

Original Paper

Impartiality

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Abstract

Famous philosopher Brian Barry defines social justice as impartiality. Bo Rothstein follows his path when defining the concept of corruption as partiality. Barry argued that his definition no one could “reasonable reject”, i.e., it fulfills the criterion on justice. Wright put forward the idea that action is to be explained by “the thing to do”, i.e., what is reasonable. Perhaps, then partiality is the thing not to do because reasonable rejected?

Keywords

rational action, rational motive, partiality, Barry, Rothstein, von Wright

1. Introduction

In the social sciences a new approach is looked for replacing rational choice. Instead of utility maximization, it is suggested that institutions explain better.

Institutionalists maintain that the rules of the political games restrain politics so much that the crucial question is the *logic of appropriateness*.

2. New Institutionalism

In order to grasp the significance of new institutional theory, one must separate between the micro and the macro. There can be no doubt about the fertility of the institutional approach for macro analysis. One may search for institutional outcomes in politics, such as federalism or proportional election technics. What is debatable is the relevance of institutions to account for the micro.

March and Olsen (1989) argue that political behaviour can be explained by a new principle they call “*the logic of appropriateness*”. It makes sense to ask if a political actor obeys or not the rules of the game—the *institutions*.

Institutions are norms about behaviour or outcomes containing in one form or other an *ought*. They are *commands* Hobbes or Austin would say.

It is within jurisprudence that the logic of appropriateness is all important. Within philosophy we have the concept of directives. The EU for instance comprises a set of institutions and a set of directives besides all the behaviours that are more or less appropriate. One cannot though employ the norms as a reliable source when analysing behaviour.

Individual rationality as a model of personal choice behaviour, whoever he or she may be, starts from a perspective of life as a decision between action or no action, i.e., Kierkegaard's rejection of social determinism due to his model of life as *Either-Or*. He had 2 or later in his life 3 basic alternatives of action:

- a) Utility
- b) Morals or aesthetics
- c) Religion.

But individual choice covers an almost infinite set of alternatives. In political philosophy the dominant perspective was determinism as with Hegel in Berlin which Kierkegaard visited.

3. Weber

We find a general non-deterministic approach most clearly with Weber:

“Any conscious reflection on the most fundamental elements of meaningful human action is from the beginning tied to the categories ‘ends’ and ‘means’” (Weber, 2014, p. 102).

One arrives at the model of rational choice or the neoclassical model by inserting heavy restrictions upon the ends and the means taking causation into account, allowing for the calculation of the maximum best choice (Neumann & Morgenstern, 1945).

4. Rational Choice

Rational choice was imported into the social sciences from microeconomics. The basic assumptions of *homo economicus* were completely laid down in the so-called marginalist revolution in economic theory. Its heavy restrictions upon full and comprehensive rationality were to become the subject of much debate.

When game theory was developed, these assumptions were formally presented and their implications deduced.

5. Bounded Rationality

Yet, the dominant social science theory claims that *full* rationality is impossible. This theory is now supported in various branches of the social sciences. Only economics hesitates, defending full rationality as a convenient theoretical premise.

It may be remarked that Kahneman contributed much to the widespread rejection of:

S1. Full rationality in action is possible.

A number of empirical inquiries supported the rejection of rationality. Key theoretical framework of *bounded rationality* was handed down by Herbert Simon (1991, 2014).

6. Micro and Macro Rationality

The concept of rationality may be given a purely macro interpretation as *equilibrium*. In standard economic theory, the assumption of full rationality leads to optimal social equilibrium - *first best solutions* to problems of resource allocation - a most powerful theorem of combined individual and collective rationality (Bergson, 1961).

How about bounded rationality theory? Peoples' cognitive limitations prevent full rationality. Thus:

S2. All decision making is incompletely or imperfectly rational (March & Olsen, 1976).

But if bounded rationality is true, how to know which institutions to follow?

Should one accept S2? If one adheres to S1, then maybe one would instead suggest:

S3. Decision making must constantly be updated

7. Wright: "the Thing to Do"

In his book Explanation and Understanding (1973) von Wright suggests we have two basic modes of explanation: nomothetic and teleological. The former employs law like generalizing, while the latter points at motive and intention. This distinction between Galilean model and Aristotelian model is developed by means of von Wright's insights into deontic logic - the logic of norms or *OUGHT*.

Thus, Wright rejects Hempel's explanation model for the social sciences and history. In the latter the aim is all important, "the right thing to do". Understanding the behaviour of humans one must take mind into account with perception of the situation and the incentives deriving from interests. Hempel's laws work only for Nature if at all.

However, Wright's teleological mode of explanation involves a *petitio principii*, namely: what action is the thing to do? Obviously the rational action in a situation, but which is this? In a world of bounded rationality, what is "the thing to do"?

Let us look a little closer at Wright's attempt to reintroduce teleological explanation. His model is a practical syllogism:

- i) A person P wants x
- ii) P believes that it holds that x, if y
-
- iii) The thing to do is y

One may believe that Wright suggests a game theoretical solution to rationality, but it is not so. Even if the above syllogism is logically valid - doubtful!, he still needs a Hempel (1965) generalization like: Persons behave according to "the thing to do".

8. Means-End Framework

The means-end framework is the paradigm for rationality in human action. When individuals pursue the wrong ends or employ the incorrect means, failure is bound to occur. Mistakes abound in human history and goals must be realistic.

A goal is an idea in the mind about a change that an actor wishes to see done. If the change can be effectuated with some probability, it is realistic.

To be at all realistically relevant, the goal must be non-religious. Worldly goals can be achievable.

If one believes in S2, then one would still be interested in improving rationality somehow. Thaler and Sunstein present nudging as a tool for rationality, i.e., a person is informed or directed to a better alternative. One could mention the death warnings on cigarette packs. Consumer sovereignty is a foundation for markets—how is it related to nudging?

In warfare and policymaking one often finds actors with means-end relations that drive them to commit mistakes. Optimism turns out to be sanguine. People may believe in means-end relationships that lack any foundation in causality like e.g. redemption in a world religion. To quote Muhammad Atta checking in on 9/11: “tomorrow Paradise”.

9. Reasonableness

In moral discourse, reason is given a major role. Its function is opposite to the role of reason in rational choice. Here rationality is the voice of justice, deriving what “nobody can reasonably deny” as just in society (Barry. 1995). Thus, Barry suggests a so-called cognitive approach according to meta-ethics, tried by several philosophers like Plato, Locke, Kant and Toulmin.

Barry proposes that rationality in morals is impartiality, because it cannot be “reasonably” be denied by anyone.

Impartiality is a necessary condition for justice although not a sufficient one. Rationality sometimes demands deviation from impartiality. Yet, Barry interprets impartiality as equality with an emphasis upon equality of results more than opportunity or merit.

This rational egalitarianism puts the focus upon impartiality. It works well in banishing racism and many forms of favouring. But what about income and wealth? Impartiality implies what differences in rewards, if any at all? If life is to some extent a series of competitive games, then impartiality works only *ex ante*. Gifts and friends fall outside of impartiality. Yet one would not brand them unjust.

10. Partiality as Corruption

If impartiality is *the* criterion on justice, then *PARTIALITY* must be an injustice. Professor Rothstein argues in 2021 that the concept of corruption can be defined as violation of impartiality, especially in the public sector. If Barry is correct, corruption must constitute injustice.

Now, we have a bunch of words about forms of cheating like:

- A) Patronage, nepotism and cronyism;

- B) Embezzlement, mismanagement;
- C) Bribery;
- D) Kickbacks;
- E) Favouritism;
- F) Harassment, misconduct;
- G) Fraud;
- H) Robbery.

All of these involve in some form partiality. Surely the concept of corruption does not cover all? Moreover, does partiality entail corruption or vice versa? In its measurements of corruption, the World Bank restricts its enquiry to the public sector. This seems arbitrary if corruption is really merely partiality.

11. Formal Criteria

If one makes a distinction between material and formal moral properties, then impartiality belongs to the latter. Often one encounters the requirement that “equal cases be treated equally” but it begs the question of what is equal. In Roman law the definition of justice is material, Ulpian stating that “The precepts of law are 1) live honestly, 2) hurt no one and 3) give everybody what is due.” This material definition is not formal justice as Roman civilisation build upon slavery. Justice is impartiality in terms of what? Corruption is partiality. But it not a sufficient condition.

12. Conclusion

If institutions replace rational choice, as institutionalism suggests which ones are the appropriate ones—outlining the thing to do? An actor would maybe like to follow the just institutions. Are they merely the impartial norms?

Impartiality as a concept of justice may be likened to generalizability, veil of ignorance and the golden rule. For public policy purposes material criteria of social justice are more relevant, like universal health care and old age care in the Swedish welfare system.

References

- Barry, B. (1995). *Justice as Impartiality*. Oxford: OUP. <https://doi.org/10.4159/harvard.9780674733770>
- Bergson, A. (1966). *Essays in Normative Economics*. Harvard University Press. <https://doi.org/10.1017/CBO9780511803475>
- Hempel, C. (1965). *Aspects of Scientific Explanation*. New York: Free Press.
- Kahneman, D., & Twersky, A. (2000). *Choices. Values and Frames*. Cambridge: CUP.
- Kahneman, D., Sibony, O., & Sunstein, C. (2021). *Noise: A Flaw in Human Judgment*. Glasgow: William Collins.
- March, J., & Olsen, J. P. (1976). *Ambiguity and Choice in Organizations*. Oslo: Universitetsforlaget.

- Olsen, J. P., & Brunsson, N. (Eds). (1998). *Organising Organisations*. Bergen: Fagboksforlaget.
- Neumann, J., & Morgenstern, O. (1944). *Theory of Games and Economic Behaviour*. Princeton University Press.
- Rothstein, B. (2021). *Corruption*. Oxford: OUP.
- Simon, H. (2013). *Administrative Behaviour*. New York: Free Press.
- Simon, H. (1991). *Models of my life*. Cambrian: MIT Press.
- Thaler, R., & Sunstein, C. (2021). *Nudge*. New York: Penguin.
- Von Wright, H. (1973). *Explanation and Understanding*. London: Routledge.
- Weber, M. (2014). *Collective Papers in the Philosophy of Social Sciences*. London: Routledge.