss, gather and exchange information; individual judgments may emerge in deliberation in the sense that they may be expressed in their complete characteristics, i.e. positions, objectivity and relations. Sen does mention deliberation, but is not absolutely definitive on the latter. The more essential feature is communication in general, however, whichever context this may occur. We will see however that it would prove useful and complementary to turn to some insights of the Scottish Enlightenment thinking regarding rhetoric and the conception of truth that Smith has not yet explored. Here again, we shall see that there would be interesting lessons to draw from Smith’s ideas on rhetoric and communication (i), that are not independent from a particular theory of knowledge (ii) which clearly echoes Sen’s approach of SCT (iii).

(i) Sen regards introspection and communication as not so difficult to implement, while they are likely to convey relevant information on collective interest. However communication requires interpersonal comprehension. If we expect individual judgments to be positionally objective, rather than subjective, it first has to be clarified that “each person’s beliefs and utterances are not inescapably confined to some personal subjectivity that others may not be able to penetrate” (Sen 2009: 118). Second, individual judgments need to be seen as objectively acceptable by others “so that people can engage in debates about the correctness of the claims made by different persons” (Ibid.). In this sense, positional judgments require interpersonal comprehension.

And he considers the role of “using language and imagery that communicate efficiently and well” (Sen 2009: 122) as central to his project. It is a fortiori particularly central to our interpretation of his project: a specific definition of individual judgments linked to the concept of positional objectivity that is to evolve through communication and public debate. Information and competing lines of reasoning are of course important as we have seen in sub-section 2.1, but when one is used to think in a particular way it is not easy to understand new arguments that could lead to think differently. Sen learnt from Antonio Gramsci’s Prison book that this task could be accomplished “through the use of conformist rules, while trying to make this language express nonconformist proposals” (Sen 2009: 122). It can also be argued that formulating and discussing ideas that are significantly new requires some sense of communication that surprisingly echoes to Smith’s ideas on rhetoric. However, the way Smith envisaged discussion is an issue that Sen does not explore. And yet, as Dow (2009) shows, much of Smith’s lectures concerned communication, both linguistic style and form of reasoning that played a part in capturing the imagination of the audience. Smith particularly developed the idea “that, to understand a speaker or author, it is necessary to understand the spirit in which their ideas are being put forward” (Dow 2009: 6). This clearly resonates with his concept of impartial spectator and is also very representative of the Scottish Enlightenment thinking. For instance, in contrast with Descartes who relied only on introspection and reason, Scottish thinkers emphasized other faculties too, and notably imagination, which aids communication and in fine persuasion with respect to particular understandings of reality. This is particularly relevant for the purpose of understanding positional judgments, or more exactly the positional parameters that influence judgments, especially when the “positional distance” between the individuals is important.

(ii) Smith’s approach of communication – where persuasion is an essential aspect, as well as the consideration for social conventions – is intimately linked with a theory of knowledge that

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15 We will not develop this particular intellectual context here, but for more details, see Dow (2009).
assumes an inaccessible truth. Indeed, “in Scotland, there was an acceptance that true knowledge was unattainable. What was to be communicated, then, was not ‘truth’, but a way of thinking about the world which made sense in terms of the listener’s experience, and which provided solutions to pressing problems” (Dow 2009: 8). In other words, there is an idea of positionality behind this approach of communication. For Smith, individual’s knowledge is founded on sentiment and imagination, as well as experience; reason alone is inadequate as a basis for improvement. This implies that the notion of true axioms is simply ruled out. Another, but not independent, important feature of the Scottish theory of knowledge is the reference to other societies to address the issue of the relativism of moral values that Dow interprets as follows: “This reflected not only the Scottish theory of knowledge, but also their sense of “otherness” with respect to other societies in spite of the commonalities in human nature. This sense of “otherness” arguably underpinned their epistemology (particularly the inaccessibility of absolute truth) and their methodology (particularly a focus on the provisionality of principles).” (Dow 2009: 19)

(iii) The connection made by Smith between communication, understanding and knowledge is critical for Sen’s attempt 1) to include the issue of judgments’ formation in the framework of SCT and 2) to view axioms and results as always provisional16. Concerning point 1, arguments that are to be brought in the public sphere, when trying to convey others ideas, are not only of rational or logical nature, but also historical, narrative and poetic in order to stir the imagination and engage the audience’s sympathy. Concerning point 2, the choice of axioms must depend on the context and the pursued objectives; and the relevance of results is always provisional. Furthermore, there is no “true” social evaluation but, at best, one that is based on “a wide variety of viewpoints and outlooks based on diverse experiences [and sentiments] from far and near” to paraphrase Sen (2009: 45). Eventually Sen (2009) claims that there cannot be a perfect theory of justice, i.e. one that would be relevant in any context. All his work tends to similarly prove that there is no ideal social choice system, i.e. one perfect social choice theory adaptable for all situations. Furthermore, we have seen that there are also important differences with Rawls’ claims regarding public reason. Whereas Sen’s aim tends to coincide with Rawls’ – ruling out the judgments that do not survive open and informed public debate – he seems to be less optimistic than Rawls concerning the issue of the deliberation: there might be no consensus at the end: “When we try to assess how we should behave, and what kind of societies should be understood to be patently unjust, we have reason to listen and pay some attention to the views and suggestions of others, which might or might not lead us to revise some of our own conclusions. We also attempt, frequently enough, to make others pay some attention to our priorities and our ways of thought, and in this advocacy we sometimes succeed, while at other times we fail altogether.” (Sen 2009: 88)

According to Sen, reasoned value formation is an interactive process, in which for instance the press has a major role in making these interactions possible: “New standards and priorities (such as the norm of smaller families with less frequent child bearing, or greater recognition of the need for gender equity) emerge through public discourse, and it is public discussion, again, that spreads the new norms across different regions” (Sen 2009: 336). It also seems that justice theorists have a role to play in that interactive process as “dialogue and communication are part of the subject matter of the theory of justice [and] we have good reason to be sceptical of the possibility of ‘discussionless justice’” (Sen 2009: 88-89). In other words, a theory of justice cannot but allow incompleteness of judgments, and accept the absence of once-and-for-all finality. Unfortunately, the trend is quite the opposite and Sen’s criticism could certainly be applied both to philosophers and social choice theorists: “Theories of justice are not, however, taken by most mainstream practitioners to be anything like as general and underspecified as a framework of reasoning. Rather, these specialists seem determined to take us straightaway to some fairly detailed formula for social justice and to firm identification, with no indeterminacy, of the nature of just social institutions. Rawls’s theory of justice illustrates this very well.” (Sen 2009: 89)

16 This is also critical for a view of the discipline of social choice that is very different from mere voting theory.
To conclude on the role of communication, let us recall what Sen said in a recent conversation concerning the fact that social choice theory is not concerned with the issue of public discussion except indirectly: “That is you need a theory of public communication, a process of deliberation. You need a Habermas, you need a Rawlsian discussion about public reasoning. You need the insight of the Japanese Constitution of 17 articles in 606 about why all decisions should be taken on the basis of public discussion and not without it. So you need a world of insights but these are not social choice insights, they are relevant to social choice and they’re not in contradiction with social choice. But social choice theory is not concerned with that issue; it is concerned primarily with aggregation. But aggregation relates to what it is that we’re trying to aggregate […] I don’t think that deliberative democracy is the adequate model but deliberation is an important part of democracy.” (Baujard, Gilardone and Salles 2010, underlined by us)

CONCLUSIVE REMARKS. TOWARDS A CONVERGENCE OF JUDGMENTS

The concept of “positional objectivity” and the idea of justice that have gradually emerged in Sen’s philosophical work have received little attention so far. It must be noted that Sen is not very clear regarding the actual stakes of these researches, while he suggests far-reaching consequences for epistemology, decision theory and ethics. We believe this is partly due to Sen’s clear-cut separation between his contributions to economics from his contributions to philosophy. A consideration of both literatures meanwhile has enabled us to largely enrich our understanding of Sen’s view of democracy. We have claimed that the concept of positional objectivity proved to be particularly relevant for explaining the formation of individual judgments interpreted as reasoned values – rather than individual preferences interpreted as subjective utility rankings or happiness orderings –, and allowing their change in a fruitful way. Our perspective, voluntarily conceptual and historical, should shed some light on Sen’s idea of justice from the perspective of SCT, as well as to broaden the scope of SCT by incorporating the issues of participation and deliberation in the democratic decision-making.

First, we have examined closely the basic elements of Sen’s conception of justice in clear and understandable language for social choice theorists. Our aim was 1) to analyze under which conditions positional objectivity may serve as an alternative concept to discuss the relevant information for democratic purposes; and 2) to highlight how Sen’s definition of positional objectivity is a contribution to the issue of preference (trans)formation, and offers new insights concerning what could be built or not built through debates and exchanges, and what preferences should count or not count for collective decisions or social evaluations. As Sen (2009: 220, footnote) puts it: “whether a positional connection is an important concern for a person’s assessment of a state of affairs, or merely a distorting influence that should be overcome, is a matter for reasoned evaluation”. Sen has however never explicitly linked this notion to the one of individual preferences in the SCT framework, nor has he ever presented it as an alternative. We though claimed here that it may be considered as a natural extension of his criticism of the use of individual preferences for democratic studies, with all caveats that prove necessary in such a reconstruction.

Second, we have scrutinized the links between the normative or positive nature of judgments, and identify where, among individual or collective judgments, normativity emerges. We have demonstrated that the notion of positional judgments may give relevance to the very idea of democracy in its now accepted meaning, as it is a theoretical approach of individual judgments that makes sense only in a context of deliberation. In suggesting that judgments are positionally dependent – and not right or wrong, neither basic or compulsive – Sen indeed urges us to view deliberation as a means to bring to light unknown facts, information or experiences, and make individual “positionalities” and judgments evolve. Interestingly, Sen highlights the role of sentiments, in addition to the role of reason, to favor mutual learning and preference changes. Far from the excessive rationalization of modern economics theory, Sen reconnects with a representation of the individual that goes back to the Scottish Enlightenment thinking. For instance, Sen insists on Smith’s concept of sympathy – and the derivative one of impartial spectator – to interpret the individual
views of social states of affairs in a way that include the Other and is built with the Other. We have also seen that there are interesting connections to do with Smith’s insights on communication and the Scottish theory of knowledge, in which sentiments and imagination play a big part. The sense of “otherness” as well as the view of deliberative democracy urges us to consider radically differently the informational inputs of SCT. In this regard, Sen not only encourages us to draw on reasoned value judgments, but he also strongly suggests to enlarge the scope of values included in the social choice function with the point of view from elsewhere’ – i.e. from people who are not specifically concerned by the decision – referring to Smith’s pointer to the possibility of parochialism in neglecting all voices from elsewhere.

Thirdly, the analysis of Sen’s contributions of political philosophy helps to understand the relevance of judgments rather than preferences for SCT, and we highlight how such inquiries on the SCT framework may ultimately enrich deliberation theories. Sen does not believe that this idea of justice may guarantee an ideal coincidence of judgments, but his notion of “possibility of social choice” is more enriched and open than the first arrovian framework. Our reading that there is an implicit attempt in Sen’s writings to make SCT less static, or at least less “mechanist” to use Sen’s expression in his book On Ethics and Economics (1987). And we consider that Sen’s sound study of the SCT impossibility results provide the framework in which these relevant judgments for justice may be thought and enriched, and that the framework of SCT has the ability to represent formally incompleteness, hence to accept to take seriously the pluralism of values. Now, the critical appraisal of SCT generated from Sen’s idea of justice has also dramatic aspects: voting, which takes individual preferences as given, appears to be very unsatisfying to understand democracy.

In a nutshell, Sen’s philosophical insights have clear bearing on economic theory – if we don’t consider them as belonging to parallel worlds – and since his kind of obsession for social choice theory is linked to his refusal of a contractualist theory of justice that would be exclusively focused on institutions, including the consequent denial of individual sovereignty. According to us, the concept of positional judgments succeeds in resolving the difficulty of the conjunction of individual interests without an asymmetric attention to institutions in detriment of individuals (as in contractualism), and without sacrificing individualities (as in Bentham’s utilitarianism).

REFERENCES


