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*The Idea of Justice*¹

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1.

John Dryden wrote in 1698, in the *Epistle to Peter Antony Motteux*, “Words, once my stock, are wanting to commend/So great a poet and so good a friend.” It is not easy to talk about a close friend, and I am afraid this applies to me when I consider what to say about Mahbub ul Haq, or even to talk on subjects that have been so radically influenced by Mahbub’s contributions. My problems lie not only in the closeness of our personal ties, but also in the difficulty in getting an adequate understanding of the greatness of Mahbub ul Haq. Indeed, Mahbub ul Haq as a person was much larger than all the parts that combined to make him the person he was. He was, of course, an outstanding economist, a visionary social thinker, a global intellectual, a major innovator of ideas who bridged theory and practice, and the leading architect in the contemporary world of the assessment of the process of human development. These achievements are justly celebrated, but, going beyond the boundaries of each, this was a human being whose combination of curiosity, lucidity, open-mindedness, dedication, courage and creativity made all these diverse achievements possible.

I have been extremely fortunate in knowing Mahbub for most of my — and his — life. When I first met him as a fellow undergraduate at Cambridge University more than half a century ago, in early October 1953, neither of us was yet 20. Elegantly attired (at least by undergraduate standards), Mahbub was walking rapidly down King’s Parade on his way to the first lecture of the term by the redoubtable economist, Joan Robinson, towards which I was also heading. We began a conversation while walking, and Mahbub asked me whether I knew what to expect from Joan Robinson’s lectures. I did not, of course.

In Mahbub’s mind there were huge expectations: Joan Robinson was such an extraordinary leader of non-conformist economic thinking. But it became clear to me within a few weeks that Mahbub was very disappointed — as I must confess I was too — that despite Joan Robinson’s scintillating reasoning and iconoclastic brilliance, she was such a real conformist in judging economic progress largely by the pace of economic growth. The 19-year-old Mahbub told me, “She hasn’t done the numbers, has she?”

Then Mahbub told me something very like what would find expression in his first book, *The Strategy of Economic Planning* published in 1963, where he would write: “If India and Pakistan manage to maintain an annual growth rate of 5% and pass through roughly the same ‘take-off’ period as [W.W.] Rostow identifies for many of the Western countries, the per capita income after another twenty years will be no higher than the present-day per capita income in Egypt.” I should explain that Mahbub had nothing against Egypt, but he made sense when he looked at me and asked, “Is that all you and I want? Can’t we do better in taking more immediate action against the deprivations, the miseries and the injustices in the world?” If Mahbub’s creative impatience was one of his life-long characteristics, the commitment to do things without waiting was already strong in the mind of the young man who, when I met him first, was impatiently awaiting his adulthood.

When I visited Mahbub and his wife Khadija (or Bani) in Karachi in Pakistan, almost ten years later, in the spring of 1963, Mahbub explained to me what he had learned in his experience with the process of economic planning in Pakistan (he was working for the Planning Commission of Pakistan after his return from Cambridge, Yale and Harvard). There were things that could be made to happen by making good use of applied economic reasoning, but the barriers to progress were, he explained, immense. As the sun set on a magically bewitching Karachi, Mahbub’s voice rose and his intense analysis was radically heretical. He knew what to confront, but was sceptical of any immediate means of doing it.

To make things happen, Mahbub later tried various routes, including accepting senior Ministerial positions in a military-led government in Pakistan, but the results would have been deeply disappointing for him. But then he broadened his encounter to the world stage and made a huge — and almost instant — impact. He left Pakistan to join the United Nations in 1989, as a Special Adviser to the Administrator of the United Nations Development Programme. It was in this capacity that he launched the now-famous *Human Development Reports*, which have been published annually since 1990. He gathered around him a dedicated team of economists and social scientists. By the time Mahbub returned to Pakistan in 1996 to establish the new Human Development Centre in Islamabad, he could leave on a note of triumph, with clear evidence that the perspective of human development was already well established and remarkably influential right across the world.

I saw Mahbub last when he came to visit me at Trinity College in Cambridge in 1998 shortly before his death. We talked not far from where we had first met 45 years earlier. He was excited about a new initiative especially for South Asia: to cut military expenditure drastically. The subcontinental nuclear explosions, which occurred soon afterwards just before Mahbub’s death, have not advanced the fulfilment of his dreams. And yet Mahbub’s careful arguments against the arms race in the subcontinent — and in general in the world — remain just as robust and strong today.

2.

As my topic for this lecture I have chosen ‘the idea of justice.’ This is only partly because I am right now fairly comprehensively immersed in that subject (trying to complete my long-postponed book on the theory of justice, called — like this lecture — *The Idea of Justice*), but also because Mahbub ul Haq’s life can be usefully seen in the light of his long battle against injustice in the world. He never theorized about justice, perhaps because he did not want to be distracted from his practical efforts to reduce the grip of privation and poverty in the world. There was, however, a serious matter of taste here as well. In fact, Mahbub had an almost instinctive aversion to talking about philosophy. Perhaps he thought that philosophy could not but be rather abstract in content, or diverting in consequence. In response to my spurring him to be more explicit on his foundational ideas and basic philosophy, he retaliated more than once to say “Why don’t you do it: tell me what my philosophy is?”

Well, I think that this Mahbub ul Haq Lecture might well be a good occasion for me to try to do just that. In trying to rise to the challenge, I should also explain that I do think that it is useful to try to persuade the activists to tell us more about what drives them, because of the important support that their practical commitments get from their implicit philosophy. Since the discussant of this talk is George Soros — no less — I thought this could perhaps be a particularly suitable topic on which to get started here. There are few people in the world who can be compared with Soros in terms of huge efforts to make the world less unjust and more tolerable, and at the same time, he has often discussed, with powerful reasoning, the basic philosophical ideas that have moved his dedicated work.

Let me begin with the question: how do the ideas that have been so influential in shaping Mahbub’s priorities and commitments relate to modern political philosophy, in general, and to contemporary theories of justice, in particular? Let me separate out four special features of what I would argue is the conception of justice that lie behind Mahbub’s priorities in his work (however implicit the connections might be). I shall call them, respectively:

- (1) focus on lives and freedom;
- (2) linking responsibility to effective power;
- (3) comparative, not transcendental, assessment; and
- (4) globally unrestricted coverage.

In each of these respects, I would argue that this philosophy is in some conflict, in varying degrees, with mainstream theories of justice in contemporary philosophy.

I would also argue that these differences can be seen as the basis of a critique of mainstream theories of justice in modern political philosophy. Given the limited time available for this lecture, I can only touch the

main points here rather briefly, although they do get more attention, along with other issues, in my forthcoming book, *The Idea of Justice*.²

3.

The first issue — the focus on lives and freedoms — is easy to see in the strategy of the human development approach. The breadth of that understanding contrasts with the common attempt in mainstream economics to see development in the narrow perspective of the expansion of the supply of objects of convenience (represented, for example, by the Gross Domestic Product or the Gross National Product). But it is not just in mainstream economics that there is a tendency to miss this important distinction. Much of modern political philosophy — led by the leading political philosopher of our times, John Rawls — has tended to reflect, I would argue, the same disorientation. Rawls's own analysis of equity in the interpersonal distribution of advantages is done through an index of what Rawls calls "primary goods," which are general-purpose means, like income and wealth, rights and liberties, that are useful to achieve a variety of ends that human beings may reasonably pursue. This fails to take into account the wide variations that people have in being able to *convert* primary goods into good living. For example, a disabled person can do far less with the same level of income and other primary goods than can an able-bodied human being. Income does less for a person's freedom or well-being if she is born in a country or a region with wide prevalence of occasional epidemics and regular endemic diseases.

The expansion of primary goods is, of course, important, but we have to take into account the variability of the relation between increases in primary goods and the enhancement of basic human freedoms and capabilities. This was one of my major preoccupations at the time when Mahbub asked me to join him in developing the human development perspective and to help him initiate the *Human Development Reports*. The focus on capabilities links closely with the richness of human lives, and I have to say it was extremely reassuring for me to see how the youthful involvement of the 19-year-old Mahbub on human lives had matured well into an implicit but extremely firm philosophical belief on the importance of looking at human lives themselves, rather than at the commodity possessions and other facilitating factors that have some influence over our lives. The distinction here has, by now, been much discussed in the literature and its implications have been widely explored in the contributions of many economists, social scientists and philosophers.³

4.

I turn now to the second question, that of linking responsibility to effective power. The underlying issue involved in this connection is, I think, somewhat complicated and I can only make a brief statement here on the

nature, relevance and reach of this issue (again promising a fuller discussion in my book *The Idea of Justice*). What is the implicit understanding in the human development approach, seen as a call to action, of the responsibility of people to bring about the changes that would enhance human development in the world? The question here is not so much whether everyone will act according to what they see as reasonable (that congruence is a different issue, demanding further analysis), but what exactly they should see as reasonable and for what particular reason.

Reasoned justification for social action is a big issue in political philosophy, and theories of justice have tended to be based on some presumption that all persons can gain from a social contract that goes about setting up a just system. The arguments for this way of seeing things were clearly presented by Thomas Hobbes and Jean-Jacques Rousseau, and those arguments based on cooperative grounds have been centrally important, in one form or another, in the mainstream political philosophy of justice.

The big difference that John Rawls made to that approach was to start from the demands of fairness to arrive at his principles of justice. This he did through the device of a hypothetical 'original position' of primordial equality when the parties involved have no knowledge of their respective personal identities *within* the group as a whole. They have to choose, under this 'veil of ignorance' (i.e. ignorance specifically about their own personal interests and particular desires), what exact rules should govern the society they are, as it were, about to 'create.' Rawls tries to get rid of selfish reasoning in the derivation of principles of justice through a hypothetical exercise, but the overwhelming motivation is to harvest the mutual benefits from cooperation in that imagined original position.

There are several difficulties with this approach, some of which I will discuss later on in this talk, but the idea of mutual obligations for social cooperation because of joint benefits has become the central point of concentration in mainstream theories of justice. There is, however, another type of reasoning that does not focus on benefits of cooperation, at least not exclusively, and which has been relatively neglected in ongoing political philosophy. It is based on the argument that if someone has the power to make a change that he or she can see will reduce injustice in the world, then there is a strong social argument for doing just that (without having to dress all this up in terms of some imagined cooperative benefits enjoyed by all). This obligation of effective power contrasts with the mutual obligation for cooperation, at the basic plane of motivational justification.

The point was made with clarity by Gautama Buddha, 2500 years ago, in *Sutta Nipata*. Buddha argued that human beings have responsibility to animals precisely because of the asymmetry between human beings and other animals, not because of any symmetry that takes us to a contractarian solution for efficient cooperation. He argued that since we are enormously

more powerful than the other species, we have some responsibility towards other species that links exactly with this asymmetry of power. Buddha went on to illustrate the point by an analogy with the responsibility of the mother towards her child, not because she has given birth to the child (that connection is not invoked in this particular argument — there is room for it elsewhere), but because she can do things to influence the child's life that the child itself cannot do. The mother's reason for action is not guided by the rewards of cooperation, but precisely from her recognition that she can, asymmetrically, do things for the child effectively that will make a huge difference to the child's life.

Mahbub's informal understanding of social obligation fitted well with this feature of responsibility of effective power. He was impatient with having to give any reason to someone to do something that the person could see would yield social betterment (the recognition of social betterment, Mahbub thought, was an adequate reason in itself), as if an indirect justification were needed to show that the change would benefit each agent personally. I do not have the time to pursue the richness of this line of reasoning, but I will quickly make two points of clarification that might be helpful here.

First, the understanding of obligations related to the human rights approach have always had a strong element of this kind of social reasoning, linked with the responsibility of effective power. For example, both Tom Paine's and Mary Wollstonecraft's writings on what Wollstonecraft called 'vindication' of the rights of women and men drew a great deal on this type of motivation derived from reasoning from the obligation of effective power.⁴

Second, capability is a kind of power, and it would be a mistake to see capability only as a concept of human advantage, not also as a central concept in human obligation. It should be noticed, incidentally, that this consideration yields a huge contrast between happiness and capability as basic informational ingredients in a theory of justice, since happiness does not generate obligation in the way that capability inescapably must do, if the responsibility of effective power is taken seriously.⁵

5.

I turn now to the third feature, namely the focus on *comparative* issues in the assessment of justice. The comparative question concentrates on how to make society more just, rather than speculating about the nature and the demands of 'the perfectly just society.' The former (i.e. the discipline of comparative assessments) was certainly Mahbub ul Haq's focus. It is, however, the latter (the identification of the perfectly just society) that has been the main area of concentration of contemporary political philosophy — a concentration that gives the theory of justice a 'transcendental' form.⁶ Mahbub's deliberations were all aimed at exploring ways and means of

making the world less unjust than it is — not at chasing some idea of a perfectly just society.

In contrast, the transcendental issue is seen as the *predominant* question in the theory of justice in contemporary political philosophy — in fact it is sometimes the *only* question that is patiently explored in that literature. The shared starting point in most of the modern theories of justice is the identification of the demands of a ‘just’ society, and the nature of ‘just institutions.’ The exercise begins by asking ‘what is a just society?’ and, related to that, ‘what are the principles on the basis of which just institutions could be set up for the society?’ Indeed, in most theories of justice in contemporary political philosophy, those questions about impeccably just societies and exactly just institutions occupy the centre stage.

The transcendental approach to justice is not new (it can be traced at least to the writings of Thomas Hobbes in the seventeenth century), but recent contributions have done much to consolidate the reliance on this approach. In his investigation of ‘justice as fairness,’ Rawls explores in depth the nature of an entirely just society seen in the perspective of fairness. Even those political philosophers who have taken a different approach to the demands of justice from Rawls, for example Robert Nozick (who differs quite radically on the primacy of entitlements and historically founded rights) or Thomas Nagel (whose differences from Rawls are more subtle), tend to accept the transcendental approach to be the only one that can take us towards an understanding of the nature of justice.

However, the transcendental identification does not tell us much about how to compare, in terms of their justice-related characteristics, two arrangements neither of which actually satisfy the social contract of complete justice. How might we compare, say, (1) the USA today as it is, with its totality of problems, including the absence of medical insurance for more than 40 million people, and (2) an alternative where that lack of guaranteed medical insurance had been fully remedied, although all the other problems existing in the USA remained? Neither of these alternatives can, of course, be seen as a perfectly just society, but we can hardly take them to be much the same in terms of justice (and see them only as belonging to the large Rawlsian box called ‘not just’). Nor, to take another example, would it have given Adam Smith or Marquis de Condorcet or Mary Wollstonecraft any well-theorized support for their efforts to abolish slavery in their eighteenth-century world without taking on, at the same time, all the other justice-related infelicities that ailed the world they tried to reform.

Transcendence is a lumped-together view of the world, with all possible social arrangements seen either as ‘unjust’ or as ‘just,’ without further distinctions. In contrast, the human development approach, and the social choice theory on which the human development reasoning draws explicitly or by implication, are firmly tied to asking ‘comparative’ questions: how can we advance justice or reduce injustice in the world?

Is this contrast significant? I would argue that it certainly is. It may well turn out that in a comparative perspective the introduction of social policies that eliminate widespread hunger, or remove rampant illiteracy, can be shown to yield an advancement of justice. But the implementation of such policies would still leave the societies involved far away from the transcendental requirements of a fully just society, which would have a great many other demands as well.

Can it be argued that the practical concentration on comparative questions, well exemplified by Mahbub's predilection in that direction, is not at all enough for the philosophy of justice, since underlying the comparative questions there must be — at some deeper level — some transcendental understanding of the demands of a perfectly just society? Can it be said that knowing about the nature of a fully just society is *necessary* for a well-grounded practical reasoning on justice? I think that thesis would be very hard to defend.

Indeed, in the discipline of comparative judgments in any field, relative assessment of two alternatives tends in general to be a matter between them, without there being the necessity to beseech the help of a third — 'irrelevant' — alternative. Indeed, it is not at all obvious why in making the judgment that some social arrangement x is better than an alternative arrangement y , we have to invoke the identification that some quite different alternative z is the 'best' or exactly the 'right' social arrangement. In arguing for a Picasso over a Dali we do not need to get steamed up about identifying the perfect picture in the world, which would beat the Picassos and the Dalis and all other paintings: we are simply judging a Picasso against a Dali.

It might, however, be thought that the analogy with aesthetics is problematic since a person might not even have any idea of a perfect picture, in a way that the idea of a perfectly just society has appeared to be identifiable, in transcendental theories of justice. I will presently argue that the existence of transcendence is actually not guaranteed even in the field of justice, but let me for the moment proceed on the generous presumption that such an identification can be made. But the possibility of having an identifiably inviolate, or best, alternative does not indicate that it is necessary (or indeed useful) to refer to it in judging the relative merits of two non-supreme alternatives. For example, we may indeed be willing to accept, with great certainty, that Everest is the tallest mountain in the world, completely unbeatable in terms of stature by any other peak, but that understanding is neither needed, nor particularly helpful, in comparing the peak heights of, say, Kilimanjaro and Mount McKinley. There would be something very deeply odd in a general belief that a comparison of any two alternatives cannot be sensibly made without a prior identification of a supreme alternative.

Let me now propose two other — perhaps milder — putative defences of the relevance of transcendental identification. First, while transcendental identification may not be necessary for answering

comparative questions, would it be sufficient, or at least be helpful, in addressing those questions? In particular, can a clear answer to the transcendental search take us indirectly to comparative assessments of justice as well (as a kind of ‘by-product’), in particular through comparisons of ‘distances’ from transcendence at which any particular set of societal arrangements stands?

This procedure, I would argue, does not — indeed cannot — work. The difficulty lies in the fact that there are different features involved in identifying distance, related, among other distinctions, to (1) different fields of departure, (2) varying dimensionalities of transgressions, and (3) diverse ways of weighing separate infractions. The identification of transcendence does not yield any means of addressing these problems to arrive at a relational ranking of departures from transcendence.

For example, in the context of the Rawlsian analysis of the just society, departures may occur in many different spaces. They can include the breaching of liberty, which, furthermore, can involve diverse violations of distinctive liberties (many of which figure in Rawls’s capacious coverage of liberty and its priority under his first principle of justice). There can also be violations — again in possibly disparate forms — of the demands of equity in the distribution of primary goods or whatever other information we decide to rely on for judging individual advantage (there can be many different departures from the demands of Difference Principle, which forms a part of Rawls’s second principle).

The absence of comparative implications of transcendental identification is not, of course, an embarrassment for a transcendental theory of justice, seen as a free-standing achievement. The relational silence is not, in any sense, an internal difficulty of a transcendental theory of justice. Indeed, some pure transcendentalists would be utterly opposed even to flirting with gradings and comparative assessments, and may quite plausibly shun relational conclusions altogether. They may point in particular to their understanding that a ‘right’ social arrangement must not, in any way, be understood as a ‘best’ social arrangement, which could open the door to what is sometimes seen as the intellectually mushy world of graded evaluations in the form of ‘better’ or ‘worse’ (linked with the relationally superlative ‘best’). The absoluteness of the transcendental ‘right’ — against the relativities of the ‘better’ and the ‘best’ — may well have a powerfully reasoned standing of its own. But it does not, of course, help at all in comparative assessments of justice.

The other supplementary question is this: would a sequence of pairwise comparisons — of being better or more just — invariably lead us to the very best or the perfectly just society? That presumption has some appeal, since the superlative might indeed appear to be the natural end point of a robust comparative. But this conclusion would, in general, be a *non-sequitur*. In fact, it is only with a ‘well-ordered’ ranking (e.g. a complete and transitive ordering over a finite set) that we can be sure that the set of pairwise comparisons must also identify a ‘best’ alternative.

I have discussed elsewhere why a systematic and disciplined theory of normative evaluation need not take a 'totalist' form; that is, one that insists on a complete ranking.⁷ Incompleteness may be of the lasting kind for several different reasons, including unbridgeable gaps in information and judgmental unresolvability involving disparate considerations that cannot be entirely eliminated, even with full information.

And yet the incompleteness of rankings would not prevent making comparative judgments of justice in a great many cases, where there might be fair agreement on particular pairwise rankings, about how to enhance justice and reduce injustice. A partial ordering can be very useful without being able to lead to any transcendental identification of a fully just society. The approach of the human development is a special application of this general strategy of making do with what can be very widely accepted, without expecting that this strategy will solve every decisional problem we face.

6.

The last of the four features that were identified concerns the globally unrestricted coverage of the human development approach. The underlying concept of justice in the human development approach does not recognize any national boundaries about whom to include and whom not. How does this compare with the mainstream political philosophy of justice today? There is a remarkable contrast here since the basic focus of the ruling theories of justice are effectively national, or are confined to a polity (or what Rawls calls a 'people'). The approach of the social contract requires a strong institutional base, and, in the absence of a state running all that, we cannot proceed far on this track, as Thomas Hobbes had noted more than 300 years ago. In fact, it is the combination of the institutional view and the transcendental understanding of justice that makes considerations of global justice impossible to entertain within the boundaries of mainstream theories of justice today.

The point is made with characteristic clarity by Thomas Nagel (in an article called 'The Problem of Global Justice':⁸ "It seems to me very difficult to resist Hobbes's claim about the relation between justice and sovereignty," and "if Hobbes is right, the idea of global justice without a world government is a chimera." In the global context, Nagel concentrates, therefore, on clarifying other demands, distinguishable from the demands of justice, such as 'minimal humanitarian morality' (which 'governs our relations to all other persons').

In the Rawlsian approach too, the application of a theory of justice requires an extensive cluster of institutions that determines the basic structure of a fully just society. Not surprisingly, Rawls actually abandons his own principles of justice when it comes to the assessment of how to go about thinking about global justice. In a later contribution, *The Law of Peoples*, Rawls invokes a kind of 'supplement' to his national

(or, within-one-country) pursuit of the demands of what he calls “justice as fairness.” But this supplementation comes in a very emaciated form, through a kind of negotiation between the representatives of different countries on some very elementary matters. In fact, Rawls does not try at all to derive ‘principles of justice’ that might emanate from these negotiations, and concentrates instead on certain general principles of humanitarian behaviour.

This is something of a normative collapse here. When people across the world agitate to get more global justice — and I emphasize here the comparative word ‘more’ — they are not clamouring for some kind of ‘minimal humanitarianism.’ Nor are they — no matter how deluded they might be in other ways — agitating for a perfectly just world society. They would tend to find their voice better reflected in a poem of Seamus Heaney:

History says, don’t hope
On this side of the grave,
But then, once in a life-time
The longed-for tidal wave
Of justice can rise up,
And hope and history rhyme.

Hugely upbeat as this longing about justice rising up is, transcendental justice, so dominant in contemporary political philosophy, is not a part of that rhyme.

Notes

- 1 Text of the first Mahbub ul Haq Memorial Lecture of the Human Development and Capability Association, given at the New School in New York on 19 September 2007.
- 2 Underlying the approach is the major issue of what Hilary Putnam calls the denial of a “fact/value dichotomy.” I shall not have the chance to address that methodological question here (although I do discuss it in the book; Sen, A. (forthcoming) *The Idea of Justice*, Penguin, London and Harvard University Press, Cambridge, Mass.); but see Hilary Putnam’s contribution to this issue. See also Putnam, H. (2002) *The Collapse of the Fact/Value Dichotomy and Other Essays*, Harvard University Press, Cambridge, Mass.; and Vivian Walsh (2004) ‘Sen after Putnam’, *Review of Political Economy*, 16, pp. 315–394.
- 3 This relates to the central focus of the work of the Human Development and Capability Association. Indeed, I would imagine they are getting much attention in the wonderful conference of the Human Development and Capability Association, imaginatively arranged by Sakiko Fukuda Parr, working with Martha Nussbaum, President of the Human Development and Capability Association, and others (including the dynamic Sabina Alkire).
- 4 I have discussed this issue in my essay ‘Elements of a theory of human rights’, *Philosophy and Public Affairs*, 32 (2004), pp. 315–356.
- 5 I tried to go into these issues in my 1984 Dewey Lectures at the Columbia University, which were published in the form of three papers, under the general title of ‘Well-being, agency and freedom’, *Journal of Philosophy*, 82 (1985), pp. 169–221. The connections are more fully explored in *The Idea of Justice*.

- 6 On this see my article 'What do we want from a theory of justice?', *The Journal of Philosophy*, 103 (2006), pp. 215–238.
- 7 On this see my essays 'Maximization and the act of choice', *Econometrica*, 65 (1997), pp. 745–779; and 'Consequential evaluation and practical reason', *Journal of Philosophy*, 97 (2000), pp. 477–502.
- 8 Nagel, T. (2005) 'The problem of global justice', *Philosophy and Public Affairs*, 33, p. 115.