

Amartya Sen's Idea of Justice and Global Health

In fall 2009 Amartya Sen released his book *The Idea of Justice*. This work had been long expected and is now regarded as a landmark of contemporary political philosophy.

Shortly after its publication, the Harvard Global Equity Initiative (HGEI) organized a seminar to discuss with prominent philosophers the idea of justice and its relations with and implications for global health. The seminar was made possible by the leadership and coordination of Professor Sudhir Anand, and also the support of the China Medical Board and the Harvard Kennedy School. The author of this text, who then worked at HGEI, wrote the following summary of the discussions:

Sen proposes, in *The Idea of Justice*, a way of thinking about justice that is better suited for reflecting and acting in the contemporary world. In today's world, with increased mobility and unprecedented means for communication, people tend to have multiple affiliations and thus belong to communities defined by affinity (cultural, political, scientific, professional, scientific), all of which cut across national borders.

Although the nation state continues to be the basic unit for political organization and international relations, there is an increasing influence of global civil society, in the form of cross border activism or philanthropy, for example. There has also been an unprecedented mobilization of resources and human effort, in the form of public private partnerships that surpass the structures of sovereign states, to actually alleviate suffering in the world with concrete actions. Witness for example the initiatives that have led to dramatic increase in access to vaccines and to AIDS treatment for the poorest populations of the world.

Sen's view is better suited for these features today's world in the various ways.

Theories of justice, in their original form, had mostly been conceptually confined to the state. Yet in an increasingly interdependent world, issues of justice are global in nature. The Idea of Justice reflects upon these issues in a way that does not depend on a concrete and defined constituent population that agrees on certain principles of justice.

Impartiality and objectivity are crucial in the reasoning about justice. In this respect, theories of justice rely on a closed form of impartiality, which is confined to a closed group, like a nation state. Sen calls this parochialism and argues for an open form of impartiality in which the reasoning is also scrutinized from outside viewpoints. The figure of the impartial spectator, originally proposed by Adam Smith in the *Theory of Moral Sentiments*, is the vehicle for achieving such an open form of impartiality in reasoning about justice.

Prevailing theories of justice give a sense of completeness and comprehensiveness, but they do so at the cost of realism. The “perfect world” portrayed as the ideal in those theories is often too far away from the practicalities of daily life to be useful for guiding actual decisions on matters of justice. In Sen’s view, the perfect is the enemy of the good. Acknowledging that not all disagreements will be resolved, there is scope for achieving partial agreements that provide the basis for reducing injustice, without having to wait for the ever elusive perfect society.

Theories of justice focus on the definition of perfect *institutions* and implicitly assume that people will behave and comply according to whatever these institutions demand or require. Yet bad social outcomes can occur even under “good” institutional arrangements. Sen proposes to rather focus on the results, which are the actual lives people live (i.e. the “realizations”).

Sen departs from Theory of Justice of John Rawls, a highly regarded development of contemporary political philosophy that is deeply rooted in the contractarian tradition. In Rawls view the principles of justice are: 1) each person has equal right to a scheme of basic equal liberties which is compatible with a similar scheme of liberties for all 2) fair equality of opportunity (fair procedures) and 3) distribution of basic primary goods to the greatest advantage of the most disadvantaged members of society.

Sen agrees with all of three. Yet he notes that this theory describes an ideal situation that is distant from the real world and does not allow for a comparative ranking of imperfect outcomes.

He focuses on the concept of capability (what people are free and able to do). Health is at the center of the conception of capability, and thus is incorporated in the theory at the outset. “Rawls doesn’t give disability the centrality it requires”. He arrives to it “too late”, says Sen.

Sen still gives priority (albeit not absolute) to liberty and procedural justice. Notwithstanding this basic agreement, he departs from Rawls in the ways outlined above. Namely, not confining to national state, non parochial view, allowing for incompleteness and partial orderings of outcomes and focusing on realizations (rather than institutions).

So, what about global health?

Multidrug Resistant Tuberculosis (MDR TB) costs 100 times more to treat than conventional tuberculosis. Thus, it is not cost effective and, by this criterion, would not be considered a priority. However, MDR TB affects especially the poor and marginalized populations. Moreover, drug resistance reflects lack of access to treatment in the first place. A similar case occurs with rural and marginalized populations under the AIDS 3x5 program. Would it be just to leave out the poor because they are “costly”?

Challenges in global health involve such difficult dilemmas. Sen’s framework provides a wise way reasoning about them. International justice alludes to relations between nations, whereas the most pressing health issues are understood inherently as matters of global, as opposed to international, justice. There is an aspiration to alleviate human suffering regardless of the sovereign state in which the populations live. Global health thus requires new ways of reasoning about the most basic questions. When, and under what conditions, an ethical claim can be made that a set of services is a human right?

Do not expect easy answers, or simple technocratic formulas for justice. All purpose metrics for decision making will generally not hold after the open scrutiny and democratic debate that justice calls for. Yet partial agreements are possible, says Sen, that provide the basis for actual decisions, and solutions can be achieved.

There is an explosion of initiatives in global health that involve activism and mobilization of resources. New philanthropic institutions and global civil society are changing the balance of power in the institutional landscape of world health institutions. Who should play what role? There is a sense of absolute institutional disarray. A theory of justice that is conceived within the boundaries of sovereign states is inadequate in this context.

The Idea of Justice provides a non parochial view, focuses on the actual lives people live, and highlights the practical wisdom of focusing on partial agreements that are feasible rather than on the elusive and paralyzing search of the perfect world. In view of the challenges of global health today, this view offers a way forward for reflecting on them, reaching at least partial agreements and, most importantly, provides the basis for concerted action that will reduce injustice in the world.

Sen warns that his is not an alternative theory of justice as such, in the sense that it does not provide a complete set of substantive principles that will resolve all cases and disagreements. More modestly, The Idea of Justice is only way of thinking about issues of global justice. Theory or not, this idea will be more useful and meaningful for today's globalized world than the theories of justice that have been the received wisdom of political philosophy.

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