

The Ethics of Freedom: On the Moral Foundations of Economic Analysis

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ABSTRACT: *Amartya Sen criticises the utilitarian philosophy that underpins neoclassical economics, and suggests the development of an economic theory grounded on a broad conception of freedom. According to the article, freedom includes for Sen two dimensions, namely the opportunity aspect and the process aspect. The opportunity aspect of freedom consists in the capability to achieve the goals that freedom provides us with, and, thus, can be seen in a consequentialist fashion. The procedural dimension of freedom, on the other hand, highlights the role of rights and procedures, and is in line with deontological approaches to ethics. But since deontological (or procedural) and consequentialist approaches to ethics are often said to be incompatible, the article raises the question of whether Sen's conception is coherent or not. The author of the article argues that consequentialist and deontological approaches need not be incompatible, whereby he underlines in a special way the role of uncertainty as a key element in the understanding of the relationship between those two views of ethics. Finally, the article also assesses the coherence of A. Sen's conception of the economic agent, a conception that resorts both to the notion of "moral sentiments" developed by Adam Smith as well as to the notion of "moral imperatives" developed by Kant.*

KEY WORDS: *Agency; Capabilities; Consequentialism; Economic analysis; Emotions; Ethics, Consequentialist view of; Ethics, Deontological view of; Freedom, Economic; Imperative, Categorical; Intention, Moral; Kant, Immanuel (1724-1804); Libertarianism; Maxims; Microeconomics; Moral Principles; Nozick, Robert (1938-2002); Opportunity; Probabiliorism; Probabilism; Probability, Ethical; Procedures, Ethical; Relativity, Agent; Sen, Amartya Kumar (1933-); Sentiments; Uncertainty, Ethical; Utilitarianism; Utility; Virtue Ethics; Welfare economics.*

RESUMO: *A filosofia utilitarista subjacente à escola neoclássica de economia tem sido amplamente criticada por Amartya Sen, facto esse que, segundo o autor do*

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presente artigo, nos pode sugerir o desenvolvimento de uma teoria económica baseada numa concepção ampla de liberdade. Para Sen, com efeito, o conceito de liberdade comporta duas dimensões bem explícitas, uma relacionada com as oportunidades proporcionadas pela liberdade, e a outra relacionada com os aspectos processuais da mesma. No que se refere à primeira dimensão, o artigo sublinha sobretudo o facto de a liberdade proporcionar a possibilidade de realizar determinados objectivos, numa perspectiva consequencialista. Por outro lado, a dimensão processual da liberdade evidencia a importância dos direitos e dos procedimentos, pelo que o artigo mostra igualmente até que ponto Sen se encontra também em linha com as éticas de cariz deontológico. Dado, porém, que as abordagens consequencialista e deontológica tendem a ser consideradas incompatíveis, o artigo não pode deixar de levantar a questão relativa à coerência da concepção ética do próprio Amartya Sen. No final de contas, a intenção do artigo é precisamente demonstrar que estas duas abordagens (consequencialista e deontológica) não são necessariamente incompatíveis entre si, pelo que o autor procura no conceito de incerteza o elemento necessário a uma correcta compreensão da relação que existe, nomeadamente no campo da economia, entre esses dois tipos de abordagem ética. Finalmente, no sentido de evidenciar a coerência da concepção de agente económico defendida por Sen, o artigo recorre também, entre outros, seja ao conceito “sentimento moral” desenvolvido por Adam Smith, seja à noção Kantiana de “imperativo moral”.

PALAVRAS-CHAVE: Acção; Agente, Relatividade do; Análise económica; Capacidades; Consequencialismo; Economia do Bem-estar; Emoções; Ética da virtude; Ética deontológica; Ética, Visão consequencialista da; Imperativo categórico; Incerteza ética; Intenção moral; Kant, Immanuel (1724-1804); Liberdade (Economia); Libertarianismo; Máximas; Microeconomia; Nozick, Robert (1938-2002); Oportunidade; Princípios morais; Probabilidade, Ética da; Probabiliorismo; Probabilismo; Procedimentos éticos; Sen, Amartya Kumar (1933-); Sentimentos; Utilidade; Utilitarianismo.

1. Introduction

Amartya Sen argues that “economics has had two rather different origins, but related in rather different ways, concerned respectively with ‘ethics’ on the one hand, and what may be called ‘engineering’ on the other.”¹ The author suggests that a closer contact with the “ethics-related tradition” which “goes back at least to Aristotle” can enrich economic theorising.² When addressing the relation between ethics and economics, Sen refers to two main areas of contact: the “ethics-related view of motivation”, and the “ethics-related view of social achievement”. The “ethics-

¹ SEN, Amartya K. – *On Ethics and Economics*. Oxford; Cambridge, Mass.: B. Blackwell, 1987, pp. 2-3.

² *Ibidem*, p. 3.

related view of motivation” is concerned with human agency and behaviour, while the “ethics-related view of social achievement” addresses social welfare, or in Aristotle’s terms, ‘the good of man’ (as discussed in Aristotle’s *Politics* or in the *Nicomachean Ethics*).

Sen refers to the “ethics-related view of motivation” as the “Socratic” question of “how should one live”³, while referring to the “ethics-related view of social achievement” as the “Aristotelian” question.⁴ Much of Sen’s contribution has been concerned with developing these ethical issues, while connecting them to the study of microeconomics and behaviour on the one hand, and to the study of welfare economics on the other hand.

Sen’s writings on rational behaviour, choice and agency⁵ have a strong influence of the “ethics-related view of motivation” (the “Socratic” question). In these writings, Sen draws upon the moral philosophy of authors such as Adam Smith and Immanuel Kant explaining how many moral motivations that are discussed by these authors cannot be accommodated by neoclassical microeconomic theorising. Sen’s work on welfare economics and his “capability approach”, on the other hand, has been much in line with the “ethics-related view of social achievement” (the “Aristotelian” question), and with the assessment of human advantage and well-being.⁶

Nevertheless, both fields of economic analysis Sen addresses (namely, microeconomics and behaviour on the one hand, and welfare economics on the other hand) are pervaded by utilitarian philosophy, which underpins the neoclassical economic perspective that dominates contemporary economic analysis. The explanation of individual behaviour undertaken in (neoclassical) microeconomics makes extensive use of the notion of a utility function, while presupposing that agents are permanently trying to optimise their utility level.⁷ The analysis of human well-being undertaken in (neoclassical) welfare economics also resorts to the notion of a utility function, which aggregates individual utilities.

Sen has criticised the neoclassical conception of the human agent, in which the latter is regarded as a utility optimiser, arguing that many moti-

³ Idem, p. 10.

⁴ Idem, pp. 9-10.

⁵ Cf. SEN, Amartya K. – *Choice, Welfare, and Measurement*. Cambridge, Mass.: MIT Press, 1982; ID. – *On Ethics and Economics*, cit.; ID. – “Maximization and the Act of Choice”. In: *Econometrica*. 65 (1997), pp. 745-779; ID. – *Rationality and Freedom*. Cambridge, Mass.: The Belknap Press of Harvard University Press, 2002.

⁶ SEN, Amartya K. – *Commodities and Capabilities*. Oxford; New York: Oxford University Press, 1985; ID. – *Development As Freedom*. Oxford: Oxford University Press, 1999.

⁷ On this topic, see the discussion between Frank Hahn and Amartya Sen in MEEKS, J. Gay (ed.) – *Thoughtful Economic Man: Essays on Rationality, Moral Rules and Benevolence*. Cambridge: Cambridge University Press, 1991.

vations for behaviour (including ethical motivations) cannot be accommodated in the behavioural assumptions of neoclassical economics. He has also criticised the use of utility functions as an indicator of well-being, noting that utilitarianism relies on a subjectivist mental metric. In the present paper I shall not discuss in detail Sen's critique of mainstream and neoclassical economics,⁸ but rather scrutinise the consistency of the ethical conception Sen suggests as an alternative to the utilitarian <perspective which underpins neoclassical economics.

Sen has attempted to bring a broader philosophical basis to economic analysis, both in what the economic conception of the human agent is concerned, and regarding the analysis of social welfare too. To do so, he has called for a conception of freedom that includes elements from consequentialist approaches, and from deontological approaches to ethics, while also drawing upon the writings of Aristotle and Adam Smith. His argument is that freedom is valuable for two different reasons.

On the one hand, freedom gives us more opportunity to achieve what we value. But, Sen argues, the process through which we achieve something is also important for assessing freedom. Sen's conception of freedom attempts to reconcile two different perspectives, namely consequentialist approaches, and procedural (or deontological) approaches, by combining a consequentialist emphasis on the broadening of opportunities with the emphasis on rights that characterises the procedural or deontological approach.

However, these perspectives (viz., the consequentialist and the deontological approaches to ethics) are often taken to be irreconcilable. It is often argued that actions may be judged according to their consequences, or in terms of their conformity to a given set of moral principles which must be followed regardless of their consequences, but not both. Although these perspectives are typically taken to be incompatible, Sen suggests that both are essential for a proper conception of freedom. In this paper the relationship between these two perspectives will be analysed, in order to assess whether Sen's conception of freedom contains inconsistencies due to the acceptance of both perspectives in its formulation.

Another topic to be discussed is Sen's conception of the economic agent. To develop a conception of the human agent, Sen brings elements not only from Kantian moral philosophy (namely Kant's categorical imperative), but also from Aristotle and Adam Smith. This again raises the question of the consistency of Sen's work, which brings together elements from competing ethical approaches. While Kant is regarded as a fundamental author for deontological approaches to ethics, Aristotle's writings con-

⁸ For a discussion of this topic, see MARTINS, Nuno O. – "Capabilities As Causal Powers". In: *Cambridge Journal of Economics*. 30 (2006), pp. 671-685.

stitute an example of a different ethical tradition, namely ‘virtue ethics’, and Adam Smith’s moral philosophy is closer to the descriptive style of Aristotle’s ethical writings than to the Kantian approach. This means that in addition to the relationship between consequentialist and deontological approaches, one must also address the relationship between deontological (Kantian) ethics and ‘virtue ethics’ in order to assess the consistency of Sen’s project. This issue will be discussed in the last section of the paper, after which some concluding comments will follow.

2. Freedom: Opportunity and Process

Amartya Sen advocates that there are two different motives why freedom is valuable:

Freedom is valuable for at least two different reasons. First, more freedom gives us more *opportunity* to achieve those things that we value, and have reason to value. This aspect of freedom is concerned primarily with our *ability to achieve*, rather than with the process through which that achievement comes about. Second, the *process* through which things happen may be also of importance in assessing freedom. For example, it may be thought, reasonably enough, that the procedure of free decision by the person himself (no matter how successful the person is in getting what he would like to achieve) is an important requirement for freedom. There is, thus, an important distinction between the “opportunity aspect” and the “process aspect” of freedom.⁹

An ethical approach that emphasises the broadening of human opportunities is primarily concerned with consequences, and not so much with the process through which consequences like the broadening of opportunities are achieved. But, Sen argues, both opportunities and processes are essential to a proper understanding of freedom.

Consequentialism is the view that normative prescriptions depend entirely on the consequences of our actions. Procedural (or deontological) approaches, on the other hand, are those in which the morality of an action depends entirely on whether the procedures we follow are in accordance with a given set of moral principles, regardless of their consequences. Sen’s conception of freedom attempts to reconcile consequentialist and procedural (or deontological) approaches.

These approaches, however, are often taken to constitute a dichotomy. Indeed, this is the dichotomy between “‘goodness’ of outcomes” and “‘rightness’ of procedures”.¹⁰ Procedural or deontological approaches to ethics deny the existence of moral value in consequences because, in these approaches, morality comes only from the procedural dimension of our action. Note that the role of processes may be seen under two different perspectives. On the

⁹ SEN, Amartya K. – *Rationality and Freedom*, cit., p. 585.

¹⁰ *Ibidem*, p. 278.

one hand there is the process through which moral principles are derived (or justified). On the other hand, there are the ongoing procedures we undertake in our daily affairs.

Deontological approaches typically derive moral principles through the moral reasoning of an idealised mind. The classical example is Kant's derivation of the "categorical imperative", which leads to a moral law that must be followed regardless of its consequences.¹¹ Another example is John Rawls' theory of justice, which also undertakes a derivation of moral principles, resorting to notions like "reflexive equilibrium", "original position" and "veil of ignorance".¹²

Moral principles, derived under such an impartial view, are then seen as universal moral laws, which must be followed by every individual. Deontological approaches to ethics place all the moral value in the "rightness of procedures". For example, once the Kantian categorical imperative is derived (or once Robert Nozick's libertarian rights are specified¹³), the moral value of the resulting principles is not affected by the states of affairs that may occur in virtue of following such principles.

This happens because, in deontological approaches, moral value does not exist as an ontological property of things or state of affairs (such as consequences), but as a property of actions, and results from the accordance of the latter with deontological moral laws. Supporters of deontological approaches to ethics claim that it is not possible to derive moral statements from ontological properties (that is, to derive *ought* from *is*), a claim that is closely connected to what is usually termed as the "naturalistic fallacy".¹⁴

Regardless of how much our common sense may be inclined to take into account consequences (especially when purely procedural rights lead to catastrophic consequences), it is true that from a logical point of view, once morality is confined to the "rightness of procedures", there seems to be no reason why one should take consequences into consideration in moral evaluation. Once it is assumed that morality lies at a procedural, or deontological, level, the only relevant moral question is whether procedures are in accordance with such moral principles.

In a consequentialist approach, on the other hand, the initial premise is that morality exists in consequences (as some sort of ontological property).

¹¹ KANT, Immanuel (1724-1804) – *Kant's Critique of Practical Reason and Other Works on the Theory of Ethics*. Translated by Thomas Kingsmill Abbott. 4th ed. London: Kongmans, Green and Co., 1889.

¹² RAWLS, John – *A Theory of Justice*. Cambridge, Mass.: Belknap Press of Harvard University Press, 1971.

¹³ NOZICK, Robert – *Anarchy, State, and Utopia*. Oxford: Basil Blackwell, 1974.

¹⁴ On the so called "naturalistic fallacy", see MOORE, G. E. – *Principia Ethica*. Cambridge: Cambridge University Press, 1903.

Thus, actions are judged in terms of the (goodness of the) consequences they generate. From this premise, the moral legitimacy of the procedures depends on whether the latter lead to consequences that are morally valued (and thus *ought* is derived from *is*, that is, morality is grounded on ontology).

Of course, consequentialism requires that we have some idea of which consequences are more desirable, in order to assess and compare consequences. Examples of conceptions which can be used to assess consequences are utilitarian conceptions, where consequences are assessed in terms of their utility (where the latter can be interpreted as meaning happiness, for example), or an Aristotelian conception of the Human Good and human functioning. Whilst a strong critic of utilitarianism, Sen has no doubt been much sympathetic to an Aristotelian account of human functioning.¹⁵

In short, the conflict between consequentialist and deontological approaches to ethics springs from a divergence in a starting premise or ‘prior principle’, which relates moral value either to consequences or procedures, respectively. However, Sen argues that such method of assessing moral value, by deriving morality from a ‘prior principle’, is not the only method available for moral evaluation:

When it is claimed that a certain moral principle has shortcomings, what can be the basis of such an allegation? There seem to be at least two different ways of grounding such a criticism, aside from just checking its *direct* appeal to moral intuition. One is to check the *implications* of the principle by taking up particular cases in which the results of employing that principle can be seen in a rather stark way, and then to examine these implications against our intuition. I shall call such a critique a *case-implication critique*. The other is to move not from the general to the particular, but from the general to the *more* general. One can examine the consistency of the principle with another principle that is acknowledged to be more fundamental. Such prior principles are usually formulated at a rather abstract level, and frequently take the form of congruence with some very general procedures. [...] I shall call a critique based on such an approach a *prior-principle critique*.¹⁶

It is through ‘case-implication critiques’ that Sen reaches an approach to ethics where both procedures and consequences are valued. In an example, Sen shows how not breaking a given moral constraint could lead to a consequence that goes against an even more important moral principle.¹⁷ Sen’s

¹⁵ On the relationship between an Aristotelian conception of human functioning and the capability approach endorsed by A. Sen, see NUSSBAUM, Martha C. – “Human Functioning and Social Justice: In Defense of Aristotelian Essentialism”. In: *Political Theory*. 20 (1992), pp. 202-246; ID. – *Women and Human Development: The Capabilities Approach*. Cambridge: Cambridge University Press, 2000. For a discussion on the relationship between Nussbaum’s and Sen’s conception, see MARTINS, Nuno O. – “Realism, Universalism and Capabilities”. In: *Review of Social Economy*. 65 (2007), pp. 253-278.

¹⁶ SEN, Amartya K. – *Choice, Welfare, and Measurement*. Oxford; Cambridge, Mass.: Blackwell; MIT Press, 1982, pp. 353-354 (emphasis in original).

¹⁷ SEN, Amartya K. – “Rights and Agency”. In: *Philosophy and Public Affairs*. 11 (1982), pp. 3-39.

example is a case where a given person A knows that a group of people B intend to attack a person C. To prevent this, person A needs to find person C. But to do so, person A must break into the office of person D without permission, where person C left a message with his location. In this example, only by violating the liberty of person D (by getting into person's D office without permission) an even more important right (the physical integrity of person C) can be kept from being violated.

From this case-implication critique, Sen concludes that deontological approaches should take into account the moral value of both procedures and consequences. Sen's example raises the question of which action is to be said moral when all possible actions have consequences that violate "rightness of procedures". Such a situation requires some trade-off between the competing rights at stake, hence a relative valuation of rights vis-à-vis each other.

However, whilst Sen gives many particular examples where (our moral intuition suggests that) both procedures and consequences should be taken into account, he does not explain why procedural and consequentialist approaches can be compatible. But the latter issue is essential for the logical consistency of Sen's ethical approach. This issue shall be addressed in the following sections.

3. Agent Relativity and Uncertainty

Many of the arguments made against consequentialist approaches to ethics (including those of Bernard Williams,¹⁸ Thomas Nagel¹⁹ and Derek Parfit,²⁰ among others) stress the need of assessing actions in an "agent relative" way. As Sen notes:

The need for agent relativity has been seen as an argument against consequentialist ethics for its alleged failure to deal with important agent-relative values. For example, in a much discussed example, a substantial distinction is made between (1) murdering someone oneself, and (2) failing to prevent a murder committed by a third person. The former has been seen, not implausibly, in even more negative terms than the latter.²¹

Although the two actions (1) and (2) lead to the same consequences, the ethical case against case (1) is much stronger than that against case (2).

¹⁸ WILLIAMS, Bernard – "A critique of utilitarianism". In: SMART, J. J. C.; WILLIAMS, Bernard (ed.) – *Utilitarianism: For and Against*. Cambridge: Cambridge University Press, 1973; WILLIAMS, Bernard – "Utilitarianism and integrity". In: GLOVER, Jonathan (ed.) – *Utilitarianism and Its Critics*. New York; London: Macmillan Pub. Co.; Collier Macmillan Publishers, 1990.

¹⁹ NAGEL, Thomas – "Limits of objectivity". In: MCMURRIN (ed.) – *Tanner Lectures on Human Values*. Vol. 1. Salt Lake City: University of Utah Press, 1980.

²⁰ PARFIT, Derek – *Reasons and Persons*. Oxford: Clarendon Press, 1984.

²¹ SEN, Amartya K. – *Rationality and Freedom*, cit., p. 481.

Consequentialism is accused of failing to take this difference into account. Nevertheless, Sen notes that a consequentialist sees both consequences, in case (1) and (2), as equal only if a position-neutral view of consequences is adopted. For example, a murderer might value the consequence of her or his act much more negatively than the death of a person caused by another person. There is no reason why the valuation of consequences should not be position-dependent, thus taking agent relativity into consideration.

The distinction made by Sen between murdering someone oneself, and failing to prevent a murder committed by a third person, is also a central issue in a famous example discussed by Immanuel Kant, in a reply to Benjamin Constant. Kant's categorical imperative requires that any maxim of the will we are following must be accepted by us as a universal law. In the case of a perfect duty, to universalise the maxim of the will (i.e., to accept it as a universal law) must not lead to a logical contradiction, while the case of an imperfect duty is when we believe it is reasonable to wish that our maxim of the will becomes an universal law (this second type of duty is imperfect because it still depends on our subjective preferences, whereas perfect duty does not depend on subjective preferences, but rather on logical consistency alone).

Kant's categorical imperative entails that in any situation an agent must tell the truth, since if lying would become a universal law the very possibility of communication (which is presupposed in the very act of communication we are performing when speaking) is undermined, and thus a logical contradiction follows. But Constant notes that if a murderer asks us where her or his victim is, the Kantian categorical imperative would command us to tell the truth, thus leading to the death of the victim.

However, Kant argues that if we tell the truth to a murderer who asks where her or his victim is, our action is morally valid, because we are responsible only for following the moral principle of telling the truth, and not for the consequences that might occur due to the (truthful) information provided. If we lie to the murderer, on the other hand, not only would we be going against the moral principle of telling the truth, as we would also become responsible for all the consequences that might occur in virtue of such false information (like if when telling to the murderer that the victim is in a given place we believe she or he is not, it turned out to be that the victim actually was in such a place).

Kant's argument is, of course, based on the premise that moral laws are independent from consequences. Thus, a given action should be done (or a given rule should be followed) because of the "rightness of the procedure", and not because it brings better consequences. If this was not the case, one could tell the truth to the murderer under the justification that in this particular case keeping the 'telling the truth' rule does not bring better consequences.

The persuasiveness of Kant's discussion of this example springs from two distinct aspects at play. Firstly, there is the issue of moral responsibility and agent relativity. If we believe that each person is responsible for her or his own actions, telling the truth is our own responsibility, while the death of the victim is someone else's responsibility. Secondly, there is uncertainty. We are always uncertain of whether the murderer will actually kill the victim, for there is always some degree of uncertainty about what another person will actually do, or whether such a person will actually be successful.

Effectively, Kant reminds us that lying may actually be the option that leads to the death of the person, because our belief concerning where the person is may be wrong. Kant then notes that if we lie to the murderer we would become responsible for all the consequences that might occur in virtue of such false information, like if when telling to the murderer that the victim is in a given place we believe she or he is not, it turned out to be that the victim actually was in such a place. Kant is emphasising the existence of uncertainty about the actual consequence that will follow.

Thus, we tend to think of the situation as a choice between *surely* failing to tell the truth, or a *possibility* of a death, and not as a comparison between not telling the truth, and the death of a person. If we are not sure that the most terrible consequence (the death of the victim) will really occur once we choose to follow the categorical imperative and tell the truth, there seems to be a less strong motive for choosing the option of not telling the truth.

Now, in what follows I will provide a modified version of the example Kant discusses, in order to engage in a 'case-implication critique' of Kant's perspective. Imagine now a situation similar to the one discussed by Kant, but where the murder does not depend on someone else's responsibility, and where there is no degree of uncertainty regarding consequences. For example, imagine that the murderer who makes the threat is a pre-programmed computer, where the people who programmed this computer did not have the intention that it would kill anyone, and that there is no uncertainty concerning whether this computer will succeed in killing the victim. In this case, if we knew that the victim would die for sure unless we lie, can we really say that the option of telling the truth is morally valid? And are consequences as irrelevant as in the previous version of the example, even from a Kantian perspective?

In this modified version of the example, the responsibility of the death of the victim cannot be attributed to anyone else, and we are faced with two options, where both have certain consequences, us telling a lie, or the death of a person, respectively. In this case, consequences are already contained in our action, for there is a necessary connection between consequences and procedures. And since there is no other person involved in the process, any responsibility for an outcome cannot be applied to anyone else but us.

In this modified version of the example discussed by Kant, an ontological property of reality – namely, the existence of a necessary relation between procedures and consequences – implies that consequences are ontologically contained in procedures. Thus, to attach moral value to procedures would be inescapably accompanied by the recognition of the moral value of the consequences since consequences are necessarily connected to procedures. Note that this does not mean that we are deriving morality from ontology, in the sense of attaching moral value to ontological entities, but rather that even if morality exists in procedures only (as in a deontological approach), we are however unable to detach morality from consequences, for consequences and procedures are ontologically inseparable in a system of necessary connections.

When we posit that morality is in procedures only, any reference to consequences would be morally irrelevant. However, if consequences are already contained in, or necessarily connected to, procedures (and become inseparable from these, without any degree of uncertainty), then morality of procedures becomes inseparable from consequences. In this case, even if we do not accept to derive *ought* from *is* (that is, the morality of procedures from a putative morality of consequences), the converse derivation of *is* from *ought* would be logically implied, for consequences are inseparable from, and contained in, procedures.

Now, if we do not tend to follow Kant in rejecting consequentialism so firmly in this modified version of the example discussed by Kant as in its original version, it seems thus that it is the absence of a necessary connection between procedures and consequences that makes Kant's argument particularly persuasive. That is, it is uncertainty (together with agent relativity) that makes Kant's position persuasive.

Of course, the relation of logical necessity between consequences and procedures, presupposed in the modified version of the example presented above, does not occur in real life – there is always some degree of uncertainty on whether given consequences necessarily follow from given procedures, and thus the idea of 'certain consequences' is just a degenerate limit-concept.

The main point, however, is that what makes consequences so radically separated from procedures for ethical analysis purposes is not their essential feature of being future events *per se*, but rather a predicate associated to all future events, namely uncertainty. The fact that consequences are future events caused by previous procedures, *per se*, would not make them any less important in procedural analysis if they were necessarily implied (and in this sense already contained) in procedures. It is the fact that uncertainty is always present in consequences (as a predicate of all future events) that renders consequences less important for us in the original formulation of the example. Moreover, the interplay with other human agents leads to a co-responsibility situation, where the fact that other agents (for example, the murderer who

sets the whole situation) might be morally responsible in a much higher degree than us, may distract us from the fact that there is also some moral responsibility involved in our own action.

But if we were completely certain that without us telling a lie the victim would be killed (and with no other agent involved for us to share responsibility with), our choice would be between two possible outcomes: a failure to tell the truth or a person's death. Knowing for certain that the victim would be killed if we tell the truth, then "rightness of procedures" cannot be separated from the consequences of our actions. And if consequences become necessarily connected to procedures (as a certain outcome) in this way, it becomes difficult to differentiate whether one is responsible for consequences as well. The fact that uncertainty (and in some cases co-responsibility too) is always presupposed in future outcomes should not deviate our mind from the fact that it is uncertainty (and in some cases co-responsibility too) that makes our intuitive assessments tend to prefer deontological approaches in many situations, while rejecting consequentialist analysis.

Kant himself refers to the existence of uncertainty in order to make his argument more persuasive, when noting how if we lie to the murderer we would become responsible for all the consequences that might be caused by such false information, such as if when telling to the murderer that the victim is a given place we believe she or he is not, it turned out to be that the victim actually was in such a place. The uncertainty concerning the possibility of this outcome is emphasised by Kant when arguing that we must follow the moral law of telling the truth, and plays an important role in making Kant's example convincing. Only under uncertainty about outcomes would Kant's example remain persuasive.

In the next section I will argue that once we clarify that it is uncertainty (and in some cases co-responsibility too) that drives a wedge between procedures and consequences, the gap between deontological and consequentialist approaches does not seem so strong anymore, even when the starting premise is that morality is attached to procedures.

4. Beyond Consequentialism and Deontology

The reader may ask at this stage why was so much space spent above stressing the role of uncertainty. The reason is that after recognising the role of uncertainty, the dichotomy between consequentialist and deontological ethics can be seen in a different perspective.

When consequences and procedures are considered to be of an entirely different nature (the latter are actions and the former outcomes caused by actions), we tend to see both approaches (*viz.*, consequentialist and deontological ethics) as irreducibly different. But when we realise that, for ethical

purposes, it is uncertainty that separates consequences and procedures (and not the fact that they have an entirely different nature), then the gap does not seem so strong. In fact, although uncertainty is a property of consequences, it is also a matter of degree: there is a continuum of possibilities between a certain consequence that is thus necessarily entailed in the procedure, and a completely uncertain consequence (so uncertain that only the procedure should be taken into account, since we have no idea of what will happen after such procedure). There is a degree of uncertainty associated with consequences – although “risk” may be a better expression than “degree of uncertainty”, given the usage of these words in the economic literature following Frank Knight,²² and also John Maynard Keynes.²³

But conversely, where there is a degree of uncertainty, there is also a probability that given consequences might follow given procedures. In this sense, the gap between consequences and procedures, which is so crucial for the separation between deontological and consequentialist approaches, becomes less significant as the probability that given consequences and procedures are connected is increasingly higher.

So procedures and consequences are not irremediably separated, for uncertainty, the real ‘guillotine’ that divides the two, is not a fixed predicate, but a variable property. This implies that although consequences are not necessarily linked to procedures, there is always a relation between both, albeit a probabilistic relation. So if there is always (at least) a probabilistic link between procedures and consequences, then procedures can hardly be judged as entirely independent of consequences (unless uncertainty is infinitely high). And once uncertainty is recognised to be a variable – in the sense of being a matter of degree – we must consider cases where we have low uncertainty, in which consequences cannot be said to be totally irrelevant.

The point of the modified version of the example presented above is not merely to show that if we lived in a world where procedures are necessarily linked to consequences, the gap between procedures and consequences would not exist. The point of this extreme case, where uncertainty is inexistent, is to show how uncertainty can play a role in many arguments that are made in favour of deontological approaches, and against the relevance of consequences. The fact that one may not find this modified version of the example as supportive of Kant’s position as the original version means that much of its persuasiveness springs from the uncertainty of (unforeseen) consequences.

²² KNIGHT, Frank H. – *Risk, Uncertainty, and Profit*. Boston, Mass.: Hart, Schaffner & Marx; Houghton Mifflin Company, 1921.

²³ KEYNES, John Maynard – *The Collected Writings of John Maynard Keynes*. Vol. VIII: *Treatise on Probability* (1921). London: Royal Economic Society, 1973; Id. – *The General Theory of Employment, Interest and Money*. London: MacMillan, 1936.

Thus, it is possible to reconcile deontological perspectives and consequentialist approaches, and to include both in economic analysis, as Sen suggests. The relative value of procedures (comparatively to our valuation of consequences) would be higher under a higher level of uncertainty, and the relative value of consequences (comparatively to our valuation of procedures) would be higher under a lower level of uncertainty. Of course, the nature of the consequences or of the procedure would also be important: one would be less willing to take the risk of causing a consequence as serious as the death of a person, than to take the risk of causing a less serious consequence. Hence, one may reasonably be inclined to avoid a procedure that would lead to a very grave consequence even if the probability of its occurrence were small. But the degree of uncertainty would be a key element when deciding whether to follow a deontological law, or to take consequences into account.

Deontological approaches are appropriate in a set of particular cases, namely those where there is an extremely high level of uncertainty, whilst consequentialist evaluation is more appropriate whenever there is a low level of uncertainty regarding outcomes. But perspectives where only procedures matter, or where only consequences matter, constitute particular cases only. In general, both procedures and consequences must be taken into account, with their relative valuation depending on the degree of uncertainty. This integrated view of both approaches is in line with Sen's conception of freedom where the latter contains both an opportunity aspect and a process aspect.

The role of uncertainty and probabilities in ethical analysis, and the existence of uncertainty concerning whether a given law should be followed, has been carefully examined in Roman Catholic thought too, in the debates about *laxism* (according to which an action which goes against a prohibiting law can be performed even if there is only a slight probability that our opinion on it being the right action is correct), *probabilism* (according to which an action which goes against a prohibiting law can be undertaken if there is a reasonably solid probability that the opinion which supports such action is correct, even when it is nevertheless more probable that the opinion favouring the prohibiting law is correct), *probabiliorism* (which implies that one can perform an action which goes against a prohibiting law only if the opinion supporting the rightness of such an action is more probable than the converse opinion, viz., than the opinion which defends that the prohibiting law should be followed), and *tutiorism* (which held that a less safe opinion, i.e., the opinion which recommends not following a prohibiting law, must be the most probable, to the extent of being almost certain, or in fact absolutely certain, before it could be performed).

There are some similarities between some arguments made within the discussions surrounding laxism, probabilism, probabiliorism and

tutorism, and the argument presented above, viz., the argument that the lower the degree of uncertainty concerning whether an undesired consequence will occur if we follow a given deontological law, the more should we be inclined to take into account the consequence and not the deontological law.

The discussions surrounding laxism, probabilism, probabiorism and tutorism were mainly concerned with the probability of our opinion (on a whether given law should be followed) being correct. In this paper I have been mainly concerned with the probability of a given consequence occurring after a given procedure, and the uncertainty of unforeseen consequences. I have been concerned with what we may term as *ontological* uncertainty about outcomes, and not with what we may term as *moral* uncertainty regarding our opinion on ethical rules and laws. In any case, the discussion concerning probabilities and *ontological* uncertainty undertaken in the present article could be fruitfully enriched if combined with the implications of the *moral* uncertainty about our opinions on ethical rules and laws for ethical analysis, a topic which has been extensively discussed in Roman Catholic thought.

Some further points must be addressed before continuing. A first point is that in a deontological perspective, rights are seen as ‘side constraints’ which simply cannot be violated. In this sense, there could be no trade-off between telling a lie or the death of a person, even if both are regarded as two immediate outcomes that are inseparable from the corresponding procedures. Under this light, a supporter of a deontological approach could argue that deontological analysis applied to the modified version of the example above simply implies that both actions (to tell a lie or to cause (by omission) the death of a person) are morally wrong, for both imply a morally wrong procedure (for, remember, in the modified version of the example consequences are included in the procedure), and so both violate the “side-constraints”.

But if it were so, we would be in a peculiar situation where all possible options are morally wrong, and ethical theory would give us no guidance regarding which choice to make. This seems to imply that either there can be some trade-off between rights and consequences, or if rights are really ‘side-constraints’ only, then in this situation one would not have any morally valid choice.

Another important point is that when other people are involved in the final outcome (like in the original specification of the example), we have other people’s responsibilities at play too. Kant’s point is that, since each person is responsible for her or his actions only, then the chooser is responsible for telling the truth or not, and the murderer is the sole responsible for the death of the victim.

A useful distinction could be made in order to analyse this issue, namely the distinction between responsibility for outcomes, and responsibility for the choice.²⁴ It can be argued that the person who sets us the whole dilemma, i.e., the murderer who asks us where the victim is, is the first responsible for any outcome that may occur, for according to our will, the whole situation should not even exist. But discounting this responsibility, and taking into account that we choose between two options which were initially limited by the murder who creates the whole situation, we will be responsible for the choice only, not for the final outcome. Although we decide the final outcome, the direct responsibility for any outcome belongs to the person who constrained our options to these two alternatives. Nevertheless, there remains a choice to be made, and the question of which choice is morally valid remains.

5. Procedures and Consequences in Political Philosophy

Many approaches to political philosophy are underpinned by a deontological conception. Robert Nozick's "entitlement theory"²⁵, for example, is in line with the previously described Kantian non-consequentialist framework. According to Nozick's libertarianism, rules that cover personal liberties, and rights of holding, using, exchanging and bequeathing legitimately owned property, are procedural rules which cannot be violated, regardless of the particular consequences that may arise due to their exercise. So in Nozick's libertarianism, libertarian rights are constraints that must be taken into account in every procedure, regardless of the consequences they may lead to. In this approach, liberties should be as broad as possible, provided that the same level of liberty can be achieved by all. John Rawls' liberty principle is often also seen as a procedural rule, since it demands that "each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others" (albeit the overall Rawlsian framework diverges from Nozick's perspective in many other respects, such as issues of redistribution).²⁶

Under the light of the arguments made above, deontological perspectives like Nozick's will be very useful in cases where there is a high degree of uncertainty concerning outcomes. However, under a lower degree of uncertainty, some consequential analysis can be fruitfully combined with these approaches.

In fact, Sen points out how many non-consequentialist approaches actually end up by allowing for some consequential evaluation. In Nozick's libertarianism, for example, Nozick allows for consequences to matter in cases

²⁴ Cf. SEN, Amartya K. – *Rationality and Freedom*, cit.

²⁵ NOZICK, Robert – *Anarchy, State, and Utopia*, cit.

²⁶ Cf. RAWLS, John – *A Theory of Justice*, cit.

where the exercise of libertarian rights would lead to “catastrophic moral horrors”. Sen makes the same remarks to the public choice approach of James Buchanan,²⁷ noting that “[...] Buchanan’s support of market systems is based on a reading of the consequences that the market system tends to produce, and consequences certainly do enter substantially in Buchanan’s evaluation of procedures [...]”.²⁸

Furthermore, Sen’s comments on Buchanan’s support of the market system could also be made to authors like Friedrich Hayek²⁹, and many other authors of the Austrian economic tradition. Sen notes how even Kant, “often taken to be the quintessentially anti-consequentialist deontologist”, also takes the consequences of actions into account, for “[t]he rules that he [Kant] champions as “categorical imperatives” may not have been championed on grounds of consequences, but then Kant also proceeds to show how wonderful the consequences of such rules can actually tend to be”.³⁰

Sen argues that the dichotomy between consequentialist and deontological approaches has impoverished both moral philosophy and welfare economics, emphasising the importance of valuing both the consequences and the procedure itself:

[...] both the welfarist instrumental approach (including, inter alia, the traditional utilitarian approach) and the deontological approach are inadequate in important ways. Furthermore, their respective inadequacies are related to a common ground shared by the two, despite sharp differences in other respects. The particular common ground is the *denial* that realization and failure of rights should enter into the evaluation of states of affairs themselves and could be used for consequential analysis of actions. Nozick’s view that “rights do not determine a social ordering” is shared fully by welfarists in general and utilitarians in particular. Their ways part there, however, with the welfarist instrumentalist viewing rights in terms of their consequences for *right-independent* goals and the constraint-based deontologist reflecting rights *without consequential justification* as constraints on actions. State-evaluation independent of rights leaves a gap that cannot be adequately closed by either of these approaches.³¹

Elsewhere, Sen has also pointed out how consequential analysis may be useful even in the analysis of rights and procedures:

Broadly consequential evaluation allows the relevant consequences to include not only such things as happiness or the fulfilment of desire on which utilitarians tend to concentrate, but also whether certain actions have been performed or certain rights have been violated. [...] Since consequentialist thinking has been very closely

²⁷ BUCHANAN, James M. – “Social Choice, Democracy, and Free Markets”. In: *The Journal of Political Economy*. 62 (1954), pp. 114-123.

²⁸ SEN, Amartya K. – *Rationality and Freedom*, cit.

²⁹ HAYEK, Friedrich A. von – *The Constitution of Liberty*. Chicago: University of Chicago Press, 1960. A. Sen discusses Hayek’s thought in *Rationality and Freedom*, cit., pp. 507-508.

³⁰ SEN, Amartya K. – *Rationality and Freedom*, cit., p. 639.

³¹ SEN, Amartya K. – “Rights and Agency”. In: *Philosophy and Public Affairs*. 11 (1982), pp. 5-6.

linked with utilitarianism and related approaches, there is a long tradition of taking a very narrow view of what can count as consequences (roughly in line with what utilitarians wish to focus on.³²

Sen's proposes thus an integrated approach, one which takes into account not only "rightness of procedures" and the widest level of freedoms and liberties, but also consequences. As Sen argues, "[...] it is possible to take from utilitarianism its interest in *consequences*, and drop the assumption that only *utility consequences* ultimately matter".³³ In fact, Sen often criticised the subjective mental metric used in utilitarian ethics,³⁴ but not its emphasis on consequences. For example, one could take into account the consequences of "procedural rights", while also using these "procedural rights" as a basis for ethical judgement. This perspective would involve some synthesis between libertarian and utilitarian approaches.

Effectively, it is consequentialism, and not the notion of utility and its underlying subjective mental metric, the most consensual feature of utilitarianism even amongst utilitarians. For even early utilitarians like Jeremy Bentham and John Stuart Mill had different views on the nature of utility, or the exact type of subjective well-being (or pleasure) implied in utilitarianism – with Bentham emphasising an homogeneous notion of subjective well-being (or pleasure), and Mill insisting on the qualitative differences between different types of subjective well-being (or pleasure). However, both authors agreed that moral value depends on the consequences of an action.

Sen suggests the space of capabilities one has reason to value, instead of utilities, as the appropriate space for the ethical evaluation of consequences.³⁵ Capabilities are potential functionings, and functionings are what a person is or does. Sen's notion of functioning as what a person is or does is rooted in an Aristotelian conception of human functioning. Capabilities constitute the "opportunity aspect" of freedom which, for Sen, must be combined with the "process aspect" of freedom in an integrated perspective.

According to Sen, the subjective mental metric of utilitarianism would lead us to consider a given person A with a high level of income, wealth, health, education, goods, and capabilities in general, to be in a situation of deprivation if this person A were unhappy (with a low utility level) despite the potential functionings available to her or him. Conversely, a person B with an extremely low level of income, wealth, health, education, goods, and capabili-

³² SEN, Amartya K. – *Rationality and Freedom*, cit., p. 559.

³³ *Ibidem*, p. 633.

³⁴ Cf. SEN, Amartya K. – *Commodities and Capabilities*. Oxford; New York: Oxford University Press, 1985. For yet another see also NOZICK, Robert – "The experience machine". In: GLOVER, Jonathan (ed.) – *Utilitarianism and Its Critics*. New York; London: Macmillan Pub. Co.; Collier Macmillan Publishers, 1990.

³⁵ SEN, Amartya K. – *Commodities and Capabilities*, cit.

ties in general would be considered to be in a higher level of well-being than person A, if person B were happier (with a higher utility level) despite her or his situation of capability deprivation.

Sen notes also how the psychological preferences of people in a situation of capability deprivation often become adapted to such a situation, resulting in a higher level of subjective utility or happiness, thus explaining for example the high level of subjective well-being of person B despite her or his situation of capability deprivation. But Sen argues that to consider the person B to be in a higher level of well-being than person A (with the corollary that any redistribution of capabilities should favour person A, who already has a higher level of capabilities than B) contradicts our ethical intuition. The ethical space for assessing well-being, Sen concludes, should not be a subjective mental space, but an objective space.

However, Sen also argues that spaces such as Rawlsian primary goods (or, for that effect, Ronald Dworkin's resources, or other spaces like incomes or wealth) are inappropriate too, because even though these are objective entities (and not psychologically subjective spaces), they do not take into account the differences between human beings. Different people will need different levels of Rawlsian primary goods (for example, a person with a physical disability may need more goods than a person without any disability). Utilitarianism takes into account differences between people, but according to a subjective mental metric. Sen's notion of functioning attempts to take into account the differences between human beings but in a more objective way. Furthermore, Sen argues that human advantage should be measured in terms of potential well-being, and not the space of actual well-being. Hence, the use that the author makes of the notion of capabilities, which are potential functionings. It is in the space of human capabilities that consequences – the opportunity aspect of freedom – should be assessed.

To incorporate procedures and consequences in an integrated approach clearly requires some sort of comparison between the two. Sen refers to such a comparison as a valuational exercise, where the trade-offs between procedures and consequences are taken into consideration. This involves a quite different perspective on procedures than the one taken by approaches where libertarian rights are nothing more than 'side-constraints'. In fact, it becomes meaningless to talk about valuation if libertarian rights are seen as 'side-constraints', since in such a case the "rightness" of procedures" is not comparable to anything else. Indeed, for Sen

[...] libertarianism does not attempt to *incorporate* the relevance of processes in the *valuational* exercise. [...] process requirements are treated, in effect, as "admission rules" of acceptable systems, and it is in this form that they get priority, without being included in some general valuational exercise.³⁶

³⁶ SEN, Amartya K. – *Rationality and Freedom*, cit., p. 628.

After all, both utilitarianism and libertarianism tend to ignore the role of processes in a valuational exercise: the former due to the sole focus on utility consequences, and the latter by not even engaging on a valuational exercise at all. In Sen's view, his own integrated approach is also shared by Rawls in his "difference principle":

In John Rawls's theory of "justice as fairness," the unconditional priority of rights reflected in the first principle is taken to be of the "independent" type, but his treatment of liberties as being among the "primary goods," reflected in the second principle, is clearly of the "integrated" type.³⁷

Furthermore, Sen explains that even the Rawlsian "liberty principle", often taken to reflect a consequence-independent view, can also be seen as involving some sort of consequentialism. Referring to Rawls' liberty principle, that "each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others", Sen argues that "[w]henever any requirement of liberty is presented in a form that makes one person's liberties *conditional* on similar liberties for all, an analysis of the consequences of liberties is inescapably involved", and also that "[d]espite the apparently "independent" form of Rawls's principles of liberty, there is quite a bit of "integration" implicit in the formulations and reformulations chosen by Rawls."³⁸

6. Intentions, Behaviour and Morality

Sen has also acknowledged the role of intentions when judging the moral value of actions. He argues against the claim that all actions must necessarily be "valued-loaded", explaining how an action might have been triggered by mere curiosity, without any moral reasoning behind.³⁹ His argument that an action undertaken due to curiosity (and not because of any ethical motivation) is "value-free", seems to imply that the morality of an action depends on the intention of the agent, a view that is present in the work of Kant as well.

Now, intentions are important for an ethical perspective of economics for another reason. The study of microeconomic behaviour requires the analysis of underlying motivations, including intentions, beliefs and ethical values. In neoclassical economics, motivation is described in terms of the agent's optimisation of a utility function, which represents the agent's self-interest. Sen has called for a broader conception of the human agent than the one that pervades neoclassical economic analysis, and suggests a conception of the human agent which takes into consideration not only

³⁷ Ibidem, p. 636.

³⁸ Idem, p. 638.

³⁹ SEN, Amartya K. – "Descriptions As Choice". In: *Oxford Economic Papers*. 32 (1980), pp. 353-369.

self-interest, but also moral sentiments and moral imperatives. Indeed, he argues that the account of rational behaviour that underpins neoclassical economics

has denied room for some important motivations and certain reasons for choice, including some concerns that Adam Smith had seen as parts of standard “moral sentiments” and Immanuel Kant had included among the demands of rationality in social living (in the form of “categorical imperatives”).⁴⁰

But the question arises as to whether Sen’s acceptance that human agents can act according to Smithian moral sentiments, and Aristotelian dispositions, notions which are akin to the ‘virtue ethics’ tradition, creates or not (from an ethical point of view) an inconsistency with Sen’s acceptance that Kantian “moral imperatives” can be an important motivation for human agents. Where does the morality of the action spring from in the end: from Aristotelian ethical dispositions, Smithian moral sentiments, or the Kantian categorical imperative? This is an *ethical* question regarding the morality of human actions.⁴¹

As we know, Kant makes a distinction between “autonomy” and “heteronomy” of the will. When an action is caused by reason, through conscious reflection, it follows from the “autonomy” of the will. But when the action is triggered by feelings or impulses other than reason, then we have the “heteronomy” of will at play. Kant argues that an action contains morality only if it was caused by conscious reflection (by the “autonomy” of the will), and is grounded on the categorical imperative. According to Kant, the very same action does not contain moral value if the cause for it was any other than conscious reflection (for example, if it was caused by motivations related to the “heteronomy” of will, such as feelings or impulses other than reason).

Authors like Adam Smith or even Aristotle, on the other hand, do not deny the morality of actions caused by sentiments. In Aristotelian ethics, which is one of the foundations of Sen’s analysis,⁴² moral virtue is obtained through the habit of moderating human dispositions, where the latter are generated by impulses or feelings. Effectively, one of the main differences

⁴⁰ SEN, Amartya K. – *Rationality and Freedom*, cit., p. 28.

⁴¹ A. Sen’s acceptance that human agents may follow Kant’s categorical imperative can be also seen as a descriptive claim about what human agents actually do, and not a prescriptive claim about what human agents should do. His reference to Kantian moral imperatives can indeed be seen as being concerned with an *ontological* explanation of human motivation. The question, therefore, would be whether a conception where human motivation can be caused by Aristotelian dispositions, Smithian moral sentiments, and Kantian moral imperatives, provides or not a consistent ontological explanation for human behaviour. In what follows, I shall first address the ethical question and then the ontological one.

⁴² Cf. SEN, Amartya K. – *Development As Freedom*, cit., p. 289.

between the Aristotelian view and the Platonic view of human behavior is that, contrarily to Plato, Aristotle held that virtue consists in the practical habit of moderating affections, rather than in moderate and right affections themselves.⁴³ But for Aristotle, unlike Kant, an action caused by impulses and emotions can be morally valid, should the latter be adequately moderated.

Kant seemingly makes one exception, which is actually only an apparent exception. He never argues that actions caused by the sentiment of “respect” are not moral. But he also argues that the sentiment of respect is firstly generated by reason, and thus by the “autonomy” of the will, not by the “heteronomy” of the will. Hence, even here moral value is considered to exist in the “autonomy” of the will only.

This means that an action caused by the sentiment or feeling of sympathy can never be morally valid in Kant’s perspective, but the very same action can contain morality if it was deliberated through moral reasoning via the categorical imperative. Kant’s perspective could seem to be inconsistent with authors like Aristotle and Adam Smith,⁴⁴ for whom an action does not have less moral value when it is caused by sympathy. The feeling of sympathy constitutes the foundation for Adam Smith’s theory of moral sentiments, and its moral value is not denied in Aristotelian ethics either.

But must there be such a rigid separation between Kantian moral imperatives on the one hand, and Smithian moral sentiments or Aristotelian dispositions on the other hand, as it is often argued? Kant’s perspective seems very restrictive because of the way in which the Kantian criterion is applied. Kant applies the criterion of universability to the domain of maxims of the will. That is, the maxims of the will that are morally valid are those that can become a universal law. However, the moral procedure of selecting which maxims of the will are valid is being interpreted here as if our reason (which enables the autonomy of the will) were independent of any emotional content. It is a rational procedure where impulses, emotions and feelings (i.e., “heteronomy” of the will) are completely absent.

⁴³ For further discussion, see SMITH, Adam (1723-1790) – *The Theory of Moral Sentiments*. Edited by Knud Haakonssen. Cambridge; New York: Cambridge University Press, 2002, pp. 315-321.

⁴⁴ These are arguably the most influential authors in Sen’s writings. Cf. WALSH, Vivian – “Smith After Sen”. In: *Review of Political Economy*. 12 (2000), pp. 5-25; ID. – “Sen After Putnam”. In: *Review of Political Economy*. 15 (2003), pp. 315-394; PUTNAM, Hilary – *The Collapse of the Fact/Value Dichotomy and Other Essays*. Cambridge, Mass.: Harvard University Press, 2002; MARTINS, Nuno O. – “Ethics, Ontology and Capabilities”. In: *Review of Political Economy*. 19 (2007), pp. 37-53. See also SEN, Amartya K. – *Development As Freedom*, cit.; ID. – “Sen After Putnam”. In: *Review of Political Economy*. 17 (2005), pp. 107-113.

But must it be so? Contemporary research in the cognitive sciences,⁴⁵ as well as in the philosophy of mind,⁴⁶ suggests that rationality is always supported by dispositions, emotions, feelings and sentiments, and thus the Kantian division between “autonomy” of the will and “heteronomy” of the will may not be as strong as it is often suggested. Damásio argues namely that rationality cannot be seen as completely separated from emotions, since our decisions are always biased depending on the emotional charge associated with each option available to us.⁴⁷ He also notes that the existence of an emotional bias helps us in the computation of various possible options by emphasizing some options above others, and increasing the speed of decision-making. The result is an improvement of the efficiency of our decision making process. In fact, without such an emotional bias our working memory could not process all the available options, and thus a rational procedure devoid of any emotional content is not even possible. Thus, our mental representations and our emotions (and sentiments) are strongly interconnected, and causally interact in both directions.

So even if we want to define morality as a property of rational intentions only, the fact that the latter depend on emotions, sentiments and dispositions in general will lead us to attach moral value to the latter as well, in line with Aristotle and Adam Smith. In the same way we saw above that consequences are already, to a certain extent, entailed in (or in a probabilistic relation with) procedures, so are dispositions, emotions and sentiments already implied in the rational scrutiny of the maxims of the will.

Kant starts from the premise that only the will can contain morality (only the will can be said to be “good”), and it is this premise that justifies the application of the categorical imperative to the maxims of the will only. But one need not constrain “will” to a rational will devoid of any sentiment or emotion, thus constraining the application of the categorical imperative to the domain of the maxims of a narrowly defined rational will.

Of course, the point made above does not imply that we must reject the Kantian moral system, but only the requirement that sentiments play no role in our reasoned scrutiny concerning whether “maxims of the will” are in accordance with the categorical imperative. The point made above simply means that reasoned scrutiny must be defined in a more inclusive way, so that the Kantian procedure of scrutinising the maxims of the

⁴⁵ Cf. DAMÁSIO, António R. – *Descartes' Error: Emotion, Reason, and the Human Brain*. New York: G. P. Putnam and Sons, 1994; LEDOUX, Joseph E. – *The Emotional Brain: The Mysterious Underpinnings of Emotional Life*. New York: Simon & Schuster, Inc., 1996.

⁴⁶ Cf. SEARLE, John R. – *The Construction of Social Reality*. London: Penguin, 1995.

⁴⁷ Cf. DAMÁSIO, António R. – *Descartes' Error*, cit.

will can be applied in a broader perspective, taking into account that the process of reasoned scrutiny of our maxims of the will depends on emotions, feelings and sentiments.

In fact, one could go further, and apply the Kantian criterion of universability to the domain of sentiments, as opposed to rational motives only, in order to check which “sentiments” are always in accordance with the moral law. Therefore, one could not only apply the Kantian criterion in a broader perspective (taking into account the role emotions and feelings play in reasoned scrutiny), but also to a broader domain (scrutinising not only the maxims of the will, but also emotions, feelings and sentiments).

This approach would share some similarities with the ‘virtue ethics’ approach, in which any criterion of morality (if there is one) is to be applied to the character and dispositions of the individual. Instead of checking whether the maxim of the will underlying a given action is in accordance with the categorical imperative one could, for example, verify whether the sentiment of ‘sympathy’ could satisfy the Kantian criterion, of being desirable or logically consistent as a universal sentiment. Such a procedure would allow respecting both the requirement that action is motivated by moral sentiments, and that such moral sentiments were consciously reflected upon through reasoned scrutiny.

If one would find this direct adaptation of Kantian moral theory (of applying the universability criterion directly to the domain of sentiments) inconsistent with the Kantian distinction between “autonomy” and “heteronomy” of the will, one could apply it *indirectly* to sentiments, for example by checking whether all maxims coherent with the sentiment of sympathy satisfy the categorical imperative. In this latter case, the categorical imperative is still applied to maxims, and only the latter are compared to sentiments. That is, one would check whether the maxims that sentiments generate are compatible with the categorical imperative, but sentiments would not be directly scrutinised through the categorical imperative as such.

So the extent to which an Aristotelian or Smithian perspective is incompatible with Kantian ethics may still be a matter open to debate, and Sen’s reference to all these three authors (viz., Aristotle, Smith and Kant) as major inspirations to his work may not be as inconsistent as it could look *prima facie*. The usual interpretation of the Kantian distinction between “autonomy” and “heteronomy” of the will is grounded on a too narrow definition of human reason, where the latter is seen as totally independent from emotions, sentiments and dispositions. But there is no need to exclude Smithian moral sentiments and Aristotelian dispositions from a broader conception of human reasoning, in which rationality is supported by emotional and dispositional conditions, along the lines of recent developments in the cognitive sciences and also in the philosophy of mind.

Furthermore, the links between emotions and rationality point towards an integrated *ontological* conception of the human agent, where the latter comprises a structure of dispositions which support emotions and sentiments, which in turn support rational deliberation.⁴⁸ From an ontological point of view, Sen's integrated approach is also more consistent with recent neurobiological and psychological research than the neoclassical conception.

In fact, neoclassical economics postulates that there is always a complete ordering which describes the preferences of the human agent. Sen criticises this postulate, and argues that the human agent possesses competing motivations – including Aristotelian dispositions, Smithian moral sentiments, and Kantian moral imperatives – which can lead to value conflicts, and to the existence of multiple (possibly incomplete) preference orderings.⁴⁹ Contrarily to the neoclassical perspective, Sen's perspective seems to be supported by the empirical evidence provided by neuroscience and psychology, which point towards a modular conception of the human brain, in which not all brain regions are activated when performing given actions, and in which the human agents comprises a structured set of dispositions which may lead the existence of conflicting motivations. So not only is Sen's perspective morally consistent, as also ontologically grounded on a realistic conception of human nature.

7. Conclusion

The writings of Amartya Sen constitute an attempt to bring a broader philosophical dimension to economics. In so doing, Sen joins elements from consequentialist and deontological approaches to ethics, and also from authors often associated with 'virtue ethics', like Aristotle or Adam Smith. A crucial question raised by Sen's project is whether these different elements can be brought together in a consistent way. It was argued that consequentialism and deontological approaches are not irreducibly incoherent, and that the emphasis on human dispositions and sentiments, so characteristic of 'virtue ethics', is not irreconcilable with Kantian moral imperatives.

In a situation where consequences are in some way already entailed in procedures (for example because there is a small degree of uncertainty, or maybe none), a given action is almost necessarily followed by corresponding consequences. In such a situation, consequences would be to some extent entailed in the procedures which are connected to them. I tried to argue that the separation usually assumed between procedures and consequences may

⁴⁸ Cf. DAMÁSIO, António R. – *op.cit.*; LEDOUX, Joseph, E. – *op.cit.*

⁴⁹ Cf. SEN, Amartya K. – *Choice, Welfare, and Measurement*, cit.; ID. – *Rationality and Freedom*, cit.

be in fact quite weak, and thus even a deontological approach might have to incorporate consequences.

In fact, processes and consequences cannot be separated, for a process always leads to some consequence, and the latter is thus always caused by previous procedures. To define some consequences as 'ethically correct' induces a mapping of 'ethically correct' procedures: those that lead to such consequences. And since this mapping is bi-univocal, the converse also applies.

What distinguishes procedures and consequences nevertheless is their succession in time, and the uncertainty about future events. It is the degree of uncertainty that determines whether procedures or consequences are more important for any ethical evaluation. The moral value of consequences has the more weight the more predictable they are, whereas in highly uncertain situations procedures will be more important for ethical analysis. In fact, under an extremely high level of uncertainty consequences can hardly be anticipated, and thus we can only be sure of our own procedure. Even if one starts from a consequentialist perspective, the fact that uncertainty, processes and time are real and irreducible ontological constituents of reality makes procedural rules important too.

Therefore, deontological approaches seem particularly useful to assess cases where there is a high degree of uncertainty concerning outcomes, whereas consequentialist evaluation seems the more appropriate the lower is the degree of uncertainty. Nevertheless, approaches that are exclusively deontological, or exclusively consequentialist, are adequate for particular cases only. In general, both consequences and processes seem to be crucial for ethical analysis, and for an integrated conception of freedom, as Sen so rightly suggests.

This point also has implications for the analysis of human behaviour. If we must take into account our beliefs about what consequences will occur when we act, then we must incorporate the degree of uncertainty in our moral judgment, giving more weight to the moral value of consequences when these are more predictable, and more weight to our own procedure itself when consequences are highly uncertain. Kant focuses only on the immediate procedure, without explaining that the moral value of our (immediate) procedure is important because of the uncertainty of consequences.

The role of uncertainty in ethical and economic decision making has in fact been much discussed in the Cambridge economic tradition, to which Sen belongs,⁵⁰ a tradition in which economics and philosophy are closely

⁵⁰ Cf. MARTINS, NUNO O. – "Sen's Capability Approach and Post Keynesianism: Similarities, Distinctions and the Cambridge Tradition". In: *Journal of Post Keynesian Economics*. 31 (2009), pp. 691-707.

connected. Thus, uncertainty and probabilities concerning future events play a central role in the analysis of ethical decision making undertaken by the Cambridge philosopher G. E. Moore, while the role of uncertainty and probabilities in economic decision making has been much discussed by the Cambridge economist John Maynard Keynes.⁵¹ Indeed, there are close links between the approach suggested here and the work of Moore and Keynes.

Moreover, the analysis of economic behaviour could benefit from the consideration of different ethical motivations, as discussed by authors like Aristotle, Adam Smith or Immanuel Kant. It was argued that the Kantian perspective may not be completely incongruent with the Aristotelian or Smithian perspective, for recent developments in the cognitive sciences, the philosophy of mind, and in the study of rationality, suggest that (Kantian) moral imperatives can hardly be derived without taking into account sentiments or dispositions, like Smithian moral sentiments or Aristotelian dispositions.

In the same way that consequences and procedures may not be totally separable as they often are taken to be in ethical analysis, so are moral imperatives, moral sentiments and human dispositions more interrelated than it is usually assumed. If the arguments presented are correct, Amartya Sen's attempt to bring different elements from various ethical theories to economic analysis has the potential of providing a consistent alternative to the utilitarian philosophy that underpins neoclassical economics.

⁵¹ For a discussion, cf. LAWSON, Tony – “Uncertainty and Economic Analysis”. In: *Economic Journal*. 95 (1985), pp. 909-927; RUNDE, J. – “Keynesian Uncertainty and the Weight of Arguments”. In: *Economics and Philosophy*. 6 (1990), pp. 275-292; NUNES, M. J. – *O Pensamento de Keynes*. Lisboa: Imprensa Nacional Casa da Moeda, 1998.

