
Article

Identity and Otherness ; How Smith Can Help on the Views of Justice

Gianni Vaggi and Sara Stefanini^{† 1)}

Introduction

In his 2009 *The Idea of Justice* Sen discusses two approaches to the problem of justice : *transcendental institutionalism* which he ascribes to John Rawls ; the other is his own view of *realization focused comparisons*. Sen criticizes the first approach in so far as it implies an ideal notion of justice and also some sort of almost optimal institutions ; this approach would be in the line of the tradition of Locke, Rousseau, Kant. The method of *realization focused comparisons* only asks for the analysis of the gradual improvements on the existing historical conditions of the different individuals and groups. In the *Introduction* Sen ascribes this latter approach to the tradition of Smith, Condorcet, Mary Wollstonecraft, Bentham, Marx, Mill and others, particular attention is dedicated to Smith²⁾.

In this paper we examine in particular chapter VI of the *The Idea of Justice* where Sen contrasts two different notions of impartiality linked to the two different approaches to justice ; on one side we have the *closed impartiality* approach, which Sen ascribes to John Rawls, on the other there is his own view on *open impartiality*, a distinction he had already introduced in a 2002 article³⁾. The former notion refers to

[†] University of Pavia E mail: Gianni.vaggi@unipv.it

1) This work is based on earlier papers presented at ESHET and STOREP Conferences. We thank the participants to those sessions for the very useful discussions. We also thank Erica Maggioni for the precious text revision and suggestions. All remaining mistakes and flaws are ours.

2) We see Sen's view as an important evolution for which Rawls' contribution is a necessary starting point, see also the title of Sen's chapter II. We do not discuss the evolution of Rawls views in the eighties and nineties up to *Political Liberalism* of 1993.

3) *Open and Closed Impartiality* published in 2002 by *The Journal of Philosophy* introduces

impartiality inside a group of people sharing similar values, having a common original position, it is an *intra* societal impartiality. The latter concept denotes *inter* societal relationships since it requires to take into consideration the viewpoints of others.

Apart from the direct reference to Smith's impartial spectator (IS) metaphor we think the notion of open impartiality is at the core of Sen's view. Sen's approach to justice might look less demanding and humbler than Rawls' in so far as it does require a universal notion of justice. In a very schematic way closed impartiality describes a static situation of different societies while open impartiality poses an extremely challenging problem because it implies the analysis of the dynamic relationships between these different focal groups.

Here come the difficulties: how can *inter* societal impartiality work? How can people organized inside different societies implement the open impartiality approach? How can they progress on the impartial arbitration of different perspectives? Which are the strategies and tools which could support these interactions? In today's world global justice is a major issue; sustainable development goal number 16 of Agenda 2030 reads "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels" (UNITED NATIONS 2015: 25).

This paper tries to answer the above questions and offers some suggestions on how to make the open impartiality approach operational. We will introduce the notion of *open identity*, *OI*, and the *Us The Others*, *U TO*, method.

OI and *U TO* are built around three major blocks: Sen's *open impartiality*; the idea of *inexhaustible truth*, as expressed by the Italian philosopher Pareyson; Smith's sympathy and in particular the notions of distance, imagination and self command. The *Us The Others* method shows how to create trust among different focal groups. Let us see how the argument evolves.

Pareyson's contribution seeks to promote *the value* of respecting *otherness* and aims at finding a way to help equivalent people and groups of people to feed their dif-

for the first time Sen's approach on Smith and Rawls' domains of impartiality and the consequent "evaluation of social judgements and societal arrangements" (Sen 2002: 445). Here we do not discuss Sen's view of Rawls and of what Sen calls *transcendental institutionalism* (Sen 2009: Introduction).

ferences one on the others. Pareyson describes *truth* as inexhaustible and accessible *only* by each singular perspective. Thus every man becomes a particular source of truth and moral balance; all the more so when the same values are shared by a group of people. Otherness appears also in Smith's notion of *distance* which highlights the fact that sympathetic communications depends on how far *the others* are from *us* and also how we manage to distance ourselves from our initial judgment. How can different points of view lead to mutual trust? The communication of different judgments builds a relationship and *imagination* and *sympathy* are important tools for this relationship to become trustable. In addition, this relationship can be greatly helped by another extremely important element which has not been fully recognized yet: *truth as sincerity*, that is everyone's ability to communicate their *personal truth*. Generally speaking, the higher the degree of transparency, the more likely it is to achieve a social cohesion based on a good degree of trust. Sincerity builds on self command because it requires a specific behavior by the individuals and it also implies their awareness in doing so.

Sympathy, imagination and self command make sincerity and transparency a workable strategy in the process of playing the game of *inter* societal impartiality and in the process of transformation of the original identity. Each individual (and group) has many identities, but in the interaction with other groups, the mixture which makes up the original identity can evolve. Identities are not given once and for all, but they change in a dynamic way, provided they are *open identities*. The *U TO* method, based on the recognition of otherness and on the use of *sincerity*, tries to give substance to the notion of *open impartiality*.

The first section illustrates the concepts of closed and open impartiality and investigates some issues which are still open for debate. Section two presents Pareyson's contribution and Smith's idea of distance. Section three builds on open impartiality proposing the *Us the Others* scheme. Section four introduces sincerity as a tool for building and strengthening trust among people. Section five summarizes and concludes on *open identity*.

1. 'Closed' and 'open' impartiality

In *The Idea of Justice* Amartya Sen describes different domains of impartiality and basically distinguishes them in two categories: 'open' and 'closed'. He defines the

two ways of invoking impartiality as in contrast one to the other and highlights their differences. While ‘closed impartiality’ is set on focal groups’ original contracts and on a strong *sense of belonging*, ‘open impartiality’ is based on a high *sense of commonality* among people that can be expressed as ‘world citizenship’. The first one, which is ascribed to John Rawls, involves a contractarian procedure shared among a limited number of people whose impartiality is conceived as *fairness* towards the group’s participants only. The second one is ascribed to Adam Smith and evokes the Impartial Spectator device. Open impartiality considers a process that conjugates not only the direct view of the focal group, but also the participation and the consideration of outsiders in a *fair arbitration* of different perspectives. Sen and Rawls agree in considering impartiality as a way to construct moral principles⁴⁾, but the way in which human relationships and moral judgments evolve can be quite different; it depends on whether the senses of commonality, associated to open impartiality, prevails or the sense of belonging related to closed impartiality, dominates the relationships.

Closed impartiality stands for an extended prudence based relationship that is built on loyalty and fairness which are offered to a limited number of a group’s participants. Fairness is the “avoidance of bias in evaluations taking note of the interests and concerns of others as well” (Sen 2009: 54). The focal group members’ legitimacy is given by the existence of a social binding contract which has been originally signed to guarantee their membership entitlement and their right to operate within the borders and the assignments of the group itself. This intra societal impartiality refers to the sense of belonging that coincides with the agreement on procedures thanks to the ‘veil of ignorance’ device. In this context, each member is able to choose in isolation among different social outcomes, behind a veil that hides the position that he would have independently reached in each outcome since “no one knows his place in society” (Rawls 1971: 11). As a matter of fact, everybody is asked to choose *unanimously within* the group as a whole, in this imagined state of ignorance, and *unanimously for* the group interests⁵⁾.

4) Rawls underlines that the use of contract is not “to enter a given society or to adopt a given form of government, but to accept certain moral principles” (Rawls 1971: 14).

5) The decision of a group on what is to count among them as just or unjust must be decided once and for all (Rawls 1971: 11).

Since all are similarly situated and no one is able to design principles to favour his particular condition, the principles of justice are the result of a fair agreement or bargain. For given the circumstances of the original position, the symmetry of everyone's relations to each other, this initial situation is fair between the individuals as moral persons, that is, as rational beings with their own ends and capable, I shall assume, of a sense of justice. The original position is, one might say, the appropriate initial status quo, and thus the fundamental agreements reached in it are fair (*ibid.*, p. 11).

Therefore, closed impartiality works in watertight compartments as if societies were completely separated communities⁶⁾ (*ibid.*, p. 7). At the basis of this approach lies the hypothesis of a contending human nature with conflicting claims and the idea that cooperation is possible only if mandatory procedures exist. Man is considered as a single being with sociality because of his/her awareness of the mutual advantages of social cooperation. His/her aim is to make the social cooperation coordinated, efficient, and stable (*ibid.*, p. 5).

Principles of justice deal with conflicting claims upon the advantages won by social cooperation. They apply to the relations among several persons or groups. The word "contract" suggests this plurality as well as the condition that the appropriate division of advantages must be in accordance with principles acceptable to all parties (*ibid.*, p. 15).

The use of binding contracts, to create "significant bounds" (*ibid.*, p. 16), helps in constructing social harmony that would have otherwise been impossible.

Closed societies can have direct interactions only if there is a sharing of some moral principles; societies can only meet along some border lines and in some limited areas of these shared moral principles. According to Rawls there is a fundamental

6) Rawls explaining the subject of justice enhances his interest in its application "whenever there is an allotment of something rationally regarded as advantageous or disadvantageous" (Rawls 1971 : 7). Then he highlights two limitations: the first one consists in the formulation of a reasonable conception of justice in societies conceived as closed systems; the second one consists in presuming everybody "to act justly and to do his part in upholding just institutions" (Rawls 1971 : 7). Parties are so considered as "rational and mutually disinterested [.....] taking the most effective means to given ends" (Rawls 1971 : 12).

equality in all human beings who are moral persons, “as creatures having a conception of their good and *capable of a sense of justice*” (Rawls 1971: 17). Sociability is conceived as a mean, not as a process for building new relationships.

Closed impartiality can be a necessary and good starting point for the understanding of man’s social behavior. Agreements on some procedures and institutions can help to regulate different interests and lay some basis for common living, since they require an indirect commitment (to comply with the procedure) and an external guarantee (to make the procedure be respected). Therefore Proceduralism provides a basis for reducing conflicts, for increasing the shared institutional tools, such as markets and laws, and for improving everyone’s living condition.

In contrast, *open impartiality* stands for a sympathy based relationship which is alimeted by the fair arbitration of different perspectives of both the group’s participants and outsiders. Fair arbitration opposes to fairness (fair negotiation) since it gives anyone the right of participation and it does not confine it to the members of the focal group. Here Smith enters the picture :

In Smithian analysis, the relevant judgments can come from outside the perspectives of the negotiating protagonists; indeed, they can come from, as Smith puts it, “any fair and impartial spectator” (Sen 2002: 454)⁷⁾.

Open impartiality is a form of inter societal impartiality which considers societies as interdependent and interconnected and individuals mainly as world citizens. Fair arbitration coincides with a moral obligation to each other, that is not limited by the borders of a group, of a state. Participants are not asked to find unanimous solutions, but to be willing to confront each other and to communicate in order to go beyond the borders of the original focal group. Open impartiality feeds a sense of commonality that is the human ability to change adopt the positions of the others.

Let us recall some features of the *Impartial Spectator*, which for Smith evokes “any conception of what are the sensations of another person” (Smith 1759 I. i. 1. 2). The process of identifying with others is described as a characteristic of human nature that finds its origin in two elements: the pleasure that arises when participating

7) On the different meaning and usage of sympathy in Smith and Sen see Eiffe 2010: 9.

to the fortune of others (*ibid.* I. i. 1. 1), and the desire to scrutinize the propriety of our own conduct (*ibid.* III. i. 5). Both of these elements are in line with the *search for approbation*, but they also require *self command* that, according to Smith, is the exercise of the precise and distinct measure of affections. The process of building the Impartial Spectator contributes continuously to the attempt to get to the propriety of actions, the proper degree of all affections: “the precise and distinct measure can’t be found anywhere but in the sympathetic feelings of the impartial and well informed spectator” (*ibid.* VII. ii. I. 49).

This system implies a kind of impartiality which relies on the humans’ sense of duty, not only a sense of justice, which is the result of both personal commitment and social relationships. What allows the good course of this process is the sense of having a debate and of building a public discourse and a dialogue. This permits the evaluation of different situations by reflecting on analogies and differences, weighting probable and evident lacks of balance between what is observable (beyond our focal group) and what has been decided to be proper (inside our focal group). Having a debate is the main device to collect information – all details that are useful to us to be as impartial as possible, and it is the source of the “immediate reference of the sentiments of others” (TMS III. 1. 7). Open impartiality is a way to enlarge our knowledge, perhaps it is the only way to do that because it requires us to go beyond the borders of our focal group. This is essential for the spectator to be well informed.

The approbation by others is just one side of the coin since Smith stresses on the approbation of the self, that is the need to be appreciated by our own eyes too (see Bee 2011 : 10). Vanity is one of the passions that affect man, but inside human beings there is a pluralist system of affections⁸). The control of excesses will lead to virtue: the restraint of negative passions, together with the indulgence towards the positive ones, guarantees the propriety of action and so the building of moral balance.

Open impartiality is a more demanding notion than closed impartiality, because it asks for a comparison of different models and even of different moral judgments. Of course we particularly feel this impulse when we get in touch with different societies and with other people. According to some views moral judgments become particu-

8) See Sen 1986 : 29. Man is considered by Smith as affected by a multiplicity of passions, considering “humankind as uniquely complex realm of nature” (Evensky 2005 : 247).

larly important in those societies with extended markets and a long history of institution building and where the subsistence problem is reasonably solved. Maslow says that when the basic needs are satisfied are met, man starts to be hungry for affectionate relationships and for the desire of adequacy towards himself and the others see (Maslow 1943: 378). For sure wealth deeply influences our ranking of what is relevant and what is less important. The *distance* in terms of income and wealth of different groups and countries is a very important element in the definition of different original positions and in the possibility of implementing open impartiality⁹⁾. But for us the problem of comparing different moral judgments is not limited to affluent societies.

Nowadays we care not only about the outcomes of a process, but also on *how* they are achieved and *how* the agreed procedure has been implemented and *how* the moral judgments are formed¹⁰⁾. This is a dynamic research which is continuously enriched by the comparison of different experiences and hence the enrichment of our knowledge. The veil of ignorance still exists, but it loses its opacity. Sen's open impartiality is a conscious research of the virtuous behavior and a direct answer to the demand for ethics: "People should act as they feel they really *must* do, rather than virtuously accept to do" (Sen 2009: 129). Different societies and focal groups can interact not only thanks to the already agreed procedures, but also thanks to the attempt to work at the fair arbitration of what is not in yet common. In this process new linkages are created.

Rawlsian impartiality is very effective in explaining the formation of moral rules in small contexts but it is not sufficient when considering interconnected societies, and this is so for three main reasons:

1. human beings lack complete information and complete preference ordering, no certainty in the choice of the best social outcome;
2. human beings are aware of sharing a common condition with others because of sympathy;
3. human beings are able to communicate and to relate with others and to build relationships.

9) On wealth as a precondition for a moral society see Gerschlager 2008: 21 note 22. On Smith and Sen on poverty as lack of basic freedoms see Eiffe 2010: 14.

10) See Sen 2012: 102. This is also a central issue in Wilson and Dixon 2012, see for instance pages 53 54 and 110 111.

Starting from these three assumptions¹¹⁾ we must ask ourselves: *how* can modern societies implement the open impartiality approach in order to deal with a progress on the fair arbitration of different perspectives? *How* does the comparison of different experiences work? *How* to build more trust and to create durable linkages among different focal groups?

The following **table** gives a schematic description of the two vies on impartiality.

Closed impartiality Rawls 1971	Open impartiality Sen 2009
Being	
Extended prudence based	Sympathy based
Procedural	Ontological
Intra societal	Inter societal
Four main differences	
Veil of ignorance	Impartial spectator
Membership entitlement	Enlightenment relevance
Original contract	Human citizenship
Justice as fairness	Fair arbitration

To sum up. Closed impartiality describes well the initial position, the historical starting point, which we find in many countries and even at the world level: different societies, focal groups, communities with relatively strong internal links, norms and rules. Open impartiality shows the tools which can help the situation to evolve and the different focal group to meet and to dialogue.

Open identity captures both aspects. The term *identity* combines the fact that in each given historical condition we have a certain identity, or a set of different identities with different weights which largely depend on our focal group. *Open* indicates the possibility for each human being and for each focal group to undertake the process of open impartiality. On the one hand, without an understanding of our original position and identity it would be impossible and unrealistic to think of the process of open impartiality¹²⁾. On the other hand, openness indicates the fact that identities are

11) The second and third point are easily found in Smith's work; the second one is obvious, as to the third recall "the faculties of reason and speech" in chapter 2 of Book 1 of the *Wealth of Nations*.

12) On the issue of identity see Sen 2006 and the very stimulating book by Davis 2011.

not static and can evolve, through the practice of open impartiality and the *Us The Others* method.

2 . The role of others and the inexhaustible truth

We propose a method, *Us The Others (U TO)*, which might help to make open impartiality operational. *U TO* is based on three main ideas which can be added to the three points of the previous section :

- 1 . man is naturally driven towards the building of relations ; “human being is a relation. It is not that he is in relation, nor that he has relationships, but he is a relation.....with the other” (Pareyson 1995 : 15) ;
- 2 . relations allow man to deal with complexity and to improve his partial knowledge ;
- 3 . man’s partial knowledge is a very particular formulation of truth that is accessible only by each singular perspective and can be communicated.

Point (1) is based on the contribution of the Italian philosopher Luigi Pareyson but also on Smith’s view of man as a social individual¹³⁾ ; point (2) on their views of otherness and in particular on Smith’s notion of distance, point (3), develops from Pareyson view of truth¹⁴⁾.

The *U TO* method relies on two forces : the social push which is related to points (1) and (2) and the individual restraint, points (2) and (3), all three conditions are continuously at work and they may produce a balance of morality.

The social push coincides with “the eyes of the rest of mankind” at the basis of Smith’s society of strangers. Smith believes on the moralizing role of distance, considering others and strangers as a source of moral development (see Paganelli 2010 : 434). Usually, people tend to relate mainly with those who are at hand, but this can be a strong limitation, because the attention on what is conveniently close, in order “to expect a more indulgent sympathy” (Smith 1759 III.3.24), does not allow the de-

13) See Macfie 1967 and Smith’s notion of ‘organic connection’ highlighted by Wilson and Dixon 2012, p. 52.

14) Luigi Pareyson (1918 1981) was one of the most important Italian philosophers of the 20th Century. He proposed a personalistic and ontological form of existentialism underlining that existence is the way of access to personal life and to reality in general. According to Pareyson, existence is both auto relation (relation with the self) and hetero relation (relation with the others).

tached building of the IS. The approbation of others, and so the role of others, is useful for moralizing purposes because it helps to find the right distance between what can be seen at a glance and what can be captured only with scrutiny.

The desire for the approbation of others is balanced by man's desire of persuading others together with the need to scrutinize his own conduct, being conscious to be a partial source of judgment. The building of the IS coincides with the building of judgments. The IS can therefore judge the self and the others in order to decide whether an action is proper or not (Raphael 2007: 14).

With respect to Sen's open impartiality approach, we stress the problems of the way in which human beings formulate their judgments and how they determine the propriety of an action. This approach is linked to Pareyson's view of others which emphasizes the role of each individual particular sight, considering it as a source of truth and a chance for deeper examination.

Truth is shown by Pareyson to be characterized by an *inexhaustible* nature, a continuous dance between possession and process: truth is a real and effective possession being processed endlessly (Pareyson 1954: 80). This process could be seen as contradictory and paradoxical, since it considers at the same time both the effective possession and the endless process, the achievement and the research, the stability and the mobility. Truth is then within everyone's reach, and it is perceived and known by the continuous contribute of everybody. Then truth is always personal (Pareyson 1971: 60) because it is accessible only within each singular perspective, which is itself the unique way of accessing it. Truth is always interpreted by a single person who sees and watches through his/her own particular point of view, which is in turn influenced by contingencies and by the point of view he/she adopts from time to time.

For Pareyson there is a false dilemma between the uniqueness of truth and the multiplicity of its formulations: uniqueness belongs to truth and not to formulation and multiplicity belongs to the formulation and not to the truth itself¹⁵. Whether or not there is a unique TRUTH is not the crucial point of the *U TO* method, which requires that *I* or *We Us* as a focal group accept that there are other views about truth and that our view does exhaust the knowledge of truth and of what is right or wrong. Pareyson's view of the inexhaustible truth is linked to open impartiality be-

15) In this way, the different formulations of truth can be, in their own historical multiplicity, an effective possession of the unique and inter temporal (continuously processed) truth (Pareyson 1971: 66).

cause it enhances the importance of *otherness* and hence of *differences* with respect to the consideration of a single perspective; moreover the others become a possible source of knowledge¹⁶⁾.

Openness and difference are the pillars on which to build social relationships, sharing part of the different but equivalent perceptions of truth. This suggests men's *equivalence* and *difference* at the same time: equivalence stands for everybody's opportunity to catch, to grow and maintain their own differences. Aristotle speaks about human flourishing, thus describing the route towards a personal fulfillment which should be potentially available to everybody (Aristotle EN, I, 9, 1999).

Open impartiality considers people both under the *agency* and the *personal* aspects. The term agency implies action as a mean that brings about change (Sen 1999 : 19). *Agency* support the view that society could evolve via democratic action and contrasts the views deriving from Plato's opposition to the participatory governance in favor of a ruler expert engagement (Medema 2010 : 8). *Personality* opposes the idea that man stands by himself and is able to maximize his own interest, therefore it opposes the notion of interest driven agent who only uses instrumental rationality. *Personality* presupposes that each singular perspective can evolve and can be enriched by other views, it is thus a dynamic notion.

3 . The Us The Others, U TO, method

Difference in the formulation of judgments is the prerequisite to achieve a moral balance and the open communication of differences is a mean to attain it. Starting from Sen's open impartiality and from the previous discussion of truth and differences, we can work out the notion of *Us and The Others*. The *U TO* scheme is built on *difference*, which is an incommensurable and very personal trait, and on *equivalence*, which acknowledges the same value and validity of all differences.

As we have seen at the beginning of this section the *U TO* scheme can be described according to the following characteristics: (1) interdependence of Us and Others; (2) Sympathetic communication; (3) Inexhaustible truth as sincerity.

16) Heredia writes that this is also the attitude of Gandhi because "he realizes that the truths we grasp are necessarily partial. They need to be complemented by the partial truths of others." (Heredia 2012 : 13).

Terms such *I* and *You* and also *We* appears in the description of the building of moral judgments and behavior (see Wilson and Dixon 2012: 54 5; Boldyrev and Herrmann Pillath 2012: 18 19). The *Us and the Others* method underlines the existing distances and differences; it also highlights the fact that the goal is not a unique well defined *We* for all, but rather that *open identity* is a process which may lead to continuous transformations.

3.1 Interdependence of Us and Others

Part III of TMS is entitled *Of the Foundation of our Judgments concerning our own Sentiments and Conduct, and of the Sense of Duty*. Notice that it is not just a problem of *sentiments* but also of *conduct*, and there is a sense of duty, thus it is directly an ethical problem. In the first pages we find the famous metaphor of the mirror, which allows to look at ourselves from outside, a possibility which is given only to the individual ‘in society’ (TMS, III. 1. 3)¹⁷.

Everybody is part of a specific context and we all understand the meaning of *us*, as a group to which we feel to belong. How can we avoid falling into closed impartiality? *Interdependence* requires that human beings must be described according to their need to relate with others; it is the idea of *existence through relationship*. The importance of the others lies in the possibility of everybody to participate to the truth. The other person is important not only for his/her belonging to a common and wonderful humanity, but also for his/her very particular view on reality. Interdependence promotes the broadening of our point of view as human citizens, betting on our “humanity”, “humaneness” (Sen 2002: 466) and humility too. Humility deserves particular attention since it would help each particular group to approach different forms of culture without any superior and dominating attitude. The *us* should be as much humble as possible in order to look for and to accept the formulations of *others*, viewing them as a source of knowledge. Of course this is difficult because we start with an original position and a well defined identity.

17) The IS exercise would be impossible if “a human creature could grow up to manhood in some solitary place, without any communication with his own species..... (TMS III.i.3).” It looks as if Smith were describing Robinson Crusoe before the arrival of Friday. As a matter of fact the way in which Robinson has been used in economic theory requires very little socialisation; in the end it can do without the impartial spectator, on this see Davis 2011: 6 7 and Vaggi 2004: 30 1.

3.2 *Sympathetic communication*

When individuals are aware of the need to respect the others, they start to communicate their particular point of view, in this game everyone uses reason and speech and let the others formulate judgments (Smith 1776 I. 2. ii). This thrust makes people meet each other in the attempt to find the right harmony and balance as in an immense orchestra.

The great pleasure of conversation and society, besides, arises from a certain correspondence of sentiments and opinions, from a certain harmony of minds, which like so many musical instruments coincide and keep time with one another. *But this most delightful harmony cannot be obtained unless there is a free communication of sentiments and opinions* (Smith 1759 VII. iv. 27, italics added).

It seems like “an individual tuning to what is harmonious and collective at the same time, that considers in this way the different peculiarities of each instrument and of each player” (Bee 2011: 21). Open impartiality and the *UTO* scheme require the continue tuning and playing as in a sort of never ending rehearsal with free access to everybody. The faculties of reason and speech subsist and evolve thanks to the fact that there are differences.

Sympathetic communication, SC, is a communicative process which supports our effort of comprehension and our sense of commonality. This is very important when we speak with someone who is totally different from us and belongs to another social group. In this case SC implies that knowledge derives from the existence of differences, and this increases the desire for further scrutiny and comprehension. In this way sympathy is trained but also enriched.

Thanks to the works of Payerson, Sen and Smith we will try to see how sympathetic communication could work in practice. SC is a exercise and at the same is also process, so is the Impartial Spectator, IS, which exists thanks to the continuous comparison between the social push and the individual restraint. The IS is mainly a practice, a procedure in the formation of judgments of the individual in society¹⁸⁾. The question of ‘impartiality’ as an outside judge is important, but IS is neither just a tri-

18) Here we do not discuss *das Adam Smith problem*; on the distinction between sympathy as a capacity and self interest as a motive see the very interesting discussion in Witztum 1998: 494 5. On the making of the impartial spectator see also Vaggi 2004: 36 ff.

bunal, or a ‘referee,’ nor it is a rule coming either from law or from social customs. The important thing is the practice of observing

“our own sentiments and motives.....with the eyes of other people, or as other people are likely to view them” (Smith 1759, II. 1. 2)¹⁹.

The IS is a *virtual third party*, but it requires the existence of real partners, it is a practice of socialization, it is a procedure which each individual may adopt in his/her relationships with individuals. IS is the result of each of us taking part in the game of the formation of judgments inside a society²⁰, IS is not just an outside tribunal, it is the ‘man within the breast,’ it is a mirror and a tribunal within, an *impartial* but *within* spectator. It is precisely because IS is both inside and outside that men’s judgments can evolve; when the individuals take part in the ‘practice’ of IS they change. Recall that the Impartial Spectator must be well informed and this is why the others are so much important as a source of knowledge.

Of course, the practice of SC is possible inside the focal group, where however it might be relatively easy and self deceit might be sufficient. Open impartiality is particularly necessary in the interaction between different focal groups, when we come across important differences about what is right and wrong among different countries and societies. We could say that *the mirror could and should work for the different groups as well as for an individual*. Smith does not openly say this, even if he writes that “Man, according to the Stoics, ought to regard himself, not as something separated and detached, but as a citizen of the world, a member of the vast commonwealth of nature” (TMS, III. 3. 11). In the present world more and more we face the issue of global justice better than international justice and the problem of the formation of collective judgments and evaluations²¹. Open impartiality can and must be practiced

19) A quote that we also find in Sen where he criticizes Rawls’s interpretation of the impartial spectator (Sen 2002 : 451 53).

20) The fact that we are all a part of the social practice does not imply that we play the game for a specific advantage or having in mind a calculation of benefits and losses. “Sympathy, however, cannot, in any sense, be regarded as a selfish principle” (Smith 1759 VII. iii. I). IS and Smith’s ethic cannot be classified as a classical utilitarianism in disguise (see also Vaggi 1996 section III on persuasion and the quotes there).

21) Notice that this implies that the Rawlsian ‘public framework of thought’ is ‘open’ and ‘open ended’ (Sen 2002 : 456) and it evolves.

beyond our focal group and at the global level.

3.3 *Distance and imagination*

We all live in a world of many complex societies, which are also very much interrelated open impartiality is a good starting point in order to understand how individuals and societies can construct a *dynamic sympathy*. Of course, because of the many interactions, both individuals and societies evolve with respect to their original status. Here we suggest a way that could help in *training sympathy*. Sympathy is possible thanks to existing differences and to imagination.

I imagine your distress, I do not merely imagine what I should suffer if I were really in your position “I consider what I should suffer if I was really you..... my grief is therefore entirely upon your account, and not in the least upon my own” (Macfie 1967 : 63).

In the opening page of the *Theory of Moral Sentiments* (Smith 1759 I.1.2) we find imagination as the main tool which allows us to approach the sensations and experiences of others and in the following page Smith mentions the ‘attentive spectator’ (*ibid.*, I. 1. 4). Imagination is a crucial principle in philosophical reasoning (Smith 1795 : 39 41), but it is also the fundamental tool in the exercise of open impartiality, above all for the people belonging to different focal groups. However, imagination can and must be trained²²⁾.

The world is so variegated : cultures can be so much far away one from the other and judgments can be so much different. Human beings belong to different groups and societies ; what type of imagination do we need? Which are the possible ways for attaining some shared views and some trust? How can we implement IS at the global level?

We indicate two ways in which thanks to imagination we can reduce the distance with the others : *transitivity* and *proximity*.

22) On the need of training imagination see : Scitovsky 1976 p.249 and ff.

3.3.1 *Transitivity*

Communication among diverse societies and experiences is important, but it may be difficult among different focal groups. However, the fact that inside a focal group there are already some shared procedures and some trust can greatly help the *U TO* process among different focal groups. This we call *transitivity*. It works like this: I have a very limited knowledge of situation A and of the views of other people about A, therefore because of the lack of information and knowledge I may have difficulty in the practice of open impartiality, the distance between myself and situation A is too large. However, inside my focal group there are some people who know situation A and of course I trust them; it is through this ‘intermediaries’ that my knowledge of A is improved. Transitivity is an extremely useful property in the process of reducing the distance between different societies, cultures, religions. The many intermediaries and the transitivity principle we can become more informed and can get nearer to the understanding of the judgments of other people.

Transitivity operates thanks to imagination, of course my imagination but also the imagination of my mediators. Of course in this case my experience of the others is still limited, the distance is still quite large, but we must not underestimate the power of transitivity to reduce the distances among individuals and groups.

3.3.2 *Proximity*

Besides *transitivity* the *U TO* method offers another possibility: *proximity*. According to Smith the closer we are to someone, the more pungent is the sympathy we feel with his/her passions and judgments. If a missionary from Africa reports to me the famine in the Sahel I feel sad, but my feeling is much stronger if I go there and if I meet directly with the people who are suffering because of hunger, even if I will never be able to fully identify with his/her pain and his/her feelings and emotions. The closer we are to the others, the easier it is to practice the Impartial Spectator and Sympathetic Communication. Intermediaries are useful and even necessary but the direct experience of each other’s feelings and passions is more direct, the distance is reduced and sympathy is easier and more intense.

Of course, proximity and direct experience are particularly important when we face different judgments about facts which are relevant for the state of the world. What is it right and what is wrong in the land of Israel and Palestine? I will never be able to fully understand the feelings and the idea of justice of the different focal

groups in the region, but if I have a chance to meet with them directly my knowledge and my ability to experience sympathy are both greatly enhanced.

The *U TO* scheme tries to make the most of transitivity and proximity. Proximity in particular can be a powerful source of “wonder and surprise,” of unexpected features, thus my imagination is greatly stimulated. Moreover : *the closer I get to the others, the more I can distance myself from my original passions and judgments* ; the easier it is for me to exert sympathy and fellow feeling²³⁾.

4 . Truth as sincerity

4.1 *Saying the truth*

Closed impartiality works because of the original position or contracts ; binding contracts, which are linked to procedural conventions and to the appropriate institutions are the most common means to avoid conflicts and they are sufficient to build mutual trust.

The case is different with open impartiality and the *U TO* method particularly when they have to work at the global level and where distance can be quite large. The collective ability to be driven by the fellow feeling requires that *the individuals positively take action* in view of achieving trust. This positive action requires a very useful attitude : saying the truth. In debates about global justice this is either taken for granted or largely ignored ; we think it is a necessary addition to Smith’s and to Sen’s arguments in favor of open impartiality.

Human beings perceive TRUTH in a partial and specific way, they can also communicate their personal ‘views’ of TRUTH. However, there is another kind of truth, with small letters ; a truth which is simple, unpretentious, even feeble : this is saying the truth, sincerity, transparency. We can communicate the different perceptions of TRUTH and they can become the basis for a dialogue, because this process helps people to communicate, to find a common language and to build trust. We are particularly concerned with perceptions of TRUTH and with the way in which these different views form our ideas about what is either right or wrong, therefore our

23) Of course the greater part of mankind may not be immediately capable of making good use of IS (see Vaggi 2004 : 33 35).

ideas about justice.

Telling the perceived truth as objectively as possible is something which is available to everybody, it is a form of coherence, which is not limited to the learned people, *the philosopher*. Of course truth as sincerity does not require that we belong to the same focal group, but it is a tool on the road to open identity and it gives form and substance to the building of a public discourse. Truth as sincerity is a way of building a dialogue and may even lead to a minimal social cohesion in which we do not find only agreed procedures but also some shared beliefs and emotions.

The *U TO* scheme is based on sincerity and transparency. Transparency means that people let themselves be seen and be judged by others; not only does each individual play the game of the Impartial Spectator, but the personal process of building the IS can also be seen by the others. This practice may help to go beyond the sense of belonging which is typical of each focal groups and to build a sense of commonality. Relationships may begin to be characterized by the mutual intention of communicating differences without being scared by them. It is a possible path that starting with different focal groups leads to shared procedures and feelings and sincerity may greatly help to build mutual trust.

Of course sincerity also helps to have more correct and better information and this helps the Impartial Spectator in becoming well informed.

Saying the truth could be so extended as to become a sort of accepted procedure, a code of conduct. This would make sincerity as one type of conduct that we also expect from the others. Expectations about the others' behavior is crucial in Smith's description of society (see Wilson and Dixon 2012: 72 73). Open impartiality and the *U TO* method require that at a certain point there will be a positive outcome, we could say a 'positive payoff' for all the participants. I may disagree with you but I know that you are not cheating me and this increases the possibility of an approbation of conduct by both parties.

Notwithstanding the pre existing differences the belief that all the participants are willing to say the truth produces a code of conduct, a sort of minimalistic rule, which helps to build a sense of commonality.

Sincerity and *differences* are both essential pillars of this process: sincerity is not just a useful procedure for a dialogue among different groups. The *U TO* process implies that new individuals join the existing group, which then change and evolve;

we continuously have new contributions and different approaches. Thanks to the presence of the *others* we go beyond the pre existing views and judgments of our limited *Us*; it is an evolutionary process in which identities can change and become open²⁴⁾.

4.2 *Parrhesia*

Saying the truth, sincerity could lead us to many authors, such as Rousseau, and we cannot deal with the debate on the meanings of the term itself and on its evolution through the centuries. We limit ourselves to some considerations on Michel Foucault views of the famous Greek term *parrhesia*. According to Michel Foucault *parrhesia* as frankness implies the sense of duty to say the truth, but it also includes an element of danger. In the tragedies of Euripides in the late fifth century BC the person speaking frankly is in many cases inferior to the person he/she was addressing²⁵⁾. Frankness implies saying the truth against the tyrant, it is a virtue to be used particularly in public life. Socrates was the first one to move *parrhesia* from public to private life and to make it a personal practice in the relationship between each man and what each man regards as being the TRUTH (Foucault 1983, lecture 4)²⁶⁾.

In the *U TO* scheme *sincerity* is closer to Socrates' view of *parrhesia*, it does not necessarily imply risk and heroism; it is a practice which has to begin within the man, very much like the IS. Of course this does not mean that the social surroundings and conditions are irrelevant. By practicing sincerity we modify our views about what is right or wrong, our view of justice evolves; but we also modify our behavior and our way of life. Towards the end of the first session of lecture 4, Foucault is quite clear that "the target of this new *parrhesia* is not to *persuade the Assembly*, but to convince someone that.....he must change is life." "Parrhesiastic activity also endeavored to elaborate the relationship between truth and one's style of life, or truth

24) We have described two main features of sincerity: on one side, honesty, coherence and respect of others; on the other side, sincerity as the sharing of different points of view and information. We can say that these two characteristics respectively belong to the micro foundation of the individual in society, and to the macro foundation of the society dealing with other societies. On this issues see more in Vaggi 2004.

25) See Foucault 1983, lesson, 1, p. 2-3, the person exerting *Parrhesia*, must be courageous and be prepared to risk his/her life.

26) On this point see the Introduction to the Italian edition of Foucault lectures (see Bodei 1996, pp. xiv xv).

and an ethics and aesthetics of the self” (Foucault 1983, Lecture 4, p.6, italics added)²⁷⁾.

Let us make three points on Smith’s and Foucault’s positions.

First, ethics comes into prominence; the evolution in our judgments clearly asks for a change in our style of life.

Second, in Foucault’s pages the attention is on the relationship between oneself and truth, this is similar to the IS as the ‘man within,’ it is the sense of approbation which has to come from inside ourselves and not just from the others. Foucault speaks of the change of “one’s relation to others” (*ibid.*), but Smith’s individual is much more ‘socialised,’ he is much more part of the historical conditions of his time.

Third, the question of persuasion. The Socratic *parrhesia* is not intended to “persuade the Assembly,” even if of course this does not eliminate the importance of persuasion in public life. But in Lecture 1 Foucault opposes frankness to persuasion: “In *parrhesia*, the speaker uses his/her freedom and chooses frankness instead of persuasion, truth instead of falsehood or silence, the risk of death instead of life and security, criticism instead of flattery, and moral duty instead of self interest and moral apathy” (Foucault 1983, Lecture 1, p. 4). In the *U TO* exercise persuasion and saying the truth can indeed coexist. In Part VI of the TMS when discussing the prudent man Smith makes some very interesting comments on sincerity and frankness:

“The prudent man is always sincere, and feels horror at the very thought of exposing himself to the disgrace which attends upon the detection of falsehood. But though always sincere, he is not always frank and open” (Smith 1759, VI. i. 8).

A few paragraphs later he makes clear that this sort of prudence is not “considered as one.....of the most ennobling of the virtues” (*ibid.*, VI. i. 14). Different is the case of “superior prudence”:

“Wise and judicious conduct, when directed to greater and nobler purposes than the care of the health, the fortune, the rank and reputation of the individual” (*ibid.*, VI. i. 15)²⁸⁾.

27) As Bodei writes “You move from “know yourself!,” to “change yourself!” and, lastly, to “control yourself!”” (Bodei 1996, p. xi).

28) On the different types of prudence see more in Witztum 1998: 504 5.

Though “mere prudence” is enough all individuals have the possibility to exert sympathy and to progress towards superior prudence. At the same time “that principle to persuade which so much prevails in human nature” (Smith 1762 63 (B), p. 493)²⁹⁾ and which is the “real foundation” of the division of labour cannot be limited to the explanation of exchange in commercial societies. In the present complex world both *persuasion* and *sincerity* are necessary means to achieve a decent society; of course human beings must control their passions in order to practice both means, which are possible supports in the road toward virtue.

4.3 Self command

From Socrates to Roman culture and in particular to Stoicism, the influence of Stoic philosophy on Smith is well known³⁰⁾. In part VI of TMS, Smith examines three major virtues: *prudence*, *benevolence* and *self command*. In Plato’s dialogue *Gorgias*, Socrates tells Callicles that “if a man is to make a complete trial of the good or evil of the soul, he ought to have three qualities, *knowledge*, *goodwill*, *parrhesia*, which are all possessed by you” (*The Dialogues of Plato*, 486d, 487a quoted in Foucault 1983 p. 64, footnote 2). Good Callicles is on the way to rectitude, to propriety, in the end to virtue. Goodwill could easily become benevolence, here we will focus on self command.

Thanks to technology and easy communication we use transitivity *without even realizing it*, intermediaries are all around us, transitivity is extremely pervasive and in a sense there is a kind of ‘veil of ignorance’ in the way in which we come to know about different societies. The availability of information is useful, we could say that globalization brings with it the possibility of the *U TO* exercise; many people, particularly in High Income Countries, have the possibility to practice it. The same is true for the IS which is a possibility for an increasing number of people, but *by no means an automatic and unconscious exercise, it is not a kind of invisible hand inside human conscience*.

There are many useful intermediaries between people, but the IS and in particular the *U TO* process, which explicitly includes sincerity, requires awareness and con-

29) See also Vaggi 1996, pp. 117–19.

30) See Raphael and Macfie 1976: 5; Rothschild believes stoic influence on Smith should not be emphasized, Rothschild 2001: 132–3.

scious action³¹). Information and communication are important tools, but they are a kind of prerequisites to *U TO*, human decision is also required.

Here we go back to Smith and in particular to self command. According to Smith this is an important aspect of human nature, perhaps the most important of all virtues :

“Self command is not only in itself a great virtue, but from it all the other virtues seem to derive their principal lustre” (Smith 1759, VI. iii. 11, see also VI. iii. 1).

Self command is an extremely convenient virtue in the process of socialisation of the individual, because it provides for the moderation of passions. In our *U TO* scheme sincerity is part of the practice of self command on our own self, *us*, and it is the attitude in which we discipline ourselves in the communication with people of other focal groups : *the others*.

But why to explicitly recommend sincerity as a virtue? Is deception not sufficient? What about the veil of ignorance? The Stoics had a concept of natural harmony, through nature, providence, God, the Creator, the plan of the universe (Raphael and Macfie 1976 : 7)³². This harmonious system is a very convenient and useful setting for deception to lead to positive outcomes, ‘Providential deception’ as Lisa Hill calls it (Hill 2012 : 18, see also footnote 10 on p. 17) works well inside a system which is based on some sort of Natural Order³³.

In our diversified world faith in the harmonious relationships of nature and in

31) On conscious change and self reflexivity see the very interesting pages in Gerschlager 2008 : 24 26. Becoming aware of one’s opportunities is more and more regarded as an essential element in the process of empowerment which is a component of modern views on development (see World Bank 2006).

32) The *Theory* is full references to the Deity, to God, to providence. On the theism of Smith in the *Theory* see Viner 1928, pp. 120 1 and Macfie 1967, pp. 110 1 ; see also Hill 2012 and the debate between Alvey 2004 and Kleer 2004 in the History of Economics Review.

33) We do not want to enter the debate of whether Smith was a faithful believer in God or instead took a skeptical attitude, particularly in the later phase of his life. Here we are not even directly interested in what Smith actually wrote about this issue. We believe that Smith’s system is well endowed with a very useful set of tools to tame the excesses of self and thanks to sympathy and the division of labour may possibly lead a society towards wealth and happiness (TMS, II. iii. 1 3).

some sort of self regulating mechanism which does not require training of our behavior and of our judgments is a rather weak basis for dialogue. The crucial issue is the formation of judgments and nowadays we have many more circumstances that we might share, which can be of interest to different groups and societies. This is so precisely because of easier and more frequent communication, which however makes all of us confronting each other with very different culture and traditions, with points of view which are ‘distant.’

Thus the veil of ignorance is no longer sufficient, if it ever was, to help us to close this distance and to lead us towards a prosperous society. The *U TO* method with sympathetic communication and open identity help us to try to reduce the distances of the different focal groups in the process of formation of the idea of is right or wrong.

5 . Conclusions, open identity

Open impartiality and the *U TO* scheme help to explain how a dialogue can arise and proceed even in a very complicated world with many focal groups which are far away one from the other in terms of ideas of justice. The ‘individual in society’ changes and so do the social groups, but open impartiality and *U TO* will not resolve all the differences on what is right or wrong (Sen 2002: 468). At any point in time and space each of us has a specific *identity* and we have an idea of ourselves and also an idea of what is an appropriate conduct. Our sense of justice and our sense of duty are influenced by the historical situation in which we live³⁴⁾. We are no ‘plain table’ with nothing on it, but we are concrete individuals, part of a social group to which we feel to belong, thus we have a well defined identity.

Our *original identity* clearly exists and may even be a ‘strong’ one³⁵⁾, but it

34) “Stronger ties of feeling for smaller groups” write Raphael and Macfie (1976, p.10). The idea of *distance*: the closer you are the more intense is sympathy as fellow feeling. Smith writes of the difficulty to reach “perfect impartiality between ourselves and the others” (TMS III. 3. 1, see note *x* on the draft of 1759).

35) Examples of strong and close identities are in chapter VIII of Sen 2006. He describes the conditions of *plural monoculturalism*: communities which leave side by side in the large British cities and in general they even tolerate each other, but they do not communicate, they do not dialogue. There is no real multiculturalism, each community keeps its own views and judgement, they do not know how the others look at them.

must be open, it must not prevent us from dialogue and from practicing the *Us The Others* exercise. In playing the *U TO* method I change, I modify my judgments, I am contaminated by the *others*, I modify my lifestyle. My identity may change because of very mundane reasons: I change job, country, maybe friends because I am getting older. Smith's parable of the poor man's son (TMS, IV.i.8) describes a change of identity because of old age, a change which provides the son with a different experience which leads him to view himself and his values in a different way (see Gerschlager 2008: 11 ff. and 17 ff.). But I can change also because I practice the *U TO* method. I change because I try to know more about situations who are far away from me, because I consciously try to meet more people and people which do not belong my social setting. Open identity is a dynamic identity³⁶⁾.

The *U TO* method and open identity accept all the features of open impartiality but they emphasise the role of:

- otherness and partial knowledge
- the practice of sympathetic communication
- truth as sincerity

A final problem which we do not aim to resolve.

Open identity and the *U TO* describe a possible process of mediation among different original positions. This is quite good for dialogue, but where is it leading us? Which are the *shared goals* indicating the direction? Which are the *values* supporting these goals?³⁷⁾ On the question of *the goals and values* we make three non conclusive points.

Point 1. *U TO* is a method but also an end in itself. By mediating among diverse judgments the *U TO* scheme is a methodology of socialisation in the sense that it helps to achieve some minimal common shared rights, values and principles. During the process we achieve shared values, but they are not necessarily the end of our search of truth

36) Sen's book *Identity and Violence* has a beautiful subtitle of *the Illusion of Destiny* (Sen 2006). On identity as a process see Gerschlager 2008: 18. On the evolution of identity and as the individuals as a collection of capabilities see chapters 7 and 8 in Davis 2011.

37) Agenda 2030 approved by the General Assembly of the United Nations on September 2015 and the COP 21 Paris agreement of the same year on fighting climate change are examples of shared goals at least on paper. The great difficulty being how to agree on the practices to achieve them.

and justice. We achieve a social “middle conformation” which smoothens the differences and makes and thus it please us (see Smith 1759 V. 2. 4)³⁸⁾. In this way the *U TO* method also creates the conditions for a next stage of dialogue ; our knowledge widens and our *open identity* evolves, better different open identities evolve together.

However, it is difficult to take this ‘middle conformation’ as a true value, at most it can be regarded as an instrumental value, but it helps to introduce the following point.

Point 2. This is slightly more demanding than the previous one. The process of socialisation of individuals and of formation of judgments described in the *U TO* method and to which point 1 refers makes sense if we accept the acceptance of the value of *equivalence*. By adopting open impartiality and *U TO* we do not necessarily assume that everyone is equal in absolute terms, but certainly we assume that all men and women have the same possibility as we have to be right or wrong when they formulate their judgments. All men and women have the same right to express their judgments. No open impartiality no *Us The Others* method would make any sense without the assumption that all the people have the same right to speak frankly. In the *U TO* scheme equivalence and differences are two terms which go together. All the people have similar, not equal, possibilities to become well informed spectators. We are aware that this proposition implies a minimal ontological assumption about the nature of human beings, but this is indeed minimal ; it amounts to the difference between greyhounds and human beings : “reason and speech” (Smith 1776 I. ii. 2).

Point 3. The first two points do not fully solve the problem of the precise contents of the goals and the values. Value with capital letters could be *equity* or *freedom* (see Sen 1999, *Preface*). It could be some sort of *golden rule* : treat the others as you want them to treat you ; which emphasizes the role of reciprocity and it is found in different cultures and religions. It could also be *human rights*, a set of concepts which in modern times has evolved from the 1688 *Bill of Rights* in England to the 1948 UN *Universal Declaration of Human Rights*.

These three points are the outcome of the history of mankind, at least of ‘western history’ ; in a sense they represent the stage that has been reached in terms

38) On this notion in Smith see Zanini 1993 : 12.

of an idea of justice. They are an outcome of history, they are the result of the evolution of rules, norms and laws through many centuries. They are also the produce of the evolution of feelings, passions and sentiments³⁹⁾. We could say that the four views are the results of an *open identity at the global level*.

But the precise content of these four views is not the same for everyone; different focal groups give them different meanings, even if there are areas of intersection. On top of this these views are still evolving, and this is why *open impartiality* and the *U TO* method are more needed than ever.

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39) Think of the Sustainable Development Goals approved by the United Nations General Assembly in 2015.

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