

A missing touch of Adam Smith in Amartya Sen's account of public reasoning: the man within for the man without

Laurie Bréban, Muriel Gilardone

▶ **To cite this version:**

Laurie Bréban, Muriel Gilardone. A missing touch of Adam Smith in Amartya Sen's account of public reasoning: the man within for the man without. Cambridge Journal of Economics, In press, 10.1093/cje/bez065 . halshs-02495559

HAL Id: halshs-02495559
https://shs.hal.science/halshs-02495559

Submitted on 2 Mar 2020

HAL is a multi-disciplinary open access archive for the deposit and dissemination of scientific research documents, whether they are published or not. The documents may come from teaching and research institutions in France or abroad, or from public or private research centers.

L'archive ouverte pluridisciplinaire **HAL**, est destinée au dépôt et à la diffusion de documents scientifiques de niveau recherche, publiés ou non, émanant des établissements d'enseignement et de recherche français ou étrangers, des laboratoires publics ou privés.

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

Laurie Bréban[1] and Muriel Gilardone[2]

Provisional version, February 2019

Abstract

Sen claims that his 2009 theory of justice is based in part upon Smith's idea of the "impartial spectator". His claim has received criticism: some authors have responded that his interpretation of Smith's concept is unfaithful to the original (e.g., Ege, Igersheim and Le Chapelain 2012); others, focusing on internal features of Sen's analysis, critique his use of the Smithian impartial spectator, arguing that it is a weak point in his comparative theory of justice (e.g., Shapiro 2011). In this paper we address both sets of criticisms. While agreeing with commentators that Sen's reading of Smith is somewhat unfaithful, we reiterate that his aim in *The Idea of Justice* is not to provide an exegesis of Smith but rather to build his own comparative theory of justice by "extending Adam Smith's idea of the impartial spectator" (*IJ*: 134) to his own project. After clarifying their distinct approaches to the concept of the impartial spectator, we draw upon our account of these differences to evaluate Sen's own use of the concept. Despite significant divergences, we show that Sen's version of the impartial spectator is not inconsistent with Smith's analysis. Though it does not correspond to Smith's concept, i.e. to what the Scottish philosopher sometimes calls the "man within", it is reminiscent of another figure from Smith's moral philosophy: the "man without". Beyond this analogy, there are further connections between Smith's imaginary figure of the "man within" and Sen's account of "common beliefs"—both notions are ways of representing our beliefs regarding what is moral or just. But whereas Smith's moral philosophy offers an analysis of the process by which the "man without" influences the "man within", nothing of that kind is to be found in Sen's conception of public reasoning. And it is here that Smith's famous concept of "sympathy" can supplement Sen's theory, in a way which furnishes an answer to Shapiro's (2011) criticism regarding the possibility of the spontaneous change of beliefs toward greater impartiality.

Keywords

[1] PHARE, Université Paris 1 Panthéon Sorbonne - 106 boulevard de l'hôpital - 75013 Paris - France. E-mail: laurie.breban@univ-paris1.fr

[2] CREM, Normandie Université, Unicaen - Esplanade de la paix - 14000 Caen - France. E-mail: muriel.gilardone@unicaen.fr

Sen, Smith, Impartial Spectator, Man Without, Public Reasoning, Man Within, Sympathy, Deliberation, Justice, Agreement, Non-Prudential Morality

Classification-JEL

A13; B12; B31; B41; B54; D63; D71

Acknowledgments

This research was made possible thanks to funding provided by the CREM, the LED and the PHARE. Previous versions of the paper have been presented at the 26th Annual Conference of the Eighteenth-Century Scottish Studies Society (Paris, Sorbonne, July 2013), at the Interface Workshops (Lyon, May 2013 and Goutelas, December 2014), at the "Wealth and Virtue" Workshop (Caen, June 2014) and at the 4th International Conference of Philosophy and Economics (Lyon 2018). We would especially like to thank Antoinette Baujard, Constanze Binder, Herrade Igersheim, Charlotte Le Chapelain, Ragip Ege, Hadrien Gouze, Emmanuel Picavet, Maurice Salles and Amartya Sen for their comments, as well as Ben Young for proofreading. We are also particularly grateful to Benoît Walraevens for his careful reading of previous versions of the paper and for the many discussions that we had about Smith and Sen together as well as to our referees for their precious comments. The usual caveat holds.

1. Introduction

Since the publication of "Open and Closed Impartiality" (Sen 2002), and the more extensive account of the same ideas in *The Idea of Justice* [*IJ*] (Sen 2009), Sen has claimed that his theory of justice is derived from Adam Smith's concept of the "impartial spectator" as set out in *The Theory of Moral Sentiments* [*TMS*] (1759–1790). According to him, Smith's concept represents a challenge to standard approaches of justice, and particularly to John Rawls's theory of the social contract (1971), at least as regards the fundamental issue of public reasoning. Sen advocates a procedure characterized by "open impartiality", as opposed to "closed impartiality", for collective decisions concerned about justice. This procedure, which the author claims to have borrowed from Smith, constitutes the core of his comparative theory of justice (§1).

Sen's tribute to Smith's pioneering concept of the impartial spectator, however, has met with a number of criticisms. Some, specifically those related to the history of ideas, concern his interpretation of Smith's concept, which is considered unfaithful to the original (Forman-Barzilai 2010, Gilardone 2010, Bruni 2011, Shapiro 2011, Alean Pico 2014, Ege, Igersheim and Le Chapelain 2012). Others, more internal to Sen's analysis, concern the use he makes of Smith's concept of the impartial spectator, claiming that it is a weak point in his comparative theory of

justice (Shapiro 2011, Ege, Igersheim and Le Chapelain 2012). In the present paper, we respond to both sets of criticism.

We agree with commentators that Sen's reading of Smith is somewhat unfaithful. At the same time, however, we must recall that his aim in *The Idea of Justice* is not to engage in Smithian exegesis but rather to build a comparative theory of justice by "extending Adam Smith's idea of the impartial spectator" (*IJ*: 134) to his own project - in others words, as Martins (2012) noticed, Sen essentially uses *The Theory of Moral Sentiments* for his own purposes. Hence there are important differences between his conception of the impartial spectator and Smith's. While Smith's concept denotes an *abstract* observer thanks to whom we can *individually* deliberate about the morality of our own conduct, Sen's version represents *real* observers involved in *collective* deliberation – in "public reasoning", to use his words – whose points of view induce our common beliefs to evolve toward greater justice (*IJ*: 44–45). After the necessary step of clarifying these differences between the two ideas of the impartial spectator, we then draw on our account of these differences to evaluate Sen's use of the concept with regard to his specific project. This allows us to reconcile his analysis and Smith's. Despite major differences, we show that Sen's impartial spectator is not altogether inconsistent with Smith's. Though it does not correspond to Smith's own concept, or to what the Scottish philosopher sometimes calls the "man within", it is in fact reminiscent of another figure from his moral philosophy: the "man without" (§2).

This comparison between the two authors' analyses not only allows us to establish a bridge between their respective projects, but also opens a path to address Shapiro's criticism of Sen's assumptions that (1) people can develop new beliefs and change their priorities without being driven by self-interest or governed by coercive institutions, and (2) open public reasoning will make people tend toward more impartiality (Shapiro 2011). Indeed, we believe that Sen could have drawn further inspiration from Smith's moral philosophy in order to counter criticisms such as those of Shapiro. Beyond the analogy between Smith's "man without" and Sen's impartial spectators, it is possible to establish certain connections between Smith's imaginary figure of the "man within" and Sen's view of "common beliefs" (e.g., *IJ*: 45, 71, 125, 162):[3] both concepts represent our beliefs regarding what is moral or just, these beliefs being built through our experiences, observations and interactions. However, the possible connections between the two authors stop here. Whereas Smith's moral philosophy offers an analysis of the process by which the man without influences the man within, there is nothing of that kind in Sen's conception of

[3] We use the generic term "common beliefs" to denote what Sen sometimes calls "parochial beliefs" (*IJ*: 71), "local beliefs" (*IJ*: 162), "commonly agreed beliefs" (*IJ*: 125), "inherited beliefs" (*IJ*: 38), or indeed simply "beliefs" (e.g., *IJ*: 35, 45, 390).

public reasoning. And it is here that Smith's analysis can supplement Sen's: for at the heart of Smith's philosophy there is the famous concept of "sympathy", a concept which goes hand in hand with that of the "impartial spectator". The interest of Smithian sympathy is that it furnishes an answer to Shapiro's criticisms regarding the possibility of (1) spontaneous change of beliefs, and (2) a change that leads toward greater impartiality. In other words, Smithian sympathy can be considered the missing piece in Sen's analysis of the process which must lead common beliefs to evolve toward more impartiality (§3).

2. 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 concept of the impartial spectator. Sen returns to Smith in order to support his project for a "comparative" theory of justice, which he conceives as an alternative to Rawls's (1971) "transcendental" theory of justice (§1.1). It is well known that Sen also defends the view that the Smithian impartial spectator allows for an openness that is impossible given Rawls's (1993) definition of "public reason" (see for instance Clare and Horn 2010, Shapiro 2011, Ege, Igersheim and Le Chapelain 2012); but it is rarely remarked that the scope of Sen's "open impartiality" extends beyond the mere involvement of outsiders in public reasoning. Here we show that Sen's interpretation of Smith's concept of the impartial spectator in fact provides an alternative choice procedure for collective decisions or social evaluations (§1.2).

2.1. The history of ideas as legitimating Sen's comparative theory of justice

To identify the subject matter of a theory of justice, Sen insists, we need to re-visit the works of earlier moral and political philosophers, and not confine ourselves to contemporary theory:

> "[…] 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 and Salles, 2010)

However, if Sen is sympathetic to the history of ideas, his reading of old writings remains mainly instrumental so that his attitude towards them changes according to his purpose. As we will see hereafter, when dealing with what he calls "transcendental" and "comparative" theories of justice, the author simply claims a heritage and, symmetrically, identifies his intellectual

enemies. But when dealing with the *TMS*, he goes further taking over concepts from the past. Let's consider successively these two references to the history of ideas in Sen's *IJ*.

Sen (*IJ*) claims that in the history of ideas we can distinguish two main traditions of thought on justice, inherited from the 18th- and 19th- century European thinking.[4] The first, which he calls "transcendental institutionalism" (*IJ*: 5), is represented by Hobbes, Locke, Rousseau and Kant, and sees a contemporary development of this approach in Rawls's 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 any analysis of actual societies (*IJ*: 6). Sen also speaks of an "arrangement-focused conception of justice" (*IJ*: 7), since justice is conceptualized in terms of ideal organizational arrangements such as institutions, regulations and behavior rules (*IJ*: 10).

The second tradition, represented by Smith, Condorcet, Bentham, Wollstonecraft, Marx and Mill, Sen calls the "realization-focused comparison" approach (*IJ*: 7). Here, primacy is given to the investigation and comparison of specific ways in which social states are achieved. It aims at removing manifest injustice rather than identifying perfect justice. Thus, the "arrangement-focused view of justice" is contrasted with 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 what the subject matter of a theory of justice should be is clearly in line with the comparative approach, with its focus on attainable 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

[4] This is not the first time that Sen has reconstructed certain intellectual traditions in order to situate 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 expresses regret that welfare economics has departed from the former, and he presents his approach as enriching welfare economics by paying more attention to ethics, thus returning 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 a new way for Sen to establish the legitimacy of his contribution to a discipline, whether in economics or philosophy. As E. Picavet rightly suggested to us during the workshop *Interface* (Goutelas, December 2014), Sen employs this method to break away from typical contemporary forms of argumentation, and mobilize early writings as partial guides for his own theories.

[5] The robustness of this dichotomy is increasingly debated among Sen's commentators (Ege, Igersheim and Le Chapelain 2012 and 2016, Kandil 2010, Robeyns 2012). We will not here call into question whether Sen falls within a purely comparative approach, nor ask whether Smith's concept of the impartial spectator may be interpreted within this tradition. We grant that Sen's rejection of transcendental elements is the reason why he appeals to a specific version of Smith's view of impartiality.

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).

As Sen proceeds, the opposition between transcendental and comparative approaches soon develops into a direct confrontation with the dominant Rawlsian theory of "Justice as Fairness", against which he posits his own theory which he claims to derive from Smith's account of the impartial spectator. Sen's endorsement of the comparative approach is not surprising, since he has made significant contributions to social choice theory—which is concerned with the criteria for choosing between diverse social states (Sen 1970, 1974, 1977, 1995, 1999a)—and to the capability approach—which concerns what different groups of people can or cannot achieve within the society in which they live (Sen 1980, 1984, 1985, 1989, 1993).[6] It is noteworthy, however, that Sen goes beyond a mere endorsement of the comparative approach: many pages are devoted to denouncing the limitations of Rawls's "transcendental institutionalism".[7] Specifically, he mentions two problems (*IJ*: 9): (i) the "feasibility" of reaching a consensus on a unique, transcendental solution,[8] and (ii) the "redundancy" of the search for a transcendental solution.[9] However, Sen agrees with one feature of Rawls's political philosophy: "the interpretation of justice is linked with public reasoning" (Sen, 2006: 215). And this then becomes the opportunity for him to refer to Smith's analysis.[10] Thus, in this very contemporary

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

[7] Sen's reading of Rawls must be treated with care. Clare and Horn (2010: 78), for instance, show that Rawls is not guilty of all the accusations Sen levels at him. Ege, Igersheim and Le Chapelain (2016) follow Sen in saying that the early Rawls belongs to the transcendental tradition, but criticize Sen's failure to take adequate note of Rawls's gradual shifts toward a more comparative analysis. Gilardone (2015) underlines the evolution but also the partiality of Sen's reading of Rawls over the last five decades. She also shows that Sen does not take seriously the comparative approach developed by the later Rawls, because of its reliance on transcendental features (Gilardone 2015: 302-303).

[8] Sen (*IJ*: 12–15) uses an example to illustrate his point. Imagine you have three children who are fighting over a (single) flute, using the following claims: Anna thinks she deserves it because she is the only one who knows how to play the flute, Bob says that he is poor and has no toys of his own, while Carla points out that she was the one who made the flute. How to choose between them? All three make reasonable claims, based on impartial though different grounds.

[9] The best illustration is that given by Sen in answer to Robeyns's (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 adds that "the contrast-with-the-perfectly-just is not a particularly useful way of trying to persuade the obtuse" (*ibid.*). His proposal is rather to point out "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 might indeed expect Sen to have drawn inspiration from more recent authors who have dealt with the issue of open public reasoning. During the workshop *Interface* (Goutelas, December 2014),

matter, Sen (*IJ*: 44–46) considers that Smith's view of the impartial spectator challenges Rawls's ideas of public reason and impartiality.

Sen has elsewhere expressed a special interest in Smith who, he claims, had many insights that have not yet been fully explored:

> "[…] 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 and Salles, 2010)

Nor can it be said that his interest in Smith is purely anecdotal. While Sen has laid claim to a Smithian inheritance ever since his book *On Ethics and Economics* (1987), and did so explicitly in *Development as Freedom* (1999b),[11] he goes much further in his exploration of Smith in *The Idea of Justice* (2009), elaborating in particular on the concept of the "impartial spectator".[12] As observed by Ege, Igersheim and Le Chapelain (2012: 187), the reference to Smith is constant, systematic and critical throughout Sen's development of his argument. More precisely, we count no fewer than 132 mentions of Smith in *IJ*.[13] The most significant excerpt can be found in chapter 2 ("Rawls and Beyond"), just after a long presentation of the interest 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

---

Emmanuel Picavet suggested to us that Sen could have appealed to Henri Bergson's (1932) or Karl Popper's (1945) concept of "the open society". However, we cannot find any reference to these authors in *IJ*.

[11] Sen also acknowledges the influence of his wife, Emma Rothschild, who is a specialist on 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 1999b: xvi). On the influence of Smith on Sen, see Sen and Rothschild (2006), in which Smith's theory of poverty is said to anticipate the capability approach.

[12] Until 2002, Sen's use of Smith was limited to the notions of "sympathy", "prudence" or "rules of conduct", directed at calling into 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.

[13] Most of them are related to the device of the impartial spectator, but Smith is also invoked more widely for dealing with a range of issues: 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").

are not readily available in the contractarian line of reasoning used by Rawls" (*IJ*: 70). He highlights four issues where "the Smithian line of reasoning, involving the impartial spectator" (*IJ*: 70), promises better results 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, 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 may even consider that for him they constitute the four key requirements that a relevant theory of justice must satisfy (see *IJ*, Preface: ix–xii[14]). In passing, we may note that the above-quoted passage is found in the first part of *IJ*, entitled "The Demands of Justice". This is additional evidence that Smith's influence on Sen's view of justice is not minor. However, and contrary to what Sen himself claims, it is not so easy to understand just *how* Smith's contributions prove to be key in all four issues. It is only regarding requirement (4) that we gain some clarity about Smith's influence (Sen 2002, 2006, 2009, 2010). This has led commentators to focus on that specific issue independently from the others (see Clare and Horn 2010, Forman-Barzilai 2010, Fleischacker 2011, Shapiro 2011, Ege, Igersheim and Le Chapelain 2012). In the second subsection we will have occasion to see that this is not representative of the influence that Sen grants to Smith.

Now, one may ask why Sen (2002, 2006, 2009, 2010) makes the prominent claim that it is precisely by appeal to the Smithian impartial spectator that he derives the idea that people from outside the "focal group"[15] should participate in debates and should be taken into account in public reasoning on justice (e.g., *IJ*: 125). The reason may be the following: for his purposes, Sen has disconnected the issue of public reasoning—which he draws from contemporary political philosophy, and from Rawls in particular—from the search for the just society—which he considers as irrelevant. This leads him to distinguish two separate questions: "*What is the relevant public*?" and "*On what questions should the reasoning concentrate*?" (Sen, 2006: 215). Smith's concept of the impartial spectator is then used to answer the first question and to offer an alternative to what Sen calls Rawls's "closed impartiality"—public reasoning in which only

[14] Note that in this section of the Preface, entitled "What kind of a theory?", Sen explicitly sets out the first three requirements. However, the fourth one is implicitly contained in the second: "Reasonable arguments in competing directions can emanate from people with diverse experiences and traditions, but they can also come from within a given society […]" (*IJ*: x).

[15] Sen often uses the expression "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 a "local group" (2009: 150) or "particular group of people" (2009: 117), or even the "contractarian group" (2009: 70) though he rejects the idea of a social contract.

people from the focal, contracting group, are involved. However, the two questions are intimately related and the answer to the former depends on the answer to the latter. In other words, Sen has artificially divided the subject into two parts, which renders his use of Smith rather unclear and poses difficulties in understanding his approach.[16] The idea of public reasoning grounded on open impartiality, which Sen derives from Smith's impartial spectator, goes much further than a mere inclusion of outsiders in public reasoning and might therefore answer all four issues mentioned above. As will be shown in the next subsection, it is in fact an alternative choice procedure based on the comparison of diverse social realizations and thought patterns (requirements 1, 2 and 4), leaving the possibility of incomplete agreement (requirement 3).

2.2. Open impartiality: an alternative choice procedure based on Smith's impartial spectator

Sen is not the first theorist of justice to draw inspiration from Smith's analysis. Rawls (1971) himself[17] appealed to the Smithian concept of the impartial spectator, and this in fact becomes another opportunity for Sen to criticize Rawls, this time concerning his reading of Smith (*IJ*: 136–138). Close attention to this criticism helps us understand why Sen's use of Smith's impartial spectator is inherent to an alternative choice procedure which includes the four requirements mentioned above. We will deal with two aspects of Rawls's reading of the impartial spectator with which Sen disagrees: (i) the idea of an ideal spectator and (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 in a way that goes well beyond the issue of the relevant public.

Sen first criticizes 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 the "veil of ignorance" in the original position in order to guarantee impartiality (see, for instance, Kandil 2010 and 2014, Clare and Horn 2010). In the original position, the participants in public

[16] 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". Ege, Igersheim and Le Chapelain (2012), meanwhile, 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.

[17] Notice that Harsanyi (1953) also proposed to base a social choice function on impersonal judgments, which have often been related to impartial spectatorship. For Harsanyi, the impersonality required for such a function refers to "ethical preferences"—in 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 choosing a utilitarian point of view. Sen's criticisms of Rawls also apply to Harsanyi's theory, though indirectly (*IJ*: 199). For a discussion of the difference between Harsanyi's and Smith's impartial spectators, see Fernandes and Kandil (1998).

reasoning are said to be ideal observers because they set aside their own identities, and thus cannot pursue their own interests while discussing principles of justice; in other words they are impartial. According to Sen, this interpretation is not faithful to Smith, whose impartial spectator would not represent an *ideal* spectator but *real* spectator*s* with their own identities. Smith, Sen 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"* (*IJ*: 136, our emphasis).

Second, Sen criticizes Rawls for "misattributing ideas to Smith, taking him to be mainly a utilitarian" (Baujard, Gilardone and Salles, 2010).[18] Sen's position is that Smith did not argue for sensations of pleasure and pain as being the foundations of morality (*IJ*: 137); and thus, there is no ground to consider 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 (*IJ*: 137 and 394).

As a result, Sen remains unconvinced by Rawls's proposal to replace the utilitarian point of view by the social contract point of view (*IJ*: 138). He sees two major drawbacks with such a proposal: (i) "closed impartiality" or the privilege of "membership entitlement" in the choice procedure,[19] and (ii) the "prudential social morality" that drives contractualist approaches.[20] Again, Sen appeals to the Smithian impartial spectator to show that these two aspects are not appropriate in a theory of justice that aims to satisfy the four requirements mentioned above.

Smith's concept of the impartial spectator 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 emphasis). Sen insists chiefly on the idea that the Smithian conception demands we include in public reasoning real spectators who come "from far or from within a community, or a nation, or a culture" (*IJ*: 123). Such a demand is a direct translation of requirement (4), but it is also related to requirements (1)–(3), though indirectly.

Indeed, Sen sees in the Smithian impartial spectator a means for self-distancing that is an alternative to the Rawlsian veil of ignorance, in line with requirements (1) and (2). To him, self-distancing does not amount to complete ignorance of the self, as it is behind the veil of ignorance

[18] Sen's criticism is confirmed by Hawi's (2011) comprehensive analysis of Rawls's misreading of Smith and misinterpretation of the account of the impartial spectator.

[19] Sen highlights three moral problems in Rawls's 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).

[20] See *IJ*: 202–204 and 270–271.

in the original position.[21] Instead, he prefers what he describes as "Smith's insistence that we must *inter alia* view our sentiments 'from a certain distance from us'" (*IJ*: 45). Thus, Sen considers that self-distancing involves comparing one's view with those of other *real* spectators who may "enlighten without being either a social contractor, or a utilitarian in camouflage" (*IJ*: 138). Sen (2012b: 103) elaborates on the kind of comparison that he thinks Smith's "innovative device" allows: we can look at "our choices and behaviour, using a wide set of alternative values—possibly quite different from those which we instinctively accept—and […] think critically about our own values".

This, he argues, is also a means to evade the ethic of self-interest which is at work in contractualist approaches, since the Smithian impartial spectator may be used for "enlightening people about moral concerns and obligations" (*IJ*: 207). The kind of reasoning entailed by such a device "must play a big role in preventing us from being—consciously or unconsciously—too self-centred, or thoughtlessly uncaring" (Sen 2012b: 103). Indeed, the pursuit of justice involves the reconsideration of our "sense of comfort" and our "being content with the world as it is" (Sen 2012b: 104).[22] And this is where the impartial spectator comes in, as a device to look critically at our way of living and what we observe around us: "Attempts at being objective can be helped by our putting on other people's hats […] and asking ourselves: how would our choices, our values look to them?" (Sen 2012b: 104).

Finally, one of the main attractions of Smith's view of impartiality relates to the possibility of incomplete agreement—requirement (3). Sen repeatedly insists on the idea that the Smithian impartial spectator is a device for critical scrutiny, not for seeking unanimity or total agreement (e.g., *IJ*: 135).[23] In other words, we can agree on some comparisons without being able to agree on all comparisons, or on the perfect social arrangement. Sen draws a distinction between two sources of incompleteness: (1) a lack of information, or operational difficulties such as complexity of calculation; (2) conflicting claims which cannot be simply ruled out. In the first case, Sen speaks of "tentative incompleteness"; in the second, of "assertive incompleteness" (*IJ*: 107–108). Both make it impossible to reach an agreement on the ranking of some social states. But the acceptability of both kinds of evaluative incompleteness is for Sen (2012b) "a huge

[21] Sen's opposition to the original position is not new, since at least from the 1980s he considered "it necessary to call on other principles related to what people actually experience in specific real positions" (Gilardone 2013: 18 2015: 215).

[22] This idea is related to an under-explored interpretation of Sen's capability approach in which personal freedom from the outset incorporates the issues of responsibility toward others and moral duty. On the definition of capability as an "effective power" to act in the direction of the results that we value—e.g., reducing injustice—see Gilardone 2018a.

[23] The admissibility of incompleteness is presented by Sen as a condition of possibility for "making use of views of impartial spectators from far as well as near" (*ibid.*). *IJ*: 131).

relief", since we still can agree on clear cases of injustice that must urgently be removed. Furthermore, even in the case of unresolved conflicts, the incomplete part of a ranking can also enrich public reasoning on justice and injustice, not least because it enlightens us that it is possible to evaluate a situation using criteria that differ from our own (*IJ*: 135).

It is clear, then, that Sen's use of the Smithian impartial spectator would be pointless or unworkable within a transcendental or contractarian approach. In this regard, we must keep in mind Sen's 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: 10). The idea of "open impartiality" that he derives from Smith's concept covers the entire procedure of choice which he advocates in response to the 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 which lead us towards less injustice in social arrangements, incompleteness being the price for relevance.

3. A Reconciliation between Sen's and Smith's Analyses: 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. In fact, we agree with the many commentators who claim that it does not (see, for instance, Alean Pico 2014, Forman-Barzilai 2010, Gilardone 2010, Fleischacker 2011, Shapiro 2011, Ege, Igersheim and Le Chapelain 2012).[24] Contrary to them, however, we do not seek to question the faithfulness of Sen's interpretation of Smith's analysis. Rather, we ask whether the impartial spectator as employed in Smith's work can actually serve Sen's own project. As we have stressed, 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 by "*extending* Adam Smith's idea of the impartial spectator" (*IJ*: 134, our emphasis). Hence Smith's work serves primarily as an inspiration for Sen's own project; it is not an object of study in itself.[25] And, as we will show, Sen's project differs

[24] Nonetheless, note that some commentators on *IJ* do not question Sen's reading of Smith's *TMS* (see for instance Peter 2012: 165). More surprisingly, Valentini (2011) does not even mention Smith in her critique *IJ*. As for Clare and Horn, although they are "skeptical that Sen's impartial spectator is anything like Smith's original", for the purposes of their paper they opt to "accept Sen's reading" (2010: 77, footnote 4). Even Martins (2012) who is aware of Sen's instrumental use of the history of ideas does not really discuss the interpretation of Smith's impartial spectator by Sen (2009).

[25] This is also true for the history of ideas in general (see Dardi 2014 on Sen's doubtful reconstruction of the pre-Arrow welfarist tradition, or Ege, Igersheim and Le Chapelain 2016 for a discussion of Sen's dichotomy between transcendental and comparative approaches).

significantly from the one pursued by the Scottish philosopher more than two centuries ago (§2.1).[26] This leads us to point out that, contrary to what Sen claims, he does not really draw on the Smithian impartial spectator, also called the "man within". His inspiration is rather drawn from another figure in *TMS*: that is, the "man without" (§2.2).

3.1. An Impartial Spectator Serving Two Different Projects

Scholars specializing on Smith tend to underline the difference between the two conceptions of the impartial spectator by contrasting Smith's analysis with Sen's own categories, and especially his distinction between what he calls the "transcendental" and the "comparative" traditions,[27] or between "open" and "closed" impartiality.[28] However, such a reading generally leaves them focused on the details of Sen's reconstruction, and neglectful of the distinctive nature of Smith's project as opposed to Sen's.[29] In contrast, we foreground the difference between Sen and Smith's impartial spectators, by reference to the specific projects that the two notions serve. Indeed, there is an important difference between Smith's and Sen's projects that, to our knowledge, has never been explicitly mentioned in the literature: while 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), Smith explicitly presents his moral philosophy as a positive theory of moral behavior which aims at explaining the origin of our moral judgments.[30] The complete title of *TMS* leaves no doubt about its purpose:

---

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

[27] This is the approach of Ege, Igersheim and Le Chapelain (2012), according to whom there is a transcendental dimension in Smith's analysis that Sen failed to grasp, which would definitively separate the two authors's projects.

[28] 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.

[29] For instance, it seems to us that Forman-Barzilai's (2010) analysis does not sufficiently grasp the specific use that Sen makes of Smith's concept of the impartial spectator. In interpreting Sen's enterprise, she remains too rooted in the Smithian project. For example, we think that there is an important confusion when she writes: "Sen too emphasizes that Smith's impartial spectator is able to remove itself 'objectively' from accepted conventions and biases" (2010:92). Sen does not actually refer to Smith's specific notion of the impartial spectator, as we make clear in this section; and we claim that Forman-Barzilai (*ibid*.) is mistaken when she relates Sen's account to those proposed by e.g., Martha Nussbaum (1997), who draw parallels between the Smithian impartial spectator and Rawls's device of the "original position", or Luc Boltanski (1999) who suggests that Smith's impartial spectator is "aperspectival".

[30] Dellemotte (2011) insists on the positive nature of Smith's discourse in *TMS*. His observation relies on two elements: (i) a footnote of *TMS* in which the author makes clear that the "inquiry" carried out in the

> "*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.[31] However, in order to explain how "men naturally judge concerning the conduct of themselves", Smith has to call upon an additional concept: that of the "impartial spectator".

The "impartial spectator" is introduced in order to describe how we succeed in removing ourselves from our "natural station" (meaning: "partial station"),[32] in order to judge our own behavior. Smith explains its emergence as follows: through our social interactions, we find that others judge our behaviors exactly as we ourselves, as a spectator, judge theirs. 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). But to obtain this information, we have no other means than to adopt their perspective—or rather what we imagine would be their perspective—on our own behaviors (see *TMS*, III, 1: 112).[33] Now, in order to formulate proper judgments on what concerns ourselves, we should imagine that this perspective comes from spectators having "no particular connexion"[34] with us.[35] Smith refers to such a perspective as that of the "impartial spectator". Thus, the impartial spectator is an abstract figure that the author often calls "the supposed impartial spectator"[36] and who represents, as Forman-Barzilai (2010: 86–90) rightly observed, "the judgment of others" that we

---

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's discourse in *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).

[31] For a presentation and discussion of Smith's concept of sympathy, Morrow (1923) remains a relevant introduction. For recent interpretations, see Nanay (2010) and Bréban (2017).

[32] 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's point of view" in *TMS*, see Bréban, 2014. On the meaning that Smith assigns to impartiality, see Griswold (1999), Raphael (2007) and Fleischacker (2009).

[33] "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."

[34] *TMS*, III, 3: 135.

[35] "[A]ll the […] passions of human nature, seem proper and are approved of, when the heart of every *impartial spectator* entirely sympathizes with them, when every *indifferent by-stander* entirely enters into, and goes along with them" (*TMS*, II, i, 2: 69; our italics).

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

have internalized (see *TMS*, III, 1: 109–10).[37] This is the reason why he often refers to this figure as a "judge"[38] or an "arbiter".[39] The impartial spectator constitutes a moral reference point thanks to which we can *individually* deliberate about the morality of our own behavior.[40]

Of course, this is not the role granted to the impartial spectator in Sen's project. Sen's project in *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,[41] 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 affairs in the light of individual assessments (2012c: 265).[42] However, Sen's proposal for the collective choice procedure is not the mere aggregation of given individual rankings, as is the case in standard social choice theory. He rather prescribes "a 'social choice' approach […] concerned with public reasoning" (Sen 2012b: 104)[43].

Now, as we have shown, for Sen public reasoning 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'

[37] On this interpretation of the Smithian impartial spectator, see also Griswold (1999: 133) and Fleischacker (2009: 46–47).

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

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

[40] "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).

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

[42] The general idea of such an 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).

[43] As we are going to see (see *infra*, §3), this approach relies on the concept of "positional view" which, though representing an individual assessment, is distinct from the concept of "preference", such as used in standard social choice theory, at least on two points. First, it must represent an objective assessment not a subjective one (see *infra*, §3) which is critical for allowing interpersonnal comprehension as well as discussion on the correctness of such views (IJ: 118). Second, contrary to Sen's writings about collective choice in which he considers preferences as given (see Martins, 2018), in the IJ the author's ambition is to explain the formation of positional views. Rigorously, this last point does not necessarily lead to distinguish both concepts - as it is possible to consider that a person's preference is given by his positional view - but the objects of Sen's works when he deals with collective choice, on one side (namely, axiomatics and formal aggregation of preferences), and social justice, on the other side (namely, impartial reasoning based on a comprehensive approach of positional views). On the distinction between Sen's social choice conception of preferences and "positional views", see Baujard and Gilardone (2019).

assessments must be part of the input to the *public discussion*[44] concerning institutions, behaviors, priorities of public action or other determinants of justice. They allow for 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: Sen's impartial spectator is (i) not an abstract figure and (ii) not a moral reference point, as it is in Smith's analysis. Let's deal with these two issues in turn.

(i) With regard to the first issue, as we have seen (*supra*, §1.2.), Sen is very clear 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). Its role can be endorsed by outsiders as well as by people from within the group, provided they have different values, experiences and customs. Whatever it may 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 should Sen's impartial spectator be seen as a reference point regarding judgments about justice. It does not function as an "arbitrator" (*IJ*: 131), telling 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 it is able to make "just" judgments (they may be just or unjust); it is impartial because it has experiences, prejudices and beliefs that are distinct from the focal group and which render it able to distance itself vis-à-vis the group's social norms. Thus, the impartial spectator opens the path to questioning standard, established local reasoning and practices, and thence to the modification of beliefs concerning justice. Its different perspective, says Sen, may "help us to achieve a *less partial* understanding of the ethics and justice of a problem" (*IJ*: 131, our italics). Now, following the author's understanding of impartiality, public reasoning should not involve *one* impartial spectator but as many as possible and, most importantly, these should be *as different as possible*.[45]

Unsurprisingly, this review of the role granted to the impartial spectator in each author's project leads us to conclude that the Senian concept is far removed from the Smithian concept, so that

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

[45] 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).

on a 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 suggests some possible bridges between them. Despite major differences, Sen's concept of the impartial spectator is not altogether irreconcilable with Smith's analysis.

3.2. The "Man Without": A Way to Reconcile Smith and Sen

Though it 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: 130–131). For 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 he also calls the "man within" (*ibid.*).[46]

Indeed, real spectators play an important role in Smith's moral philosophy. They participate in the development of our moral conscience as it arises from our social interactions.[47] As we have shown, it is from our interactions with real spectators that the "man within" arises (*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 would feel if we ourselves were the spectator of our conduct. We thus appeal "to a much higher tribunal" (*TMS*, III, 2: 130).[48] 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 the others' judgment would be, is a well-informed spectator.[49] He possesses information about our conduct and the motives that influenced it which are lacking for the "man without". For this

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

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

[48] "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).

[49] 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 inoculate his sociological account of conscience against charges of conventionalism" (2010: 101). On this point, see also Griswold (1999: 131–132).

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 might either be impartial (having no particular connection with us) or partial (having a particular connection with us, or being influenced in his judgment by other criteria than moral ones[50]).

Yet, and this is the second point, despite his imperfections, the man without still retains 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 our purpose, Smith addresses some other, more dramatic, occasions on which the "man without", or what he also calls "the real and impartial spectator",[51] is "at a great distance". Basically, they correspond to situations in which we no longer have 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)[52]

This observation leads Smith to one of the few recommendations 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 who have no particular connection with us. We should confront our point of view with those of real impartial spectators, in order to distance ourselves from our natural station (*TMS*, III, 3: 154). This recommendation actually expresses the dramatic consequences that the author assigns to those situations in which the man without is at a great distance by situations in which our morality "is never so apt to be corrupted" (*TMS*, III, 3: 154).

---

[50] 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).

[51] See *TMS*, III, 4: 156.

[52] Unsurprisingly—given the normative tone and the critical role assigned to the real spectator—Sen quotes this passage of *TMS* to justify his Smithian inspiration for the normative idea of "open impartiality" (see *IJ*: 125).

To illustrate these dramatic consequences, Smith gives an example which, in a sense, echoes Sen's concerns in *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 means 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 give rise to the internalization of an impartial spectator's point of view, but only of a partial one.[53] 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.[54] 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". As a result "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).[55]

Though Smith does not make explicit recommendations based on this specific example, it is not unreasonable to imagine that if there were an opportunity for the nations at variance to communicate with neutral nations, they would themselves become 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 to collective deliberation, drew inspiration from Smith's "man without" rather than from Smith's "man within".[56] However, it is worth noting that in drawing on Smith, Sen seems to neglect an important dimension of his analytical framework which concerns individual deliberation and what comes along with it—that is, precisely, the "man within". This will be discussed hereafter.

---

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

[54] There are some citizens who may evade 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: 154–155).

[55] A somewhat similar illustration is given by Smith in the *Wealth of Nations* (see WN, V, iii, §90: 944–945).

[56] This supports Ege, Igersheim and Le Chapelain's view (2012) that Sen does not pay sufficient attention to the inwardness of Smith's impartial spectator.

4. Extending Smith's "Man Within" to Sen's Project

Returning to *The Theory of Moral Sentiments* not only allows us to build some bridges between Sen's and Smith's analyses; it also opens the path to address some unresolved outstanding issues in *The Idea of Justice*. One of these concerns the way impartial spectators make individuals' beliefs evolve toward more justice. Contrary to Shapiro (2011), we do not consider this issue as representing a dead end 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 are going to show, it is possible to establish an analogy between Smith's concept of the "man within" and Sen's view of "common beliefs" (§3.1). For both authors, the confrontation with the "man without" is critical to induce us to move toward greater impartiality. Unfortunately, Sen does not fully detail the dynamics through which we are supposed to become more impartial, and it is here that Smith's analysis can supplement Sen's collective deliberation approach. In section 3.2., we show how Sen could have drawn inspiration from Smith's concept of sympathy—a concept which comes along with that of the impartial spectator—in order to account for the dynamics of "common beliefs"(§3.2).

4.1. A Counterpart to Smith's Man Within: Common Beliefs

As we have seen, one of Smith's concerns in *TMS* is to explain how individuals' judgments are able to evolve toward more impartiality (*supra*, § 2.2). This process involves the interaction between two important figures: the "man without", and the "man within". (In passing, we may note that Smith considers the influence of the former only with reference to the latter.)[57] To return to the earlier illustration, if neutral nations (which play the role of the man without) are able to influence the conduct of the two nations at variance, it is because they enable the emergence of an impartial spectator "within" the citizens of both nations. In this manner, people from neutral nations become the means for the citizens at variance to individually deliberate about their behavior from an alternative—and less *parochial*, to use Sen's word—point of view.

From this perspective, the fact that Sen exclusively draws inspiration from Smith's "man without", leaving aside the concept of the "man within", raises the question of what influence his impartial spectators can have at the individual level.[58] For what happens at the individual level

[57] As rightly observed by Ege, Igersheim and Le Chapelain (2012), without the hypothesis of the inwardness of the Smithian impartial spectator, real spectators would not be able to lead individuals towards greater impartiality.

[58] Here we depart from Ege, Igersheim and Le Chapelain (2012) who claim that Smith's "man within" is necessarily related to a transcendental dimension of morality.

in public reasoning—i.e., how individuals' "blind", "unquestioned", "crude" or "inherited" beliefs evolve (*IJ*: 35–37)—also seems crucial for Sen's theory of justice.[59]

Public reasoning is indeed seen as a means for individuals to engage in reflexive and comparative thinking about their own viewpoints—i.e., to deliberate *individually*—so that they may move toward a less parochial position.[60] In this sense, as stressed by Davis (2012), Sen's approach to public reasoning is not independent from his view about the formation and transformation of individual values and judgments, which supposes a "conception of what people are" (Davis 2012). We agree with Davis that Sen's notion of open impartiality is meaningful only if we consider that "individuals are self-scrutinizing agents who are able to judge and deliberate about their values and choices" (Davis, 2012: 170). Indeed, Sen claims that "all of us are capable of 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" (*IJ*: 43). This is the condition of possibility for considering that public reasoning may succeed in overcoming actual disagreements that exist. It is then legitimate to ask whether there is, in Sen's analysis, something analogous to the "man within" by which to explain how individuals, through public reasoning, manage to distance themselves from their own values and make their viewpoints evolve.[61]

Remember that, in *TMS*, the "man within" corresponds to what we imagine to be "the judgment of others" (*supra*, §2.1). In other words, it represents our moral beliefs regarding what would be adequate behavior. Thus there are some similarities between Sen's "common beliefs" which are supposed to evolve thanks to impartial spectators, and Smith's "man within" which is built and which continuously evolves thanks to our interaction with the "man without". Let's extend the analogy. According to Sen, common beliefs would be influenced by what he calls "positional perspectives" (*IJ*: 161) or "positional limitations" (*IJ*: 169). In other words they can be partial,

[59] "Since groups do not think in the obvious sense in which individuals do, […] it is individual valuation on which we would have to draw, while recognizing the profound interdependence of the valuations of individuals who interact with each other" (*IJ*: 246).

[60] Sen indeed considers public reasoning "as a way of extending the reach and reliability of valuations and of making them more robust" (*IJ*: 241). Robustness is related to the fact that a valuation may be accepted from diverse positions in society.

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

and for this reason they may be a barrier to our practical reasoning about justice (*IJ*: 169).[62] He sometimes refers to positional limitations as "objective illusions":

> "An objective illusion […] is a positionaly objective belief that is, in fact, mistaken in terms of transpositional scrutiny. The concept of an objective illusion invokes *both the idea of positionally, and the transpositional diagnosis that this belief is in fact mistaken*." (*IJ*: 163; our emphasis)

Now, the passage from a positional to a transpositional point of view—meaning a point of view that transcends particular positions—is possible through reasoning and interactive deliberation with others, i.e., the procedure of open impartiality (*IJ*: 41). Again, there are some analogies with the Smithian way of overcoming one's "partial station" through confrontation with the points of view of real spectators (*supra*, §2.2). In the same way as Smith claims that remaining in our "partial station" may corrupt our morality (as in the case of the two nations at variance where citizens violate the law of justice), Sen considers that our positional view may be objective given our position, but misleading in terms of justice; where this failure of justice only appears when we confront others' positional views and so come to endorse a transpositional perspective.

Sen illustrates this idea with a society that has a long established tradition of relegating women to a subordinate position (*IJ*: 162). In this case, the supposed inferiority of women is strongly rooted in the moral beliefs of this society and is often confirmed by observations—provided there is a positional confinement to this society.

> "If there are, for instance, very few women scientists in a society that does not encourage women to study science, the observed feature of paucity of successful women scientists may itself serve as a barrier to understanding that women may be really just as good at science, and that even with the same native talents and aptitudes to pursue the subject, women may rarely excel in science precisely because of a lack of opportunity or encouragement to undertake the appropriate education" (*IJ*: 162)

Overcoming such positional limitations and achieving a "transpositional" understanding, Sen claims, supposes an appeal to the point of view of other societies by which it can be observed that "women have the ability to do just as well as men in the pursuit of science, given the necessary opportunities and facilities" (*IJ*: 162). Interestingly, here Sen refers again to Smith, relating this solution to the procedure of open impartiality or what he also calls the "methodological device of the impartial spectator" (*IJ*: 162). A few pages after, Sen explains that the application of such a procedure has the advantage of invoking "perspectives from elsewhere" in order to broaden the "informational basis of evaluation" and thus to proceed from a positional view to "a less confined view" (*IJ*: 169–170), i.e., some kind of a transpositional understanding.

[62] "[T]he role of positionality may be particularly crucial in interpreting systematic and persistent illusions that can significantly influence—and distort—social understanding and the assessment of public affairs" (*IJ*: 168).

The presence of impartial spectators in the process of public reasoning allows us to become aware of some positional parameters that influence our common beliefs—e.g., the fact that we are living in a society in which women are not encouraged or given real opportunities to engage in scientific education and careers. In turn, it helps us to know "how the world would look to a person with certain specified 'positional' attributes" (*IJ*: 159). We may learn that some people think differently from us because of their distinct experience—e.g., if they live in a society where there are as many women as men becoming scientists. Interactions with them may reveal the limited perspective from which our belief about the inferiority of women is grounded, since it increases our "knowledge of what has proved feasible in the experiences of other people" (*IJ*: 407). And Sen claims that such interactions may lead to a change in the prevailing beliefs, or at least to an awareness that such beliefs are not universally shared.

Now we may wonder whether the process at work in the move from positional to transpositional understanding is simply that of an accumulation of knowledge. In other words, is the mere observation that in other societies there are successful women scientists sufficient to induce an evolution in the common belief about their inaptitude in science, and to shift the resulting discouraging behaviors? While Sen suggests that such new knowledge constitutes a good reason to question and dispute commonly agreed beliefs and practices (*IJ*: 169[63]), some commentators are unconvinced that this will lead individuals to revise their initial positional views (e.g., Shapiro 2011, Ege, Igersheim and Le Chapelain 2012). It is clear that something remains unclear in Sen's explanation of the way in which the other's point of view affects us such that our own point of view evolves. In the following subsection we propose a possible clarification of the process at work, on which it goes beyond a mere widening of the informational basis, by incorporating Smith's concept of "sympathy".

4.2. Sympathy as the missing piece of Sen's Open Impartiality

In the first part of *IJ*, under the heading "Impartiality and Objectivity" (*IJ*, I, 5), Sen provides some elements which can be mobilized to grasp the dynamics according to which people move from positional objectivity to a transpositional view. On his account, there are two issues which are "central to public reasoning" (*IJ*: 119):

1. the "one of comprehension and communication on an objective basis"(*IJ*: 118);

[63] "In the pursuit of justice, positional illusions can impose serious barriers that have to be overcome through broadening the informational basis of evaluations, which is one of the reasons why Adam Smith demanded that perspectives from elsewhere, including from far, have to be systematically invoked" (*IJ*: 169). This can be related to what Sen writes in a footnote some pages earlier: "Smith also uses that thought-experiment as a dialectical device to question and dispute commonly agreed beliefs. This is certainly an important use even if no common point of view emerges" (*IJ*: 125).

2. “the other of objective acceptability” (*IJ*: 118).

Note that in both issues Sen emphasizes the importance of “objectivity” as a condition for reaching impartiality (see *IJ*, I, 5). Let’s deal with them successively.

With regard to the first issue, Sen’s idea of an “objective basis” for communication in order to confront conflicting points of view on ethical questions can be linked to his conception of positional objectivity. Indeed, communication “on an objective basis” can be interpreted as necessary to highlight the positional parameters that determine each ethical claim in the debate. This would enable the interpersonal comprehension which constitutes the first necessary step for taking into account others’ views and distancing ourselves from our own positionality. In order to illustrate this point, Sen refers to Gramsci’s worry about the communication of ideas through language. On Sen’s reading, Gramsci claims that language reflects one’s own “conception of the world”, itself influenced by the “particular grouping” to which one belongs (*IJ*: 119), and so founded upon specific shared positional parameters. Communicating with a person belonging to such a particular grouping would therefore require “understanding”, that is, “an engagement with the shared mode of thinking and acting” (*IJ*: 121)—in other words, interpersonal comprehension.

Of course, interpersonal comprehension—while necessary—does not systematically entail a change of the respective positional views into a transpositional understanding. A further step is needed: that of “objective acceptability”. This is the second issue, which Sen relates to the possibility, for the participants involved in public reasoning, of discussing the correctness of each claim. In fact, we can interpret “objective acceptability” as the result of a process which leads us to discriminate between “objective illusions” and those claims that can be accepted from various positions. Such a process constitutes a necessary condition to reach a shared transpositional understanding, which Sen sometimes calls “reasoned agreement” (e.g., *IJ*: 392).

Regrettably, Sen does not elaborate on the dynamics which leads people to overcome their objective illusions and instead endorse a transpositional view. Yet here again Sen could have drawn inspiration from a key concept of Smith’s moral philosophy: that of *sympathy*, which goes hand in hand with that of the impartial spectator.

Sympathy is not absent from Sen’s theory of justice, but he conceives of it in a way that is far from Smith’s understanding. According to what Sen writes in *IJ*, sympathy either constitutes a motive for beneficent actions (*IJ*: 185), or corresponds to what today is called “sympathy” in rational choice theory, that is, one person’s welfare being affected by the position of others (*IJ*:

188).[64] Neither of these understandings of the term correspond to what Smith means by sympathy: and this gap is all the more surprising given that some aspects of Smithian sympathy are reminiscent of the two issues at stake in Sen's account of reasoned agreement. Indeed, Smithian sympathy:

1. relies on an identification process that can be brought together with Senian "interpersonal comprehension";
2. denotes a concordance of sentiments between a spectator and an actor that Smith assimilates to a form of "agreement".

Of course, Sen's notions of "interpersonal comprehension" and "reasoned agreement" do not entirely overlap with Smith's "identification" and "sympathy". To a large extent this is due to the difference between their projects (*supra*, §2.1.). And in fact we argue that it is precisely the differences between, on the one hand, interpersonal comprehension and identification and, on the other, reasoned agreement and sympathy, that enables us to enrich Sen's account of collective deliberation. Let us then confront Sen's concepts with Smith's.

A few times in *TMS*, sympathy is said "to be founded" or "to arise from" an identification process.[65] As noticed by Raphael (2007), identification is a prerequisite for Smithian sympathy. Through sympathy, Smith seeks to explain how we come to be affected by others' feelings; but this supposes that we are able to perceive them. According to Smith, in order to perceive others' feelings, we have no other means than to place ourselves, by an act of the imagination, in their situation, and to imagine what we would have felt therein.[66] Identification is thus a cognitive process which allows us to become aware of others' mental states.[67]

Smith explains that through identification, "I not only change circumstances with you, but I change persons and characters" (*TMS*, VII, iii, 1, p. 317). This implies that we imagine the way we would be affected if we were the other person experiencing her situation, so that what we

[64] On sympathy in rational choice theory, see Sugden (2002), Binmore (1994; 1998) and Fontaine (1997).

[65] See, for instance, *TMS*, I, i, 1, p. 10; 4, p. 19; p. 21; VII, iii, 1, p. 317.

[66] Smith emphasizes our inability to feel impressions resulting from the others' senses, so that we can acquaint ourselves with others' sensations only from our own senses by means of our imagination: "As we have no immediate experience of what other men feel, we can form no idea of the manner in which they are affected, but by conceiving what we ourselves should feel in the like situation" (*TMS*, I, i, 1, §2, p. 9). Sen also refers to the problem of the fundamental separateness between individuals (*IJ*: 118–119). However, he claims that through communication directed at defining the respective positions of each person, it is possible to reach interpersonal comprehension so that "beliefs and utterances are not inescapably confined to some personal subjectivity that others may not be able to penetrate" (*IJ*: 118).

[67] Of course, Smith's identification process entails a conception bias in the sense that my conception of the other's situation can never be identical to the latter's conception of his own situation (see Bréban, 2017).

conceive refers entirely to the other's point of view.[68] In Sen's terms, through identification one engages oneself with the positional parameters which influence the other's emotion, and this leads to a kind of interpersonal comprehension.

Now, for Smith, the result of such an identification process is a "conception of what are [the others'] sensations" (*TMS*, I, i, 1, §2, p. 9): this conception affects us and gives rise to a feeling more or less concordant with what the other feels.[69] And it is here that sympathy comes in. Smith says that if, while identifying with another, we are led to feel something concordant with what they feel, then there is sympathy;[70] otherwise, there is no sympathy. Now, as we have seen, in *TMS* sympathy is the concept which allows Smith to explain the origin of moral judgment (*supra*, §2.1.): in fact, he assimilates sympathy with moral approbation and its absence with moral disapprobation. Thus, if the spectator's identification leads him to feel something concordant with the sentiments of the person principally concerned, this would means that he judges the latter's reaction *suitable to his situation*.[71]

Most importantly for our purpose, Smith draws a parallel between sentiments and opinions, considering an agreement of opinions as a kind of approbation:[72]

> "To approve of another man's opinions is to adopt those opinions, and to adopt them is to approve of them. If the same arguments which convince you convince me likewise, I necessarily approve of your conviction; and if they do not, I necessarily disapprove of it: neither can I possibly conceive that I should do the one without the other. *To approve or disapprove, therefore, of the opinions of others is acknowledged, by every body, to mean no more than to observe their agreement or disagreement with our own*. But this is equally the case with regard to our approbation or disapprobation of the sentiments or passions of others." (*TMS*, I, i, 3, p. 17; our italics)

As a result, the same process is at work for feelings as well as for opinions. If, in becoming aware of the arguments which lead another to defend a conviction, I find this conviction appropriate, then Smith says that I *approve* them—that I sympathize with them—or, which is the same, that I agree with them. From this perspective, the Smithian view of agreement is not inconsistent with Sen's approach of "objective acceptability", since it corresponds to the acceptance of an opinion from distinct points of view.

---

[68] See Fontaine (1997: 266), Sugden (2002: 75), Montes (2004: 48–49) and Brében (2017).

[69] "For as to be in pain or distress of any kind excites the most excessive sorrow, so to Conceive or to imagine that we are in it, excites some degree of the same emotion, in proportion to the vivacity or dullness of the conception" (*TMS*, I, i, 1, §2, p. 9).

[70] On what Smith means by "concordance of sentiments", see Brében (2017).

[71] "To approve of the passions of another, therefore, as suitable to their objects, is the same thing as to observe that we entirely sympathize with them and not to approve of them as such, is the same thing as to observe that we do not entirely sympathize with them." (*TMS*, I, i, 3, p. 16)

[72] On the parallel between sentiments and opinions in Smith's work, see Walraevens (2010).

Now, with sympathy, Smith does not limit himself to the explanation of the origin of moral judgment. He also endeavors to explain how the spectator's judgment is likely to influence the person principally concerned so that her point of view may evolve. And it is here that his analysis can supplement Sen's. In Smith's system of sympathy, not only does the spectator identify with the person principally concerned, but the latter also identifies with the former.[73] She imagines what she would have felt if she were the spectator on her own situation, and this leads her to adopt the spectator's point of view on her own situation. But Smith insists that the adoption of the spectator's point of view is not only imaginary (see Bréban, 2017): providing that the person principally concerned shares the spectator's reaction to his situation (providing that he sympathizes with him), his change of point of view becomes effective. Smith illustrates this point by showing the effect that a spectator's sympathy can have on someone in distress:

> "The mind, therefore, is rarely so disturbed, but that the company of a friend will restore it to some degree of tranquility and sedateness. The breast is, in some measure, clamed and composed the moment we come into his presence. We are immediately put in the mind of the light in which he will view our situation, and we begin to view it ourselves in the same light […] *Nor is this only an assumed appearance:* for if we are at all masters of ourselves, the presence of a mere acquaintance will really compose us." (*TMS*, I, i, 4, §9, p. 23; our emphasis)

And the more the spectator is *impartial*, that is, the less he has particular connections with the person principally concerned, the more the latter distances herself. This effect of the sympathetic interaction on the person principally concerned is typical of the influence of the "man without" depicted in §2.2. Thus, if identification allows Smith to explain how we acquaint ourselves with the other's perceptions, sympathy allows him to go a step further by accounting for the way these perception become in some measure our own.

At this step, it is possible to draw a parallel between Smith's analysis of sympathy and Sen's idea of open public reasoning. For Smith, the point of view of the person principally concerned is likely to evolve through her sympathetic interactions with her spectator(s), since these interactions lead her to new considerations about her situation. And in Sen's terms, in this manner the person principally concerned is led to evolve toward a "transpositional view". In the case where the spectator does not sympathize with her, this might prompt her to consider the reasons for this absence of sympathy. Now, by seeing her situation from the spectator's point of view, and not from hers, she may change her initial point of view.

In order to illustrate this point, we can turn to Smith's condemnation of the practice of infanticide in Ancient Greece, an analysis to which Sen makes abundant reference in *IJ* (*IJ*: 130;

[73] "As [the spectators] are constantly considering what they themselves would feel, if they actually were the sufferers, so he is as constantly led to imagine in what manner he would be affected if he was only one of the spectators of his own situation" (*TMS*, I, i, 4, §8, p. 22).

275; 404; 407). According to Smith, this practice was not founded on moral sentiments: all spectators, after identifying with a Greek from Antiquity, would disapprove it. This is what the author seeks to underline when he asks us

> "[c]an there be greater barbarity, for example, than to hurt an infant? Its helplessness, its innocence, its amiableness, call forth the compassion, even of an enemy, and not to spare that tender age is regarded as the most furious effort of an enraged and cruel conqueror. What then should we imagine must be the heart of a parent who could injure that weakness which even a furious enemy is afraid to violate? Yet the exposition, that is, the murder of new-born infants, was a practice allowed of in almost all the states of Greece, even among the polite and civilized Athenians; and whenever the circumstances of the parent rendered it inconvenient to bring up the child, to abandon it to hunger, or to wild beasts, was regarded without blame or censure." (*TMS*, VI, 2: 209–210)[74]

If an Athenian citizen were to have had the opportunity to interact with a spectator from outside the Athens community, he would probably have considered such a practice from the spectator's point of view, not from his local point of view. And he would probably have rejected it. In such a case, he would probably have come to realize that his situation did not justify such a practice.

This is what Sen seeks to emphasize when he endorses Smith's condemnation of infanticide, in order to illustrate the role of the "impartial spectators" in collective deliberation:

> "The inertial defence of infanticide in ancient Greece, on which Smith wrote, was clearly influenced by the lack of knowledge of other societies in which infanticide is ruled out and yet which do not crumble into chaos and crisis as a result. Despite the undoubted importance of 'local knowledge', global knowledge has some value too, and can contribute to the debates on parochial values and practices." (*IJ*: 407)

However, Smith's concept of sympathy goes a step further than the mere widening of the information basis, even while remaining relatively consistent with Sen's approach in terms of positional objectivity. Remember that, for the latter, the search for objectivity "can be helped by our putting on other people's hats—even their identities—and asking ourselves: how would our choices, our values look to them?" (Sen 2012b: 104). Smith provides an explanation of the way such a change of perspective can lead to a spontaneous revision of beliefs.

[74] Smith however seems less inclined to censure what he calls the "savage nations" of his day, even though he supposes that the practice of infanticide also prevails among them. It seems he considers this practice to be consonant with their situation of "extreme indigence": "in that rudest and lowest state of society it is undoubtedly more pardonable than in any other. The extreme indigence of a savage is often such that he himself is frequently exposed to the greatest extremity of hunger, he often dies of pure want, and it is frequently impossible for him to support both himself and his child. We cannot wonder, therefore, that in this case he should abandon it. One who, in flying from an enemy, whom it was impossible to resist, should throw down his infant, because it retarded his flight, would surely be excusable; since, by attempting to save it, he could only hope for the consolation of dying with it. That in this state of society, therefore, a parent should be allowed to judge whether he can bring up his child, ought not to surprise us so greatly" (*TMS*: 210). But such an extreme situation did not correspond to that which prevailed in Ancient Greece.

5. Concluding Remarks

Thus, while remaining faithful to Sen's approach, which draws inspiration from Smith, we can also consider that Smithian sympathy is the missing piece in Sen's comparative theory of justice: without it, Sen's appeal to impartial spectators remains inchoate. It is, then, a weakness of his account that he persists in using a reductionist definition of sympathy whereas Smith's wider conception may allow a rejoinder to Shapiro's (2011) criticism regarding the possibility of a spontaneous change of individuals' beliefs toward more impartiality.

But beyond that, the inclusion of Smithian sympathy supports and reinforces three imperatives of Sen's theory of justice, which concern (i) the rejection of transcendentalism, (ii) the project to build a non-prudential ethics, and (iii) the central role that must be granted to personal agency as against pure institutionalism.

With regard to the first point, Sen as we have seen takes a clear stand against the Rawlsian transcendental device of the original position in appealing to the "comparative reasoning" allowed by Smith's view of impartiality (supra 1.2). And it is from this perspective that he develops a collective choice procedure involving impartial spectators. But he carefully avoids going into the details of what happens at the intrapersonal level during deliberations with such spectators, almost as if this type of consideration threatens to lead him to some kind of transcendentalism. Such an attitude may explain his reluctance to explicitly refer to Smith's man within; for the man within is indeed sometimes interpreted as an expression of the transcendental nature of the Scottish philosopher's moral philosophy (e.g., Ege, Igersheim and Le Chapelain 2012). By contrast, in this paper we have proposed a reading of the man within that corresponds to Sen's positional objectivity, and of sympathy as the driving force of the dynamic tending towards transpositional objectivity. In this way, we have interpreted Smith's entire conceptual apparatus as a non-transcendental alternative to Rawls's original position. Now, even if we do admit some form of transcendentalism within Smith's analysis, it remains that this is not pertinent where he discusses the sympathetic interactions at the root of the man within. Sympathy in *TMS* is not described as a means to discover "the right moral rules": for instance, it may lead to the corruption of moral sentiments (*TMS*, I, iii), or even to infanticide (*TMS*, VI, 2: 209–210). Moreover, as we have seen, it is on the basis of our sympathetic interactions that we form a conception of what are the others' judgments: a conception that the man within precisely embodies. And as such, there is no *a priori* reason why this conception should correspond to one norm rather than another.

With regard to the second point, Smithian sympathy nicely fits the non-prudential ethics that drives Sen's comparative approach to justice. In particular, it may help to counter

commentators' skepticism regarding Sen's view that people can develop new beliefs without being driven by self-interest or coerced by institutions. Indeed, as we have shown, the identification process in which Smithian sympathy is rooted implies abandoning one's own point of view so as to see the world through someone else's eyes. It is this which allows Smith to maintain that sympathy, arising from such an identification process, "cannot […] be regarded as a selfish principle" (*TMS*, VII, iii, 1, p. 317).[75] Moreover, whenever one agrees with the perceptions or opinions of another person, Smith's concept of sympathy provides an explanation of the way these perceptions or opinions become in some measure one's own, *without calling for any kind of incentive*.

Lastly, and this is the third point, introducing Smithian sympathy within the framework of Sen's account of open public reasoning is a way to take seriously his intention to put personal agency at the center of his theory of justice (e.g., Baujard and Gilardone 2017, Gilardone 2018a and 2018b). In *IJ* Sen supports the idea that an adequate theory of justice needs to acknowledge the ability of every person "to reason, appraise, choose, participate and act" (*IJ*: 250), as against a view of human beings as "patients whose needs deserve consideration" (*IJ*: 252). He sometimes refers to agency as a person's "effective power" (e.g., *IJ*: 271). In parallel, from his analyses of famine or gender inequality Sen has already drawn the implication that injustice is often related to behavioral patterns that are the results of unquestioned beliefs (e.g., "the magnification of the needs of the males in general and the head of the household in particular" (Kynch and Sen 1983: 364) that affects intra-family distribution).[76] In such cases, the fight against inequality should not be confined to what the government can do: it also calls for a major change in the attitudes of both women and men. Smithian sympathy may then be considered as the missing force which enables the alteration of such behavioral patterns; or, to be more exact, although Smithian sympathy cannot really be viewed as a motive for action which makes us change our conceptions, it can lead us to consider behavioral patterns distinct from the ones we favored before engaging in a process of public reasoning. Thus, it may open up a space for Sen's recurring idea that public understanding and awareness of what is at stake in the origin and perpetuation of injustices is critical for undertaking action—whether such actions are initiated by people individually, or as a collectivity (e.g., Drèze and Sen 1989).

5. References

Alean Pico, A. (2014), "Sentimiento Moral Y Razón: La Noción De Justicia En Adam Smith Y Amartya Sen", *Cuadernos de Economía*, 33(63): 359–379.

[75] See also *TMS*, I, I, 2, pp. 13–14.

[76] For an analysis of the influence of Sen's applied economics on his theory of justice, see Gilardone 2018b.

Baujard, A. and Gilardone, M. (2019), "'positional views' as the cornerstone of Sen's idea of justice", *Working Paper du Gate Lyon Saint-Etienne*, , WP 1922 – July 2019..

Baujard, A. and Gilardone, M. (2017), "Sen is not a capability theorist", *Journal of Economic Methodology*, 24 (1), pp. 1–19.

Baujard, A. and Gilardone, M. (2013), "Individual Judgments and Social Choice in Sen's *Idea of Justice* and Democracy", *Working paper du Condorcet Center for Political Economy*, 2013-03, May 2013.

Baujard, A., Gilardone, M. and Salles, M. (2010). A conversation with Amartya Sen, *La Forge Numérique*, MRSH, Université de Caen Normandie, http://www.unicaen.fr/recherche/mrsh/forge/262.

Bergson, H. (1932), *Les Deux Sources de la Morale et de la Religion*, PUF, Paris.

Binmore, K. (1998). *Game Theory and the Social Contract: Just Playing*, 2, Cambridge: MIT Press.

Binmore, K. (1994). *Game Theory and the Social Contract*: *Playing Fair*, 1, Cambridge: MIT Press.

Boltanski L. (1999), *Distant Suffering: Morality, Media and Politics*, Cambridge: Cambridge University Press.

Bréban, L. (2017) "An Investigation into the Smithian System of Sympathy: from Cognition to Emotion", *The Adam Smith Review*, 10, pp. 22–40.

Bréban, L. (2014), "Smith on Happiness: Towards a Gravitational Theory", *European Journal of the History of Economic Thought*, 21(3): 359–391.

Bruni, L. (2011), "*The Idea of Justice*, Amartya Sen, The Belknap Press of Harvard University Press, 2009, 467 pp.", *Economics and Philosophy*, 27 (3): 324–331.

Campbell, T.D. (2013), "Adam Smith: Methods, Morals and Markets", *in* Berry, C., Paganelli, M. P. & Smith, C. (Eds), *Oxford Handbook of Adam Smith,* Oxford, Oxford University Press.

Campbell, T.D. (1971), *Adam Smith's Science of Morals,* London: George Allen and Unwin.

Clare, J. and Horn, T. (2010), "Sen and Sensibility", *South African Journal of Philosophy*, 29(2): 74–84.

Dardi, M. (2014), "Ante-litteram anti-welfarism: the case of Marshall and Pareto", *History of Economic Ideas*, 22 (1): 69–84.

Davis, J. (2012), "The Idea of Public Reasoning", *Journal of Economic Methodology*, 19(2): 169–172.

Dellemotte, J. (2011), La Cohérence d'Adam Smith, Problèmes et Solutions : Une Synthèse Critique de la Littérature après 1976 », *Economies et Sociétés*, série Histoire de la pensée économique, 45: 2227–2265.

Drèze, J. and Sen, A. K. (1989), *Hunger and Public Action*, Clarendon Press: Oxford.

Ege, R., Igersheim, H. and Le Chapelain, C. (2016), "Transcendental vs Comparative Approaches to Justice: A Reappraisal of Sen's Dichotomy", *The European Journal of the History of Economic Thought*, 23 (4): 521–543.

Ege, R., Igersheim, H. and Le Chapelain, C. (2012), « Par delà le Transcendantal et le Comparatif : Deux Arguments », *Revue Française d'Economie*, 27(4): 185–212.

Evensky, J. (1987), "The Two Voices of Adam Smith: Moral Philosopher and Social Critic", *History of Political Economy*, 19(3): 447–468.

Fleischacker, S. (2011), "Adam Smith and Cultural Relativism", *Erasmus Journal for Philosophy and Economics*, 4(2): 20–41.

Fleischacker, S. (2009), *On Adam Smith's* Wealth of Nations*: A Philosophical Companion*, Princeton: Princeton University Press.

Fernandes, A. and Kandil, F. (1998), « Théories de l'Action et Normativité chez Adam Smith et chez John C. Harsanyi », *Cahiers d'Economie Politique*, 33: 137–159.

Fontaine, P. (1997). Identification and Economic Behavior _ Sympathy and Empathy in Historical Perspective, *Economics and Philosophy*, 13: 261–280.

Forman-Barzilai, F. (2010), *Adam Smith and the Circle of Sympathy*, Cambridge: Cambridge University Press.

Gilardone, M. (2018a), "Amartya Sen : un allié pour l'économie de la personne contre la métrique des capabilités. Deux arguments pour une lecture non fonctionnelle de la liberté chez Sen", *Revue de Philosophie Economique*, 19 (1): 49–77.

Gilardone, M. (2018b), "The influence of Sen's applied economics on his "social choice" approach to justice: agency at the core of public action to remove injustice", *Working paper du Condorcet Center for Political Economy*, 2018-01-ccr.

Gilardone, M. (2015), "Rawls's Influence and Counter-Influence on Sen: Post-Welfarism and Impartiality", *The European Journal of the History of Economic Thought*, 22(2): 198–235.

Gilardone, M. (2010), "Amartya K. Sen (2009), *The Idea of Justice*, Harvard University Press", *Social Choice and Welfare*, 35(4): 709–720.

GriswoldJr., C. L (1999), *Adam Smith and the Virtues of Enlightenment*, Cambridge: Cambridge University Press.

Hanley, R.P. (2013), "Adam Smith on Virtue", *in* Berry, C., Paganelli, M. P. & Smith, C. (Eds), *Oxford Handbook of Adam Smith,* Oxford, Oxford University Press.

Hanley, R.P. (2009), *Adam Smith and the Character of Virtue,* Cambridge: Cambridge University Press.

Harsanyi, J. C., (1953), "Cardinal Utility in Welfare Economics and the Theory of Risk-Taking", *Journal of Political Economy*, 61(5): 434–435.

Kandil, F. (2014), "La justice est aveugle. Rawls, Harsanyi et le voile d'ignorance", *Revue économique*, 65 : 97-124.

Kandil, F. (2010), "Idéale ou Comparative : Quelle Approche pour la Justice Sociale ? ", *Revue Economique*, 61: 213–235.

Kynch J. and Sen A. K. (1983), "Indian Women: Well-being and Survival", *Cambridge Journal of Economics*, 7 (3/4): 363–380.

Hawi, R. (2011), "Rawls: the Construction of a Democratic Thought", in Ege and Igersheim (eds), *Freedom and Happiness in Economic Thought and Philosophy: From Clash to Reconciliation*, Routledge, London: 15–34.

Heilbroner, R. (1982), "The Socialization of the Individual in Adam Smith", *History of Political Economy*, 14(3): 427–439.

Martins, N. O. (2018), "The Classical Circular Economy, Sraffian Ecological Economics and the Capabilities Approach", *Ecological Economics*,145: 38-45.

Martins, N. O. (2012), Sen, Sraffa and the Revival of Classical Political Economy, *Journal of Economic Methodology*, 19(2): 143–157.

Montes, L. (2004). *Adam Smith in Context: A Critical Reassessment of Some Central Components of His Though*t, New York: Palgrave Macmillan.

Morrow, G. R. (1923), "The Significance of the Doctrine of Sympathy in Hume and Adam Smith", *The Philosophical Review*, 32: 60–78.

Nanay, B. (2010), "Adam Smith's Concept of Sympathy and its Contemporary Interpretations", *in* V. Brown and S. Fleischacker (eds.), *The Philosophy of Adam Smith: Essays Commemorating the 250th Anniversary of The Theory of Moral Sentiments*, London and New York: Routledge, 5: 85–105.

Nussbaum, M. C. (1997), *Poetic Justice: The Literary Imagination and Public Life*, Beacon Press Books.

Peter, F. (2012), "Sen's *Idea of Justice* and the Locus of Normative Reasoning", *Journal of Economic Methodology*, 19(2): 165–167.

Popper, K. (1945), *The Open Society and Its Enemies*, Routledge, London, reprint 2006.

Putnam, H. (2002), *The Collapse of the Fact/Value Dichotomy, and other essays*, Harvard University Press, Cambridge Mass & London, England.

Putnam, H. (1993), "Objectivity and the Science-Ethics Distinction", *in*: Nussbaum, M and Sen, A. K. (eds.), *The Quality of Life*, Oxford, Clarendon Press: 143–157.

Raphael, D. D. (2007), *The Impartial Spectator: Adam Smith's Moral Philosophy*, Oxford: Oxford University Press.

Raphael, D. D. and Macfie, A. L. (1976), "Introduction to *The Theory of Moral Sentiments*", *in The Theory of Moral Sentiments* [eds. By David D. Raphael, Alec L. Macfie], Oxford: Clarendon Press, 1976.

Rawls, J. (1993), *Political Liberalism*, New York: Colombia University Press.

Rawls, J. (1971), *A Theory of Justice*, Cambridge Massachusetts: The Belknap Press of Harvard University Press.

Robeyns, I. (2012), "Are Transcendental Theories of Justice Redundant?", *Journal of Economic Methodology*, 19(2): 159–163.

Rothschild, E. and Sen, A. K. (2006), "Adam Smith's Economics", *in*: Haakonssen, K. (ed.), *Cambridge Companion to Adam Smith,* Cambridge, Cambridge University Press: 319–365.

Sen, A.K. (1970), *Collective Choice and Social Welfare*, Advanced text books in economics, Amsterdam, North Holland, reedit. 1979.

Sen, A.K. (1974), "Rawls versus Bentham: An Axiomatic Examination of the Pure Distribution Problem", *Theory and Decision*, 4(3/4): 301–309.

Sen, A.K. (1977), "On Weights and Measures: Informational Constraints in Social Welfare Analysis", *Econometrica*, 45(7): 1539–1572.

Sen, A.K. (1980), "Equality of What?", *in*: McMurrinS., (ed.), *The Tanner Lectures on Human Values*, Vol. 1, S. Salt Lake City, University of Utah Press et Cambridge, Cambridge University Press: 197–220.

Sen, A.K. (1984), *Resources, Values and Development*, Oxford, Blackwell et Cambridge, Mass., Harvard University Press.

Sen, A.K. (1985), *Commodities and Capabilities*, Amsterdam, North-Holland.

Sen, A.K. (1987), *On Ethics and Economics*, Oxford, Blackwell.

Sen, A.K. (1989), "Development as Capability Expansion", *Journal of Development Planning*, 19: 41–58.

Sen, A.K. (1992), "Objectivity and Position", *The Linley Lecture*, University of Kansas, online: http://kuscholarworks.ku.edu/bitstream/handle/1808/12406/Objectivity%20and%20Position-1992.pdf?sequence=1&isAllowed=y

Sen, A.K. (1993), "Capability and Well-Being" *in*: Nussbaum, M and Sen, A. K. (eds.), *The Quality of Life*, Oxford, Clarendon Press: 30–53.

Sen, A.K. (1995), "Rationality and Social Choice", *American Economic Review*, 85(1): 1–24.

Sen, A.K. (1999a), "The Possibility of Social Choice - Nobel Lecture, December 8, 1998", *American Economic Review*, 89: 349–378.

Sen, A.K. (1999b), *Development as freedom*, Oxford: Oxford University Press.

Sen, A.K. (2002), "Open and Closed Impartiality", *The Journal of Philosophy*, 99(9): 445–469.

Sen, A.K. (2006), "What do we want from a theory of justice?",*The Journal of philosophy*, 103, 5: 215-238.

Sen, A.K. (2009), *The Idea of Justice*, Cambridge Massachusetts: The Belknap Press of Harvard University Press.

Sen, A. K. (2010), "Adam Smith and the contemporary world", *Erasmus Journal for Philosophy and Economics*, 3 (1): 50-67.

Sen, A. K. (2012a), "A Reply to Robeyns, Peter and Davis", *Journal of Economic Methodology*, 19(2): 173–176.

Sen, A. K. (2012b), "Values and Justice", *Journal of Economic Methodology*, 19(2): 101–108.

Sen, A. K. (2012c), "The Reach of Social Choice Theory", *Social Choice and Welfare*, 39(2–3): 259–272.

Shapiro, I. (2011), "Review of *The Idea of Justice*, by Amartya Sen", *Journal of Economic Literature*, 49(4): 1251–1263.

Smith, A. (1982[1759, 1790]), *The Theory of Moral Sentiments*, Raphael D.D. and Macfie A.L. (eds) Oxford: Oxford University Press.

Sugden, R. (2002). Beyond Sympathy and Empathy: Adam Smith's Concept of Fellow-Feeling, *Economics and Philosophy*, 18: 63–87.

Valentini, L. (2011), "A Paradigm shift in theorizing about justice? A Critique of Sen", *Economics and Philosophy*, 27: 297–315.

Walraevens, B. (2010), "Adam Smith's economics and the Lectures on Rhetoric and Belles Lettres. The language of commerce", *History of Economic Ideas*, 18(1): 11–32.

Walsh V. (2000), "Smith after Sen", *Review of Political Economy*, 12(1): 5–25.