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A missing touch of Adam Smith in Amartya Sen's Public Reasoning: the Man Within for the Man Without

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Abstract

This paper aims at questioning what Sen (2009) presents as a theory of justice derived from Smith's idea of the "impartial spectator". Sen's tribute to Smith's pioneering concept of the impartial spectator already gave rise to a set of criticisms that we divide in two kinds: 1) Sen's reading is unfaithful with regard to the original Smithian concept (Forman-Barzilai, 2010; Gilardone, 2010; Bruni, 2011; Alean, 2014; Shapiro, 2011; Ege, Igersheim & Le Chapelain, 2012) and 2) Sen's reading is a weak point of his theory of justice (Shapiro, 2011; Ege, Igersheim & Le Chapelain, 2012). In the paper, we try to address both kinds of criticism. Firstly, we shed a new light on Sen's reading of Smith and provide a path of reconciliation between Sen's analysis and Smith's one. For us, Sen's impartial spectator is somewhat reminiscent of another figure from Smith's moral philosophy: "the man without". Secondly, we show that, in Smith's analysis, "the man without" is pointless without his genuine concept of the impartial spectator, called "the man within". We conclude by arguing that Smith's "man within" could constitute the missing piece in Sen's analysis of the process which must lead public reasoning towards more justice. Introducing a missing touch of Smith could thus strengthen Sen's idea of open impartiality in public reasoning for challenging Rawls' contractualist theory of justice.

Key-words

Sen, Smith, Impartial Spectator, Man Without, Public Reasoning, Deliberation

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0. Introduction

This paper aims at showing that, in a sense, there is a missing touch of Adam Smith in Amartya Sen's theory of justice.

Since the publication of "Open and Closed impartiality" (Sen, 2002) and more extensively in *The Idea of justice [IJ]* (Sen, 2009), Sen claims to derive his theory of justice from Adam Smith's concept of the 'Impartial Spectator'" in *The Theory of Moral Sentiments [TMS] (*1759-1790). According to him, Smith's concept allows challenging standard approaches of justice, and more particularly, John Rawls' theory of social contract (1971), at least on the fundamental issue of public reasoning. Sen advocates a procedure of "open impartiality" as opposed to "closed impartiality" for collective decisions concerned about justice. This procedure that the author pretends to borrow from Smith constitutes the core of his comparative theory of justice (§1).

Now, Sen's tribute to Smith's pioneering concept of impartial spectator gives rise to a set of criticisms. Some of them, related to the history of ideas, concern his interpretation of Smith's concept which is considered as unfaithful with regard to the original one (Forman-Barzilai, 2010; Gilardone, 2010; Bruni, 2011; Shapiro, 2011; Alean, 2012; Ege, Igersheim & Le Chapelain, 2012). Others, more internal to Sen's analysis, rather concern his use of Smith's impartial spectator which would be a weak point of his comparative theory of justice (Shapiro, 2011; Ege, Igersheim & Le Chapelain, 2012). In the paper, we try to address these two sets of criticism.

We agree with commentators that Sen's reading of Smith is somewhat unfaithful. However, it is worth noting that his aim, in *The Idea of justice*, is not to provide a faithful interpretation of Smith but rather to build a comparative theory of justice "from extending Adam Smith's idea of the 'Impartial Spectator'" (*IJ*: 134) to his own project. Obviously, this involves important differences between his conception of the impartial spectator and Smith's one. While the Smithian concept denotes an abstract observer thanks to which we can *individually* deliberate about the morality of our own conduct, the Senian concept represents real observers involved in *collective* deliberation – in "public reasoning", to take his words – whose points of view make our common agreed beliefs evolve toward more justice.

After the necessary step of clarifying these differences, we take them for granted and evaluate Sen's use of the concept of impartial spectator with regard to his specific project. This allows us to find a path of reconciliation between his analysis and Smith's one. Despite major differences,

we show that Sen's version of the impartial spectator is not altogether inconsistent with Smith's analysis. Though it does not correspond to Smith's genuine concept, or to what the Scottish philosopher sometimes calls the "man within", it is somewhat reminiscent of another figure from his moral philosophy: the "man without" (§2).

Now, this comparison between both authors' analysis does not only allow establishing a bridge between their respective project. It also opens the path to address Shapiro's criticism to Sen's project (see Shapiro, 2011). According to us, Smith's genuine impartial spectator (the "man within") could constitute the missing piece in Sen's analysis of the process which must lead public reasoning toward more justice. This is the reason why, in conclusion, we propose to introduce Smith's "man within" to supplement what we could now reasonably call Sen's "man without".

1. An alternative approach to the impartial spectator for a theory of justice: Amartya Sen's tribute to Adam Smith

Sen's project, in *the Idea of Justice*, is to provide a new theory of justice based on Smith's theory of the impartial spectator. Sen returns to Smith in order to support his project of a comparative theory of justice, which he conceives as an alternative to Rawls' (1971) transcendental theory of justice (§1.1). It is well known that Sen also defends the view that the Smithian impartial spectator allows an openness that is impossible in Rawls' (1996) definition of "public reason" (see for instance Clare and Horn 2010, Shapiro 2011, Ege, Igersheim & Le Chapelain 2012). But it is usually ignored that the scope of Sen's "open impartiality" is larger than a mere involvement of outsiders in public reasoning. Here, we show that Sen's interpretation of Smith's concept of the impartial spectator provides an alternative choice procedure for collective decision or social evaluation (§1.2).

1.1. The history of ideas to support Sen's comparative theory of justice

In order to identify the subject matter of a theory of justice, Sen insists that we need to re-visit what has been written earlier, and not only take contemporary theories as the unique relevant thinking:

> "[…] when you're dealing with disciplines such as moral philosophy, and political philosophy in particular, rather than with pure economics, you're dealing with ideas—such as the idea of justice—which are reflected again and again in the world. People have taken different views on it from Plato, Aristotle or—looking elsewhere, say in India—Kautilîya. The idea comes up in different ways, and their thinking still remains relevant. Therefore the history of political philosophy is of considerable interest to contemporary political philosophy. […] there have been really exceptional thinkers of which Adam Smith is a major example. (Baujard, Gilardone & Salles, forthcoming).

If we look at the history of ideas, Sen (IJ) claims, we can mainly distinguish two traditions of thought on justice inherited from European Enlightenment in the 18th and 19th centuries[4]. The first one, called "transcendental institutionalism", is represented by Hobbes, Locke, Rousseau and Kant, and finds contemporary developments and success in political philosophy with Rawls' theory of "Justice as Fairness". In this contractarian framework, the emphasis is put on identifying perfectly just institutions for society (IJ: 5). And it aims at "getting the institutions right", putting aside the analysis of actual societies (IJ: 6). As for the second tradition, embodied in Smith, Condorcet, Bentham, Wollstonecraft, Marx and Mill, is called the "realization-focused comparison" approach (IJ: 7). Here, primacy is given to the investigation and comparison of social realizations. It aims at removing manifest injustice rather than identifying perfect justice. Thus, to the "arrangement-focused view of justice" is opposed the "realization-focused understanding of justice" (IJ: 10). The distance between these two traditions, Sen claims, is "quite momentous" (IJ: 7), the transcendental theory addressing "a different question from that of comparative assessment" (IJ: 17)[5]. Sen's answer to the question of knowing what should be the subject matter of a theory of justice is clearly in line with the comparative approach and its focus on reachable social states. At the very beginning of the book, he writes that "what is presented here is a theory of justice in a very broad sense" whose "aim is to clarify how we can proceed to address questions of enhancing justice and removing injustice, rather than to offer resolutions of questions about the nature of perfect justice" (IJ: ix). Again, in the introduction he states: "in contrast with most modern theories of justice, which concentrate on the 'just society', this book is an attempt to investigate realization-based comparisons that focus on the advancement or retreat of justice. It is, in this respect, not in line with the strong and more philosophically celebrated tradition of transcendental institutionalism" (IJ: 8).

The opposition between the transcendental and the comparative approaches soon becomes under Sen's pen a confrontation of the dominant Rawlsian theory of "Justice as Fairness" with

[4] It is not the first time that Sen appeals to traditions of thought that he himself builds up to locate his own approach. In *Ethics and Economics* (Sen 1987: 2-7) he claims that economics has two origins: the ethics-related origin and the engineering-based origin. Without denying the interest of the latter, he regrets that welfare economics happened to move away from the former. And he presents his approach as an attempt to enrich welfare economics by paying more attention to ethics, coming back to a tradition of which Adam Smith is a great representative (Sen 1987: 6-7). Invoking the history of ideas, and Smith in particular, is thus not new for Sen to establish, build up and anchor the legitimacy of his contribution to a discipline, whether economics or philosophy. As E. Picavet rightly suggested to us during the workshop *Interface* (Goutelas, dec. 2014), this method is used by Sen to depart from typical contemporary forms of reasoning, and mobilise early writings as partial guides for his own form of reasoning.

[5] The relevance of such a dichotomy is growingly debated by Sen's commentators (Ege, Igersheim & Le Chapelain 2012 and forthcoming, Kandil 2010, Robeyns 2012). Here, we will not question Sen's belonging to a pure comparative approach, neither the possibility to interpret Smith's concept of the impartial spectator within this tradition. We take for granted the fact that Sen's refusal of transcendental elements is the reason for which he appeals to a specific version of Smith's view of impartiality.

his own that he claims to derive from Smith's theory of the impartial spectator. Sen's endorsement of the comparative approach is not surprising since he made significant contributions to social choice theory (Sen 1970, 1974, 1977, 1995, 1999) and to the capability approach (Sen 1980, 1984, 1985, 1989, 1993)[6]. Now, it is noteworthy that Sen goes beyond a mere endorsement of the comparative approach. Many pages are devoted to denounce the limitations of Rawls' "transcendental institutionalism"[7]. More precisely, he mentions two problems (*Ibid.*): (i) the "feasibility" of reaching a consensus on a unique, transcendental solution[8]; (ii) the "redundancy" of the search for a transcendental solution[9]. However, Sen agrees with one feature of Rawls' political philosophy: "the interpretation of justice is linked with public reasoning" (Sen, 2006: 215). Interestingly, this is the opportunity for him to refer to Smith's analysis[10]. In this very contemporary matter, Sen (IJ: 44-46) considers that Rawls' ideas of public reason and impartiality may be seriously competed with Smith's view of the impartial spectator[11].

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[6] On the relationship between his work on social choice theory, capabilities and his approach to justice, see Gilardone (2015).

[7] It has to be noticed that Sen's reading of Rawls must be taken carefully. For instance, Ege, Igersheim& Le Chapelain (forthcoming) follow Sen to say that the early Rawls belongs to the transcendental tradition, but criticize Sen's failure to take adequate note of Rawls' evolution toward more comparative analysis. Gilardone (2015) underlines the evolution but also the partiality of Sen's reading of Rawls during the last five decades. She also shows that the comparative approach developed by the later Rawls is not taken seriously by Sen because of its reliance on transcendental features (Gilardone 2015: 30). Clare and Horn (2010: 78) show that Rawls is not guilty of all that Sen accuses him of.

[8] Sen (IJ: 12-15) takes an example for illustrating his point. Imagine you have three children who ask for the property of a flute, using the following claims: Anna thinks she deserves it because she is the only one to know how to play the flute, Bob argues that he is poor and has no toy of his own, Carla insists on the fact that she made the flute. How to choose between them? All three make reasonable claims, based on impartial though different grounds.

[9] The best illustration is given by Sen in answering Robeyns' (2012) criticism: "To demonstrate the unjust nature of the social divisions between women and men, it is not necessary to persuade others to agree on the diagnosis of what 'the perfectly gender just world' would look like" (Sen, 2012a: 175). He also adds that "the contrast-with-the-perfectly-just is not a particularly useful way of trying to persuade the obtuse" (*Ibid.*). His idea is rather to points to "the prevalence of gross – and alterable – inequalities in the sharing of household chores, large asymmetries in demands for caring for children, hugely unequal availability of career advancing-pursuits, big inequalities in decisional powers" (*Ibid.*).

[10] Readers could indeed expect more recent references for drawing inspiration to deal with the issue of open public reasoning. Emmanuel Picavet suggested to us, during the workshop *Interface* (Goutelas, dec. 2014), that Sen could have appealed to Henri Bergson's (1932) or Karl Popper's (1945) concept of "the open society". However, we cannot find one reference to these authors in the *IJ*.

[11] Peter (2012: 166) notices that both Sen and Rawls take "normative reasoning to be public practical reasoning", but considers that Sen advocates a more important role for public reasoning than Rawls does in *TJ*". And while she stresses that "Sen proposes a conception of justice based on Adam Smith's impartial spectator" (*Ibid.*: 165), she does not question this intellectual filiation. We will see in the second section that the recourse to Smith's impartial spectator for a normative view of public reasoning cannot be unquestioned.

Indeed, Sen's exploration of the history of ideas led him to develop a special interest for Smith who, according to him, had many insights that have not been fully explored yet:

> "[…] my main reason for drawing on [TMS] for my own little work *The Idea of Justice* is simply that *The Theory of Moral Sentiments* is […] a central contribution to the theory of justice. My reason for concentrating on Smith rather than others is that the philosophical insights of *The Theory of Moral Sentiments* have not been explored at all as extensively as, say, the writings of Immanuel Kant, the *Critique of Practical Reason* or the *Groundwork of the Metaphysics of Morals*, have been explored. Smith remains much less understood. It is, as I discuss in my book, a matter of extraordinary surprise to me that somebody as open-minded as John Rawls did not make much use of Smith […]." (Baujard, Gilardone & Salles, forthcoming)

As observed by Ege, Igersheim & Le Chapelain (2012), it cannot be said that such interest for Smith is anecdotal. While Sen has been prone to claim a Smithian inheritance since his book *On Ethics and Economics* (1987), and more explicitly in *Development as freedom* (1999)[12], in the *Idea of Justice* (2009), he goes further in his exploration of Smith, elaborating greatly on the concept of "impartial spectator"[13]. We count no less than 132 references to Smith all along the *IJ*[14]. The most critical excerpt can be found in chapter 2 ("Rawls and Beyond"), just after a long presentation of the interests and limitations of the Rawlsian conception of justice. In this excerpt, Sen states that "[t]he idea of addressing the issue of fairness through the device of the Smithian impartial spectator allows some possibilities that are not readily available in the contractarian line of reasoning used by Rawls" (IJ: 70). He especially highlights four issues that "the Smithian line of reasoning, involving the impartial spectator" (*Ibid.*), may address more easily than the social contract approach:

> "(1) dealing with comparative assessment and not merely identifying a transcendental solution; (2) taking note of social realizations and not only the demands of institutions and rules; (3) allowing incompleteness in social assessment,

[12] Sen also acknowledges the influence of his wife, Emma Rothschild, who is a specialist of Smith's thought: "*Her own work on Adam Smith has been a great source of ideas, since this book deals a great deal on Smith's analyses. I had a close relationship with Adam Smith even before I knew Emma […]. Under her influence, the plot has thickened.*" (Sen 1999: xvi) On the influence of Smith on Sen see Sen & Rothschild (2006) in which Smith's theory of poverty is said to anticipate the capability approach.

[13] Until 2002, Sen's use of Smith is limited to the notions of "sympathy", "prudence" or "rules of conduct" to question the standard definition of rationality in economics and the predominant role of self-interest. For interesting insights regarding Sen's early reading of Smith, see Walsh (2000). Many links could be made with Sen's latter reading of Smith, in particular with regard to his early rejection of "*the sharp fact/value distinction*" and the "*'meaninglessness' of value claims*" (Walsh 2000: 6) – without falling in the trap of a new "*dichotomy between what the world is like independent of any local perspective and what is projected by us*" (Walsh, quoting Putnam 1993: 148). However, this would go beyond the scope of this article.

[14] Most of them are related to the device of the impartial spectator, but Smith is also invoked more widely for dealing with: the motivations of human action (particularly in chapter 8 "Rationality and Other people" or chapter 9 "Plurality of Impartial Reasons"), comparative thinking (in "Introduction"), the relativity of perspectives (in chapter 12 "Capabilities and Resources"), the abolition of slavery (in "Introduction" and chapter 18 "Justice and the World"), and the central role of emotions in reasoning (chapter 1 "Reason and Objectivity").

> but still providing guidance in important problems of social justice, including the urgency of removing manifest cases of injustice; and (4) taking note of voices beyond the membership of the contractarian group, either to take note of their interests, or to avoid our being trapped in local parochialism." (IJ: 70)

These four issues are at the core of Sen's theory of justice. We can even consider that they constitute, for him, the four requirements that must satisfy a relevant theory of justice (see IJ, Preface: ix-xii[15]). By the way, the passages above-quoted take place in the first part of the *IJ* entitled: "The Demands of Justice". This is an additional argument to maintain that Smith's influence on Sen's view of justice is not minor. However, and contrary to what he announces, it is not clear to understand how Smith's contributions prove to be a key in all four issues. It is only regarding requirement (4) that we have some precisions about Smith's influence (Sen 2002, 2006, 2009, 2010).[16].

Now, one may ask why Sen (2002, 2006, 2009, 2010) most notably claims to derive from Smith's impartial spectator the idea that people from outside the "focal group"[17] should participate in the debates and should be taken into account in public reasoning on justice (e.g., see IJ: 125). The cause may be the following: Sen has, for his purpose, disconnected the issue of public reasoning – which he takes from contemporary political philosophy, and from Rawls in particular – from the search of the just society – which he considers as irrelevant. This led him to distinguish and separate two questions: "*What is the relevant public*? and "*On what questions should the reasoning concentrates*?" (Sen, 2006: 215). Smith's concept of the impartial spectator is mostly used by Sen to answer the first question and to offer an alternative to what he calls Rawls' "closed impartiality" – in which only people from the focal, contracting group, are involved. However, both questions are intimately related and that the answer to the former depends from the answer to the latter. In other words, Sen has artificially divided the subject in two parts, which render his use of Smith and the understanding of his approach, rather unclear[18]. The idea of public reasoning grounded on open impartiality that Sen derives from Smith's impartial

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[15] Note that in this section of the Preface entitled "What kind of a theory?", Sen exposes explicitly the first three requirements. However, the fourth is implicitly contained in the second one.

[16] As a result, commentators tend to focus on that specific issue, independently from the others (see Clare & Horn 2010; Forman-Barzilai 2010; Fleischacker 2011 and Shapiro, 2011). As we are going to show, this is not representative of the influence that Sen grants to Smith.

[17] Sen usually uses this expression of "focal group" (2009: 123, 126, 128, 133, 138, 139, 145-150) to designate the group which has to take a collective decision. Sometimes he also speaks of "local group" (2009: 150) or "particular group of people" (2009: 117), or even the "contractarian group" (2009: 70) though he refuses the idea of social contract.

[18] For instance, Clare and Horn (2010: 79) consider that Sen's open impartiality "requires us to listen to all and any voices/perspectives regardless of their ultimate relevance to the topic". This leads them to conclude that it is "no useable alternative". Or Ege, Igersheim & Le Chapelain (2012) consider that Sen's appeal to Smith's impartial spectator refers directly to Smith's "man within" and thus conclude that the distinction between "closed" and "open" impartiality has no relevance.

spectator goes much further than a mere inclusion of outsiders in public reasoning and might therefore answer all four issues mentioned above. It is an alternative choice procedure based on the comparison of diverse social realizations and thought patterns (requirements 1, 2 and 4), leaving the possibility for incomplete agreement (requirement 3). This is what will be shown in the next subsection.

1.2. An alternative choice procedure to reach open impartiality: Smith's impartial spectator

Sen is not the first theorist of justice to draw inspiration from Smith's analysis. Rawls (1971) himself already[19] appealed to the Smithian concept of the impartial spectator. This is another opportunity for Sen to criticize Rawls, but this time about his reading of Smith (IJ: 136-138). A closer attention to this criticism allows understanding why Sen's use of Smith's impartial spectator is inherent to an alternative choice procedure including the four requirements above-mentioned. We will deal successively with two aspects of Rawls' reading of the impartial spectator with which Sen disagrees: (i) the idea of an ideal spectator, (ii) the so-called utilitarian point of view. This will allow us to show that such disagreement is related to Sen's idea of open impartiality that goes well beyond the issue of the relevant public.

First of all, Sen blames Rawls for interpreting Smith's concept of the impartial spectator as an "ideal observer" (IJ: 136). This reading leads Rawls to advocate the famous device of a veil of ignorance in the original position in order to guarantee impartiality (see for instance Kandil 2010 & 2013, Clare and Horn 2010). In the original position, the participants to public reasoning are said to be ideal observers because they ignore their identities and, thus, cannot defend their own interests while discussing principles of justice or, in other words, because they are impartial. According to Sen, this interpretation is not faithful to Smith's view of the impartial spectator which would not represent an *ideal* spectator, but *real* spectator*s* with their own identities. Smith, he says, "requires the impartial spectator to [...] see what the issues would look like with 'the eyes of other people', *from the perspective of 'real spectators' – from both far and near"* (*Ibid.*, underlined by us).

[19] Notice that Harsanyi (1953) also proposed to base a social choice function on impersonal judgments, which has often be related to impartial spectatorship. For Harsanyi, the impersonality required for such function refers to "ethical preferences" – by contrast with "subjective preferences". Ethical preferences express what social situation would be chosen without knowing one's personal position – by contrast with what social situation one actually prefers. It is well known that for Harsanyi this kind of impartial reasoning necessarily leads to choose a utilitarian point of view. Sen's criticisms to Rawls also address Harsanyi's theory, though indirectly (IJ: 199). For a discussion on the difference between Harsanyi's and Smith's impartial spectator, see Fernandes & Kandil (1998).

Second, Sen criticizes Rawls for "misattributing ideas to Smith, taking him to be mainly a utilitarian" (Baujard, Gilardone, Salles, forthcoming)[20]. His position is that Smith did not argue for sensations of pleasure and pain to be the foundations of our morality (IJ: 137). Thus, there would be no ground for considering Smith's impartial spectator itself as a utilitarian. More broadly, according to Sen, it would be erroneous to state that the judgments of the impartial spectator rely on a unique criterion, whether utilitarian or not (See IJ: 137 and 394).

As a result, Rawls' proposal to replace the utilitarian point of view by the social contract point of view also fails to convince Sen (IJ: 134). He sees two major drawbacks in such proposal: (i) "closed impartiality" or the privilege of "membership entitlement" in the choice procedure[21]; and (ii) the "prudential social morality" that drives contractualist approaches[22]. Again, Sen appeals to the Smithian impartial spectator to show that these two aspects are not appropriate in a theory of justice that would satisfy the four requirements above-mentioned.

Smith's concept is viewed by Sen as a contribution "to a fuller understanding of the requirements of justice, *particularly* through an understanding of impartiality as going beyond the interests and concerns of a local contracting group" (Sen 2010: 50, our italics). Sen particularly insisted on the idea that the Smithian impartial spectator demands that we include in public reasoning real spectators who come "from far or from within a community, or a nation, or a culture" (IJ: 123) which satisfy requirement (4).

But he also sees in the Smithian impartial spectator a way for self-distancing that would be an alternative to the Rawlsian veil of ignorance, in line with requirements (1) and (2). To him, self-distancing does not amount to a complete ignorance of the self, like it is behind the veil of ignorance in the original position. He rather takes into account what he views as "Smith's insistence that we must *inter alia* view our sentiments 'from a certain distance from us'" (IJ: 45). Thus, self-distancing involves, for him, comparing one's view with the ones of other *real* spectators who may "enlighten without being either a social contractor, or a utilitarian in camouflage" (IJ: 138). This is also a way out of self-interest ethics at work in contractualist approaches , since he argues that Smith's device of the impartial spectator may be used for "enlightening people about moral concerns and obligations" (IJ: 207).

At last, one of the main interests he sees in Smith's view of impartiality relates to the possibility of incomplete agreement – requirement (3). In this regard, we have to keep in mind Sen's

[20] On Rawls'criticism to utilitarianism, see Hawi (2011).

[21] Sen highlights three moral problems in Rawls' view of impartiality: "exclusionary neglect", "inclusionary incoherence" and "procedural parochialism" (IJ: 138-139). For a criticism of Sen's view of closed impartiality, see Clare and Horn (2010).

[22] See IJ: 202-204 and 270-271.

observation that "the ethical force of a social arrangement that is backed by a consensus or negotiated settlement of all people involved is clearly absent in the Smithian model involving the impartial spectator" (Sen 1992: 9).

It is then clear that Sen's use of the Smithian impartial spectator would be pointless or unworkable in a transcendental or contractarian approach. The idea of "open impartiality" that he derives from Smith's concept covers all the procedure of choice which he advocates to answer to every four requirements of a theory of justice: (1) dealing with comparative assessments; (2) taking note of social realizations; (3) allowing incompleteness and (4) broadening admissible voices. This kind of public reasoning is seen as the best way to reach relevant, practically implementable, agreements towards less injustice of social arrangements, incompleteness being the price for relevance.

2. A Path of Reconciliation between Sen's and Smith's Analysis: the "Man Without"

With regard to what has just been said, a legitimate question may be raised as whether Sen's impartial spectator does actually correspond to Smith's concept. We agree with most commentators that such is not the case (see, for instance, Alean 2014; Forman-Barzilai, 2010; Gilardone, 2010; Fleischacker, 2011; Shapiro, 2011; Ege, Igersheim & Le Chapelain, 2012)[23]. But, contrary to them, we are not going to question the faithfulness of Sen's interpretation of Smith's analysis. We are rather going to ask whether the impartial spectator serving Smith's project can actually serve Sen's own project. Indeed, it is worth noting that Sen's aim, in *the Idea of Justice*, is not to provide a faithful interpretation of *the Theory of Moral Sentiments* but rather to build a comparative theory of justice "from *extending* Adam Smith's idea of the 'Impartial Spectator'" (*IJ*: 134, our italics). As a result, even if Sen take an interest in Smith's work, it is only as an inspiration serving his own project, not as an object of study in itself[24]. And, as we are going to show, this project significantly differs from the one supported by the Scottish philosopher, more than two centuries ago[25] (§2.1). This leads us to point out that Sen, contrary to what he claims, does not really draw on the Smithian impartial spectator which is also called: "the man within". He rather takes inspiration from another figure of the *TMS*, that is, "the man without" (§2.2).

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[23] Nonetheless, note that some commentators of the *IJ* do not question Sen's reading of Smith's *TMS* (Martins 2012: 149-150; Peter 2012: 165). More surprisingly, Valentini (2011) does not even mention Smith in her critique of Sen's *IJ*. As for Clare and Horn (2010), although they are "skeptical that Sen's impartial spectator is anything like Smith's original", for the purposes of their paper, they choose to "accept Sen's reading" (Clare and Horn, 2010: 77, footnote 4).

[24] This is true too for the history of ideas in general and for his classification of the philosophical traditions between transcendental and comparative approaches (See Ege, Igersheim, Le Chapelain, forthcoming).

[25] Note that Sen commented us that he sees more proximity between his project of a social theory and Condorcet's one than Smith's one (26th Annual Conference of the Eighteenth-Century Scottish Studies Society, Paris, Sorbonne, July 2013).

2.1. An Impartial Spectator Serving Two Different Projects

Smith's scholars usually underline the difference between both authors' impartial spectator by confronting Smith's analysis to Sen's own categories, especially his distinction between what he calls the "transcendental" and the "comparative" traditions[26] or between "open" and "closed" impartiality[27]. However, such reading generally leads them to remain trapped by the Senian reconstruction and to set aside the specificity of Smith's project with regard to Sen's one. In contrast, we are going to put to the fore the difference between Sen and Smith's impartial spectator considering the specific project that they serve. There is an important difference between Smith's and Sen's projects that, to our knowledge, has never been explicitly mentioned in the literature: if both deal with the issue of deliberation, the former is concerned with *individual deliberation* whereas the latter focuses on *collective deliberation*.

Let's start with Smith's project. As observed by Dellemotte (2011: 2237), the author explicitly presents his moral philosophy as a positive theory of moral behavior which aims at explaining the origin of our moral judgments[28]. The complete title of the *TMS* leaves no doubt about its purpose:

> "*The theory of moral sentiments. Or, an essay towards an analysis of the principles by which men naturally judge concerning the conduct and character, first of their neighbours, and afterwards of themselves.*"

It is well-known that this "analysis" relies on Smith's famous principle of sympathy[29]. However, in order to explain how "men naturally judge concerning the conduct of themselves", the author has to call for an additional concept: that of impartial spectator.

The "impartial spectator" is the concept that the author introduces to describe how we achieve to remove ourselves from our "natural station" (meaning: "partial station")[30] in order to judge

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[26] This is typically the approach of Ege, Igersheim & Le Chapelain (2012) according to whom there would be a transcendental dimension in Smith's analysis, that Sen would not have been able to grasp, and that would definitively separate his project from Smith's.

[27] According to Forman-Barzilai (2010: 180), Sen's distinction between closed and open impartiality is "very helpful", but she claims that Smith's theory is distinctively a theory of closed impartiality.

[28] Dellemotte (2011) insists on the positive nature of Smith's discourse in *the Theory of Moral Sentiments*. His observation relies on two elements: (i) on a footnote of the *TMS* in which the author makes clear that the "inquiry" carries out in the book "is not concerning a matter of right [...] but concerning *a matter of fact*" (*TMS*, II, i, 5, footnote 10: 77; our italics); (ii) on the complete title of the book. For more details on the positive nature of Smith discourse in the *TMS* see also Campbell (1971, 2013); Evensky (1987) and Heilbroner (1982). Recent scholarship has nonetheless emphasized the normative side of Smith's *TMS.* See especially Hanley (2009, 2013).

[29] For a presentation and discussion of Smith's concept of sympathy, Morrow (1923) remains a relevant introduction. For recent interpretations, see Nanay (2010) and Brében (2015).

[30] Smith writes that in our natural station "every thing appears magnified and misrepresented by self-love" (TMS, III, 4: 157). On the distinction and the interaction between an individual's "natural point of view" and the "impartial spectator point of view", in the *Theory of Moral Sentiments*, see Brében, 2014. On

of our own behavior. Smith explains its emergence as follow: through our social interactions, we find that others judge of our behaviors exactly as we ourselves, as a spectator, judge of their behaviors. We then become anxious to know, says Smith, "whether to them we must necessarily appear those agreeable or disagreeable creatures which they represent us" (TMS, III, 1: 112). That is how we are led to adopt their perspective or what we imagine would be their perspective on our own behaviors (see TMS, III, 1: 112)[31]. Now, Smith refers to this perspective as that of "the impartial spectator". Thus, the impartial spectator consists in an abstract figure that the author often calls "the supposed impartial spectator"[32] and who represents, as Forman-Barzilai (2010: 86-90) rightly observed, "the judgment of others" that we have internalized (see TMS, III, 1: 109-10)[33]. This is the reason why he often refers to him as a "judge"[34] or an "arbiter"[35]. It constitutes our moral reference thanks to which we can *individually* deliberate about the morality of our own behavior[36].

Of course, such is not the role granted to the impartial spectator in Sen's project. Sen's project, in the *IJ*, is to present "a theory of justice in a very broad sense" which aims at guiding "practical reasoning about what should be done" (IJ: ix). Inspired by social choice theory[37], Sen seeks to define a *collective* choice procedure for leading a society towards less injustice. The inspiration lies in the ranking – or the comparison –, from a "social point of view", of different states of affair in the light of individual assessments (2012c: 265)[38]. However, Sen's proposal for the collective choice procedure is not the mere aggregation of individual rankings, as it is the case in standard

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the meaning that Smith grants to impartiality, see Griswold (1999), Raphael (2007) and Fleischacker (2009).

[31] "We begin, upon this account, to examine our own passions and conduct, and to consider how these must appear to them, by considering how they would appear to us if in their situation. We suppose ourselves the spectators of our own behaviour, and endeavour to imagine what effect it would, in this light, produce upon us. This is the only looking-glass by which we can, in some measure, with the eyes of other people, scrutinize the propriety of our own conduct."

[32] See, for instance,*TMS*, III, 2: 130-1; 3: 134; VI, ii, 1: 226; iii, Conclusion: 262.

[33] On this interpretation of the Smithian impartial spectator, see also Griswold (1999: 133) and Fleischacker (2009: 46-7).

[34] See, for instance, *TMS*, III, 1: 110, 113; 2: 130; 3: 134, 137; VI, ii, 2: 227-228; iii: 245, 247; Conclusion: 262.

[35] See, for instance, *TMS*, III, 2: 130; 3: 137; VI, ii, 2: 227; iii: 247; Conclusion: 262.

[36] "Whatever judgment we can form concerning [our own sentiments and motives]", Smith says, "[this judgment] must always bear some secret reference, either to what are, or to what, upon a certain condition, would be, or to what, we imagine, ought to be the judgment of others" (TMS, III, 1: 110).

[37] In Sen's theory of justice, insights from social choice theory play a substantial role (IJ: 18; see also Sen 2012c for more details on this point). To a large extent, it can be said that this is the roots of his comparative approach to justice.

[38] The general idea of such approach is the following: "to show that a certain state of affairs x is comparatively unjust, we merely have to show that there is another feasible alternative y […] that is less unjust (or equivalently, more just) than x" (Sen 2012a: 175).

social choice theory. He rather prescribes "a 'social choice' approach […] concerned with public reasoning" (Sen 2012b: 104).

Now, as we have shown, public reasoning, for Sen, should be based on a procedure of open impartiality in which impartial spectators play a central role (see *supra*, §1.1). Indeed, Sen militates for "an inclusive effort to bring in the perspectives and values of other people, even when they live far away" (Sen 2012b: 104). To put it differently, impartial spectators' assessments must be part of the inputs of the *public discussions*[39] concerning institutions, behaviors or other determinants of justice. They allow critical reflection on "positional viewpoints" in Sen's words, so "that we can move to a transpositionally allowable resolution" (Sen 2012a: 173).

As a result, there are two major differences between Sen's impartial spectator and Smith's one. Indeed, the Senian impartial spectator is (i) neither an abstract figure (ii) nor a moral reference, as it is the case in Smith's analysis. Let's deal successively with these two issues.

(i) With regard to the first issue, as we have seen (see *supra*, §1.2.), Sen is very clear about the fact that "his" impartial spectator is not an *abstract* but a *real spectator* involved in the public reasoning of a group although "not necessarily (indeed sometimes ideally not) belonging to the focal group" (IJ: 123). His role can be endorsed by outsiders as well as by people from within the group, provided they have different experiences and customs. Whatever be, the impartial spectator must be able to offer a new perspective vis-à-vis the social norms. This leads us to the second issue.

(ii) In no case, Sen's impartial spectator should be seen as a reference regarding judgments for justice. He does not come as an "arbitrator" (IJ: 131) who would tell the group what would be the fairest decision (note that this would go against the spirit of the comparative approach defended by Sen). Sen's impartial spectator is not impartial because he is able to make "just" judgments (they may be just or unjust). He is impartial because he has distinct experiences, prejudices and beliefs from the focal group which render him able of distancing vis-à-vis its social norms. Thus, he opens the path for questioning standard, established local reasoning and practices, and then, for the modification of beliefs concerning justice. His different perspective, says Sen, "may help us to achieve a *less partial* understanding of the ethics and justice of a problem" (*Ibid.*, our italics). Now, following the author's understanding of impartiality, public reasoning

[39] Note that Sen does not use the expression "collective deliberation" and prefers the vague notion of "public reasoning", or sometimes "public discussion" (See Baujard and Gilardone 2013: 27).

should not involve *one* impartial spectator but as many as possible and, most importantly, *as different as possible*[40].

Unsurprisingly, this review of the role granted to the impartial spectator in each author's project leads to conclude that the Senian concept is far removed from the Smithian concept so that, on first view, it is difficult to see how the latter could serve Sen's project. However, such a perspective on each author's project also leads to foresee some possible bridges between them. Despite major differences, Sen's concept of impartial spectator is not altogether irreconcilable with Smith's analysis.

2.2. The "Man Without": a Way to Reconcile Smith and Sen

Though he does not correspond to Smith's concept, Sen's impartial spectator is somewhat reminiscent of another figure from *the Theory of Moral Sentiments*: the "man without" (TMS, III, 2: 130-1). Following Smith, the man without is the figure which represents the actual spectators of our own conduct as opposed to the (supposed) internal impartial spectator that the author also calls the "man within" (*Ibid.*)[41].

Indeed, real spectators also play an important role in Smith's moral philosophy. They take part in the development of our moral conscience which arises from our social interactions[42]. As we have shown, this is from our interactions with real spectators that the "man within" arises (see *supra*, §2.1). This leads Smith to conclude that, "[v]irtue is not said to be amiable, or to be meritorious, because it is the object of its own love, or of its own gratitude; but because it excites those sentiments in other men." (TMS, III, 1: 113).

At this stage, an important specification should be made. As stressed by Raphael and Macfie (1976: 16), for Smith, when we judge our own conduct we do not simply observe the actual judgment of the "man without"'. We imagine what we should feel if we ourselves were the spectator of our conduct. We thus appeal "to a much higher tribunal" (TMS, III, 2: 130) [43]. There is indeed a major difference between the "man within" and the "man without" which makes the former a more reliable judge than the latter: the man within, as *our representation* of what

[40] Actually, it should involve "a wide variety of viewpoints and outlooks based on diverse experiences from far and near, rather than remaining contented with encounters – actual or counterfactual – with others living in the same cultural and social milieu, and with the same kind of experiences, prejudices and beliefs about what is reasonable and what is not, and even what is feasible and what is not" (IJ: 44).

[41] For an analysis of the distinction between the "real" and the "supposed" impartial spectator, in the *Theory of Moral Sentiments*, see Raphael (2007).

[42] On this point, see Raphael and Macfie (1976: 16) and Forman-Barzilai (2010: 85).

[43] "But though man has, in this manner, been rendered the immediate judge of mankind, he has been rendered so only in the first instance; and an appeal lies from his sentence to a much higher tribunal, to the tribunal of their own consciences, to that of the supposed impartial and well-informed spectator, to that of the man within the breast, the great judge and arbiter of their conduct" (TMS, III, 2: 130).

should be the others' judgment, is a well-informed spectator[44]. He possesses information about our conduct and the motives that influenced it which lack to the "man without". For this reason, Smith refers to him as "the supposed impartial and well-informed spectator" (TMS, III, 2: 130) as opposed to the "man without" that he depicts as "ignorant" and potentially "weak" (TMS, III, 2: 131) because he could either be impartial (having no particular connection with us) or partial (having a particular connection with us or being influenced, in his judgment, by others criteria than moral ones[45]).

Now, and this is the second point, despite his imperfections, the man without still keeps an important role once our moral conscience is developed. Smith claims that there are "some extraordinary occasions" on which "the testimony of the supposed impartial spectator cannot always alone support him" (TMS, III, 3: 134). This is the case, for instance, when we are doubtful about the accuracy of our own judgments about our conduct. In these doubtful cases, the judgment of the "man without" is of principal consequence, as a proof of the morality (or immorality) of our conduct (see TMS, III, 2: 122-126).

But most importantly for us, Smith addresses some others, more dramatic, occasions on which the "man without" or, what he also calls "the real and impartial spectator"[46] is "at a great distance". Basically, they correspond to situations in which we have no more interactions with others. "In solitude", the author says, we are apt to be too partial,

> "we are apt to feel too strongly whatever relates to ourselves [...] *The man within the breast*, the abstract and ideal spectator of our sentiments and conduct, requires often to be awakened and put in mind of his duty, by *the presence of the real spectator*" (TMS, III, 3: 153; our italics)[47]

This observation leads Smith to a recommendation, one of the few that he makes in *the Theory of Moral Sentiments*:in adversity as well as in prosperity, we should not stay "in the darkness of solitude" or in the sole company of "indulgent and partial spectators". We should go "to the day-light of the world and of society". We should face people having no particular connection with us. We should confront to the point of view of real impartial spectators on our situation in order to

[44] This is probably what Forman-Barzilai has in mind what she writes that "[t]he tribunal of the 'man without' was comprised of our fellows and operated according to the dynamics of actual praise; the second tribunal, the 'man within' enabled rational reflection about what was genuinely praise-worthy, independent of society's 'groundless acclamations'. This leads her to assert that "The 'two tribunals' argument represents Smith's best attempt to innoculate his sociological account of conscience against charges of conventionalism" (2010: 101). On this point, see also Griswold (1999: 131-2)

[45] These other criteria can be wealth or power. Smith addresses this specific issue in his chapter: "Of the corruption of our moral sentiments, which is occasioned by this disposition to admire the rich and the great, and to despise or neglect persons of poor and mean condition"(TMS, I, iii, 3: 61)

[46] See TMS, III, 4: 156.

[47] Unsurprisingly, Sen quotes this passage of the *TMS* to justify his Smithian inspiration for the normative idea of "open impartiality" (see IJ: 125).

distance ourselves from our natural station (TMS, III, 3: 154). This recommendation actually expresses the dramatic consequences that the author grants to these situation in which the man without is at a great distance, e.g., situations in which our morality "is never so apt to be corrupted" (TMS, III, 3: 154).

To illustrate these dramatic consequences, Smith gives an example which, in a sense, echoes Sen's concerns in the *IJ*. In this example, the author goes from the individual level to the collective level by depicting the conduct of two nations at variance. At the individual level, he explains that the citizen of each nation does not have the mean to adopt an alternative point of view to his own because his fellow citizens "are all animated by the same hostile passions which animate himself" in his natural station (see TMS, III, 3: 154). Consequently, interactions with real spectators do not arise in the internalization of an impartial spectator's point of view but of a partial one[48]. And moral deliberation leads the citizen to legitimate his "hostile passions".

At the collective level, the consequences are straightforward. All the citizens of each nation are in the same situation so that the nations themselves are partial[49]. In war, Smith says, "neutral nations are the only indifferent and impartial spectators [the only real impartial spectators]". Unfortunately, "they are placed at so great a distance that they are almost quite out of sight". It results that "the laws of nations, are frequently violated, without bringing (among his own fellow-citizens, whose judgments he only regards) any considerable dishonor upon the violator; but those laws themselves are, the greater part of them, laid down with very little regard to the plainest and most obvious rules of justice" (TMS, III, 3: 155).

Though Smith does not make explicit recommendation from this specific example, it is not unreasonable to imagine that if there was an opportunity, for the nations at variance, to communicate with neutral nations, they would be more impartial. Now, the evocation of such an opportunity is somewhat reminiscent of Sen's idea of public reasoning which should include outsiders. As a result, it is not altogether absurd to consider that Sen, in his approach of collective deliberation, drew inspiration from Smith's "man without" rather than from Smith's "man within"[50]. However, it is worth noting that, drawing on Smith, Sen neglects an important dimension of his analytical framework which concerns individual deliberation and what comes along with it, that is, precisely: the man within. In *the Theory of Moral Sentiments*, the influence

[48] "The partial spectator is at hand: the impartial one at a great distance" (TMS, III, 3: 154).

[49] There are some citizens who slip from the "general contagion". However, Smith writes that "[t]he just man [...] incurs always the contempt, and sometimes even the detestation of his fellow-citizens" (TMS, III, 3: 154-5).

[50] This supports Ege, Igersheim & Le Chapelain (2012)'s assertion according to which Sen does not pay attention to the inwardness of Smith's impartial spectator.

of the man without can only be understood with reference to the latter[51]. To take again the illustration of the two nations at variance, if neutral nations are able to influence their conducts, it is because they make possible the emergence of an impartial spectator "within" each citizen of both nations. Thus, they offer the means for each citizen to individually deliberate about his behavior from an alternative – and less *parochial*, to take Sen's word – point of view. Now, is Sen concerned with the influence of his impartial spectators on individuals? Actually, his idea of public reasoning can be seen as a means for individuals to have a reflexive and comparative thinking on their own viewpoints – i.e., to deliberate *individually* – so that they may move toward a "transpositional" viewpoint. It is then legitimate to ask whether there is, in Sen's analysis something analogous to the "man within" in order to explain how impartial spectators, in public reasoning, make individual's viewpoints evolve[52]. We will see that, unfortunately, such is not the case.

3. Concluding Remarks: The Man Within as a Missing Piece of Sen's Open Impartiality?

Going back to the *Theory of Moral Sentiments* does not only allow building some bridges between Sen's and Smith's analysis. It also opens the path to address some unresolved outstanding issues in *The Idea of Justice*. One of these concerns the way impartial spectators could make common agreed belief of a focal group evolve toward more justice. But contrary to Shapiro (2011), we do not consider this issue as a deadlock for his comparative theory of justice. We rather view it as an invitation to go further in the use of Smith's analysis.

As we have seen, in the *Theory of Moral Sentiments*, one of Smith's concerns is to explain how individuals' judgments are able to evolve toward more impartiality. This process involves the interaction between two important figures: what Smith calls "the man without", on the one hand, and the "man within" (the genuine impartial spectator), on the other hand. We agree with Ege, Igersheim and Le Chapelain (2012) that Sen neglects the inwardness of Smith's impartial spectator. According to us, the "man within" could constitute the missing piece of Sen's project. More precisely, we believe that Smith's impartial spectator could be extending to Sen's analysis. For instance, it is possible to take inspiration from the Scottish philosopher to represent common agreed beliefs internalized by people from the focal group and shaped through their social interactions. In that sense, contrary to Ege, Igersheim and Le Chapelain (2012), we

[51] As rightly observed by Ege, Igersheim & Le Chapelain (2012), without the hypothesis of the inwardness of the Smithian impartial spectator, real spectators would not be able to bring back individuals to more impartiality.

[52] In a sense, this is the question raised by Shapiro, in his review of the Idea of Justice (2011), when he criticizes Sen for not telling us how and why the listening to "distant voices" makes us change our priorities.

consider that Smith's man within may be interpreted without appealing to transcendental thinking.

Such an extension of Smith's impartial spectator could supplement what we can now reasonably call Sen's "man without" in the process of public reasoning. In arguing for another touch of Smith in Sen's theory of justice, we remain fully in line with Sen's wish to explore more extensively the Scottish philosophers' insights.

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