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## The Scope of Social Justice

When we talk and argue about social justice, what exactly are we talking and arguing about? Very crudely, I think, we are discussing how the good and bad things in life should be distributed among the members of a human society. When, more concretely, we attack some policy or some state of affairs as socially unjust, we are claiming that a person, or more usually a category of persons, enjoys fewer advantages than that person or group of persons ought to enjoy (or bears more of the burdens than they ought to bear), given how other members of the society in question are faring. But to state the question in these general terms is to conceal a host of difficulties. Three of these stand out as soon as we reflect on the precise meaning of the terms used in the sentences above.

First, what exactly are the goods and bads, the advantages and burdens, whose allocation is the concern of social justice? We tend to think immediately of income and wealth, jobs, educational opportunities, and so forth, but how far should the list be extended and what is the rationale for including or excluding particular items? Second, if social justice has to do with distribution, what precisely does this mean? Must there be a distributing agency that brings about the outcome whose justice or injustice we are trying to assess? And are we thinking narrowly about how government policies, say, affect the fortunes of different groups in society, or is our concern much wider than that, encompassing all kinds of social activities that determine the shares of goods that people have (for instance, exchanges and transfers within families or among friends)? Finally, what is meant here by a human society? If social justice presupposes that a boundary has been drawn inside of which its principles are

applied to the circumstances of different members, how is the boundary to be fixed? Should all human beings be included, or only some?

These questions have to be answered before we can begin to examine in detail what the principles of social justice are and how they should be applied. I begin by looking briefly at how the idea of social justice first entered our political vocabulary, at the implicit assumptions that were made by those who first regularly used the idea. For this, I believe, will help us to understand the idea itself; in particular, it will throw light on what I shall call "the circumstances of social justice," meaning the circumstances in which social justice can function as an operative, policy-guiding ideal, an ideal with political relevance rather than an empty phrase. It is surely not an accident that the idea appeared in the particular social and political context that it did—the economically developed liberal societies of the late nineteenth and early twentieth centuries—but by the same token the circumstances of its appearance may suggest limits on its scope; if we try to stretch the concept too far, we may find that the assumptions needed to make it function cease to hold. And we must also ask, as I do in the last chapter, whether changes that are now taking place in the societies where social justice has been pursued for most of the twentieth century mean that the circumstances of social justice no longer obtain. Is it possible that the era of social justice is drawing to its close?

IN THE WRITINGS of most contemporary political philosophers, social justice is regarded as an aspect of distributive justice, and indeed the two concepts are often used interchangeably.<sup>1</sup> Distributive justice is an idea with a very long pedigree. It forms one element in the classic division of justice found in Aristotle's writings and passed down to the Christian tradition through Aquinas and others.<sup>2</sup> In this tradition, distributive justice meant the fair distribution of benefits among the members of various associations: in giving his account, Aristotle probably had in mind not only the distribution of public funds to office-holders and citizens in need, but also the distribution of benefits within clubs and other such private societies. Aquinas refers to the distribution of honors and wealth within a political community, but also, for example, to appointments to professorships.<sup>3</sup> Since these are among the issues that we expect a theory of social justice to address, it seems natural to regard the idea as simply an expanded version of distributive justice as understood by these older philosophers—distributive justice pursued more systematically and with respect to a wider range of benefits. This is a convenient way of marking

the line that divides social justice from other kinds of justice that fall outside its scope—most notably retributive justice, or the justice of punishments—and it draws attention to continuities between what we see as fair in small-scale settings, such as clubs and work groups, and what we see as socially just.<sup>4</sup> But it has the disadvantage of obscuring what was new and distinctive about the idea of social justice itself. To grasp that we need to go back and observe how the early sponsors of the term were using it, in what context and with what background assumptions.

These early sponsors were in the main liberal social philosophers, writing at a time when the prevailing set of economic and social institutions was coming increasingly under ethical scrutiny and political challenge, and the responsibilities of the state were steadily expanding. There was no sudden leap to adopt the new term; instead, it was introduced in a fairly haphazard way in various late-nineteenth-century treatises of political economy and social ethics, in which issues such as the justification of different forms of private property or the merits of alternative forms of economic organization were being debated. British authors such as John Stuart Mill, Leslie Stephen, and Henry Sidgwick referred from time to time to social justice, although without marking it off sharply from distributive justice generally.<sup>5</sup> In continental Europe progressive Catholics had begun to develop notions of social justice by the end of the century, although it took another twenty-five years or so before the idea was officially endorsed in papal encyclicals.<sup>6</sup>

It is an interesting fact that the term "social justice" was more readily embraced by liberals and progressives than by socialists proper—partly, no doubt, as a result of the ringing denunciations by Marx and Engels, who believed that to speak of justice was to place oneself on the terrain of bourgeois ideology.<sup>7</sup> Nonetheless, the arrival of socialist movements as serious contenders for political power was pivotal to the development of ideas of social justice, since it was precisely the socialist challenge that forced liberals to look more critically at landownership, private ownership of industry, inherited wealth, and other such features of capitalism, and to investigate the various socialist and communist schemes of industrial organization advocated by those further to the left. What emerges, typically, is a discriminating defense of the market economy in which some existing property rights are criticized and others vindicated, and the state is charged with enacting those reformist policies that will lead to a just distribution of social resources.

Theorizing about social justice became a major concern in the early

years of the twentieth century, and conveniently enough the first book actually called *Social Justice* was published in New York in 1900.<sup>8</sup> Its author was Westel Willoughby, a professor of political science at Johns Hopkins University who was influenced by the late idealist philosophy of the school of T. H. Green. Willoughby begins by observing that in an era of popular sovereignty we cannot avoid subjecting our existing social and economic institutions to critical appraisal, and in particular asking whether they treat individuals justly. The quest for social justice is a natural consequence of the spread of enlightenment: "the peoples of all civilized countries are subjecting social and economic conditions to the same tests of reasonableness and justice as those by which they have questioned in the past the rightfulness of political institutions."<sup>9</sup> In particular, Willoughby claims, it is imperative that we find ways of rebutting socialist arguments, and indeed much of the book is a critique of socialist or semi-socialist doctrines such as the land tax scheme of Henry George, the doctrine that the worker has a right to the whole product of his labor, various communist proposals, and so on.<sup>10</sup>

One interesting aspect of Willoughby's work that is also shared by other works from this period, such as *The Elements of Social Justice* by the British social philosopher L. T. Hobhouse, is its invocation of an organic conception of society.<sup>11</sup> Society is viewed as an organism in which the flourishing of each element requires the cooperation of all the others, and the aim of social justice is to specify the institutional arrangements that will allow each person to contribute fully to social well-being.<sup>12</sup> Principles like need, desert, and equality are examined from this perspective. To some extent this reflects the influence of idealist philosophy, which fosters a vision of society as an integrated whole, but we can also draw a more general lesson about the presuppositions needed to make social justice a workable ideal.<sup>13</sup> Social justice requires the notion of a society made up of interdependent parts, with an institutional structure that affects the prospects of each individual member, and that is capable of deliberate reform by an agency such as the state in the name of fairness.

To elaborate, at least three assumptions have to be made before we can begin theorizing about social justice. First we have to assume a bounded society with a determinate membership, forming a universe of distribution whose present fairness or unfairness different theories of justice try to demonstrate. This assumption is most obviously needed when the

principles of justice we apply are comparative in form—that is, they concern the relative shares of advantages or disadvantages accruing to different groups of people. Is it fair that skilled workers should earn higher wages than unskilled workers? Is it fair that women should perform more domestic labor than men? In asking questions such as these we presuppose that the groups in question belong to a single universe of distribution whose overall justice we can meaningfully assess.

Other principles of justice are not comparative in this straightforward sense: for instance, we might ask whether it is just for people to be forced to live below the poverty line, say, having to sleep in cardboard shelters. But even here the question is asked against the background of a society whose members for the most part enjoy ample resources, some of which, by implication, might be diverted to aid the homeless. The bounds of this social universe are usually taken for granted and left unspecified. The early theorists of social justice simply assumed that they were talking about justice within the borders of politically organized communities, in other words, what we would today call nation-states. In later theorists the assumption is made more explicit, but it is still treated as relatively unproblematic. John Rawls, for instance, says that his principles of justice are worked out to apply to a society conceived as a closed system: "it is self-contained and has no relations to other societies. We enter it only by birth and exit only by death."<sup>14</sup> His assumption is that "the boundaries of these schemes are given by the notion of a self-contained national community."<sup>15</sup>

Connected to this first premise—that in speaking of social justice we tacitly or openly envisage a connected body of people who form the universe of distribution—is a second, namely, that the principles we advance must apply to an identifiable set of institutions whose impact on the life chances of different individuals can also be traced. The early theories of social justice were heavily influenced by nineteenth-century textbooks of political economy, one of whose important tasks was to explain the division of the social product among factors such as land, capital, and labor. Here it was taken for granted that there were discoverable social laws that determined distributive outcomes, and that also allowed one to predict the result of changing one of the institutions—say, taking land into public ownership. Once again we can refer to Rawls' work to see this assumption made explicit. According to Rawls, the subject-matter of social justice is the basic structure of society, under-

stood as the major social institutions that "distribute fundamental rights and duties and determine the division of advantages from social cooperation. By major institutions I understand the political constitution and the principal economic and social arrangements . . . [that] taken together as one scheme . . . define men's rights and duties and influence their life-prospects, what they can expect to be and how well they can hope to do."<sup>16</sup> Rawls assumes that we can understand the basic structure well enough to regulate it by principles of justice.

The third premise follows naturally from the second, namely, that there is some agency capable of changing the institutional structure in more or less the way our favored theory demands. It is no use setting out principles for reforming the basic structure if in fact we have no means to implement these reforms. The main agency here is obviously the state: theories of social justice propose legislative and policy changes that a well-intentioned state is supposed to introduce. I don't mean to imply that the theories in question are exclusively addressed to legislators and other state officials. Very often the cooperation of citizens is needed to make the reforms work, so we can say that the theory is put forward as a public doctrine that ideally every member of the political community is supposed to embrace.<sup>17</sup> Nevertheless, given that the theory is meant to regulate the basic structure, and given that the structure is a complex of institutions with its own internal dynamics, an agency with the power and directing capacity that the state is supposed to have is essential if a theory of justice is to be more than a utopian ideal.

These three premises together define the circumstances of social justice: if we do not inhabit bounded societies, or if people's shares of goods and bads do not depend in ways we can understand on a determinate set of social institutions, or if there is no agency capable of regulating that basic structure, then we no longer live in a world in which the idea of social justice has any purchase. As noted, we must eventually ask whether our existing world has not already passed beyond these circumstances. But for present purposes I will assume that the circumstances of social justice still obtain, and examine more closely certain key questions concerning its scope. These questions are, first, how should we decide which advantages and burdens fall within the ambit of a theory of social justice? Second, what should be included within the basic institutional structure to which the theory applies, and how much space does this leave for individuals to act freely in pursuit of their own goals? Third, do

we narrow the concept unduly if we think of it as applying to issues of material distribution, or should we expand it beyond what Iris Young has called "the distributive paradigm" to embrace phenomena such as power, domination, and oppression? Finally, can we still think of theories of social justice as applying within the boundaries of national political communities, or must we now enlarge the universe of distribution to embrace transnational constituencies or even the world as a whole? These are all large questions, but no theory of social justice can be elaborated without at least giving preliminary answers to them.

LET ME BEGIN, then, by trying to delimit the subject-matter of social justice, in the sense of the advantages and disadvantages whose distribution it seeks to regulate. A preliminary list of advantages must include at least the following: money and commodities, property, jobs and offices, education, medical care, child benefits and child care, honors and prizes, personal security, housing, transportation, and leisure opportunities. Alongside these must be placed a shorter list of disadvantages or burdens that are not punishments: military service, hard, dangerous, or degrading work, and care for the elderly. What makes these concerns of social justice is that they are valued goods (or disvalued goods in the case of the burdens) whose allocation depends on the workings of the major social institutions. Let us now look a little more closely at the rationale for including or excluding particular items. One thing that finds no place on the list is welfare (or happiness) interpreted as a psychic state of individuals. Social justice has to do with the means of obtaining welfare, not with welfare itself. This may seem paradoxical. Given that the goods matter because of the way in which they enhance individual lives, why not look more directly at this enhancement when assessing justice? One important reason is that between having access to a good and experiencing the well-being that may result there often stands a personal decision. In the most extreme case a person may simply choose not to avail himself or herself of the opportunity to enjoy a good—for instance, someone may turn down an offer to attend a particular college. Who gets admitted to college is a matter of social justice, but who actually enjoys the ensuing benefits is not, at least insofar as this reflects free choice rather than, for instance, economic constraints.<sup>18</sup>

The line I have just drawn is not easy to maintain consistently, particularly, as we shall see in Chapter 10, when the criterion of justice at stake

is *needed*, which at first sight appears to stand in close proximity to welfare. Here I want to explore a related point. Social justice often has to do with the relative value of the advantages received by different people. Wages received, let us suppose, should reflect the productive worth of different employees, so that if A's contribution is twice that of B's, his income should be twice as high; the first prize in a literary competition should be worth significantly more than the second prize; and so on. When we make these judgments, we appeal to values standardized across the relevant group of potential recipients, not to values for particular persons. The fact that A attaches a low value to income above a certain minimum because he lives an ascetic lifestyle—so that in some intuitive sense \$20,000 paid to him is hardly worth more than \$10,000 paid to B—should not affect the way we apply our criteria of just distribution. It may be that by voluntary exchange or gift people can move to an outcome that gives each of them more welfare than the just allocation, and in general there will be no objection to this. Thus if the first prize for the literary competition is a valuable book and the second prize one that is less valuable, then it would be quite all right for the winners to swap books after the event if this happens to suit their tastes. But it would be quite wrong for the judges to do so in anticipation, even if they are fully confident about what each party would prefer. Justice is about assigning benefits whose values are established by their worth to the relevant population taken as a whole, and it must be blind to personal preferences.

It follows that the idea of social justice makes sense only if we assume there is a broad consensus about the social value of a range of goods, services, and opportunities, some disagreement in private valuations notwithstanding. We can intelligibly argue about the justice or injustice of a certain distribution of income because we can recognize money as having a standard value no matter who possesses it, despite the contrasting personal valuations of ascetics and epicureans. Some of us might think that public honors are not worth having, or college education a waste of time, but because we understand that these benefits are socially valued in a way that cuts across individual opinion, we can see the injustice when rich people buy honors or college places for their children. Equally, where this consensus begins to dissolve, we encounter advantages and disadvantages whose inclusion on the list of social justice concerns becomes controversial. Let me illustrate with two such cases.

The first is meaningful work. We know that for many people one of the main benefits of employment is the opportunity it gives to develop and exercise their talents in a context in which the exercise has clear value to others (this is what "meaningful work" refers to). A question then arises whether this is an advantage that justice should take into account; whether, in particular, work that is meaningful in this sense should be paid at a lower rate than nonmeaningful work by virtue of the fact that the people who are doing it are already getting "rewarded" in a psychic sense. The problem is that the way people experience these rewards varies a great deal, depending partly, perhaps, on how they themselves understand the meaning of work. Think by way of contrast about work that is physically unpleasant, such as garbage collecting. We can agree fairly readily that such work should be paid more highly than other work to compensate for its unpleasantness. If people are nonetheless able to take a certain kind of pride in doing the work, this should be seen as a bonus that wage justice must disregard.<sup>19</sup> We can acknowledge this because there is widespread consensus about the disutility of work of this nature, so we can treat it as a burden with standard value. Meaningful work is a difficult case precisely because of the very wide differences of opinion about its value.

For a second case consider recognition, or status in the sense of the differential prestige that may attach to jobs, offices, and achievements of various kinds. Again we are dealing with a good that may play a big part in deciding how well a person's life is going, and so it seems a prime candidate for inclusion among the stuff of social justice. The problem is that, when we look at the good more closely, it has an objective and a subjective side, and the two may not correspond at all closely. The objective side consists in the opinions of others about, let us say, the job that someone holds, and the way that they convey these opinions through speech and behavior (showing deference, for example). The subjective side consists in the person's own estimation of his or her position, and the way this translates into self-esteem. Thus someone might be a successful accountant and get all the usual marks of esteem and other rewards provided by that job, but because he inwardly despises the work he is doing, or counts himself a failure because there are goals beyond the job that he thinks he really should have achieved, he takes no pleasure in the trappings of his position. This is an extreme case, but in general the range of possibilities is so wide that we may be reluctant to

think of recognition as something whose allocation can be regulated by interpersonal principles of justice.

These, then, are borderline cases: social justice has to do with the way in which benefits and burdens are assigned to individuals on the assumption that these benefits and burdens can be assigned a value independent of the particular person who receives them. To the extent that we can attach a general value to the assignment of goods like meaningful work and recognition, there is good reason to include them within the orbit of social justice. The difficulty of doing so explains why we tend to focus on the tangible manifestations of a good such as recognition (we worry about job titles, who gets a company car and who doesn't, and so forth) rather than on the thing itself.

Something similar applies to another broad category of goods whose provision might seem to raise questions of justice, namely, public goods, in the familiar sense of goods that are made available to everyone (or at least to everyone in a certain geographical area) without restriction, such as recreational facilities provided free of charge or environmental features such as national parks that anyone can enjoy. Since a significant proportion of most state budgets is used to provide such goods, and given that priorities have to be set between different goods and the costs of provision met by retrenching on private consumption through taxation, we would expect social justice to encompass the fair allocation of public goods. Of course parks and the like are not distributed to individuals in a literal sense; nonetheless, access to parks or, to take another example, access to a public transportation system is something that different people may possess to different degrees (if I cannot make my way to a national park, then although in some sense the park is "available" to me, it would be odd to treat it as a benefit that I enjoy). So why do theories of social justice focus almost exclusively on privately held benefits like money and commodities? The answer, I believe, is that in many cases individuals' valuations of public goods are likely to diverge so radically that it is hard to discover a social value we could then say accrued to those who had access to the good in question. This is plainly not a satisfactory state of affairs, and more effort needs to go into developing a metric that would enable us to value public goods in such a way that they could be incorporated centrally into theories of social justice.<sup>20</sup> But meanwhile most public goods occupy a somewhat peripheral place in debates about justice.

To conclude, we should not be dogmatic about delineating the subject-matter of social justice. We can identify certain resources whose distribution must be of central concern to any theory of (social) justice—income and wealth, jobs and educational opportunities, health care, and so forth. Beyond this core there will be other benefits and burdens whose inclusion will be more arguable, but we must be prepared to listen to those who claim that being deprived of access to an adequate share of X, or having Y imposed upon them, makes the people concerned worse off in terms that anyone should be able to recognize. There is no canonical list of primary goods, in Rawls' sense, but instead, a moveable boundary between justice-relevant and justice-irrelevant goods, the position of the boundary depending partly on the technical capacities of our social institutions, and partly on the degree of consensus that can be reached about the value of particular goods.<sup>21</sup>

IN SAYING THAT social justice has to do with how advantages and disadvantages are distributed to individuals in a society, we must be careful not to take "distributed" in too literal a sense. In particular, we must avoid thinking that there is some central distributing agency that assigns resource quotas to persons. Instead we are concerned with the ways in which a range of social institutions and practices together influence the shares of resources available to different people, in other words, with the distributive effects of what Rawls calls "the basic structure of society." But what exactly do we mean by "the basic structure," and in particular, when are the actions of individuals to be included within the structure and when are they not to be?<sup>22</sup>

There is no question that the state is the primary institution whose policies and practices contribute to social justice or injustice. If we look at the list of advantages on p. 7 above, we see that in each case the state, through its various branches and agencies, has a major influence on the share going to each person: it enacts property laws, sets taxes, organizes (directly or indirectly) the provision of health care, and so forth. Yet in nearly every case, the effects of state action interact with those of other agencies. Money and commodities are allocated through markets as well as through the public system of taxes and transfers; medical care is allocated by hospitals and health centers with varying degrees of autonomy (and finally by individual doctors); and access to housing is determined partly by state provision, partly by housing associations and other

such independent agencies, and partly by the property and rental markets.

Without the collaboration of other institutions and agencies, the state itself would be largely impotent. If we are genuinely concerned about social justice, therefore, we must apply its principles to substitute institutions that individually or together produce distributive effects that range across a society.<sup>23</sup> Take as one example college admissions. Here we have a number of semi-autonomous institutions each producing an allocation of benefits (offers of admission) that may itself be the aggregate result of many small decisions. Yet the overall result is important from the point of view of social justice, not only because higher education is a good in its own right, but because who receives it also determines in the long run the allocation of many other benefits. Thus assessing admissions procedures in terms of social justice is in order, as is looking at the way housing associations choose their tenants, or the way employers decide whom to promote in their firms. Although practices of these kinds affect only a few people directly, they need to be seen as part of a wider practice that has quantifiable social consequences. Thus if most employers discriminate against women when deciding on promotion, there is not merely individual injustice to the particular women denied advancement, but social injustice too. The "basic structure of society" must be taken to include practices and institutions like these whose individual repercussions are quite local but, when taken together, produce society-wide effects.

Indeed, it may be too restricting to confine social justice entirely to the assessment of practices and institutions, understood as formally organized patterns of human activity. Suppose that in the housing market there is widespread reluctance on the part of the members of the majority community to sell houses to members of an ethnic minority, simply because of racial prejudice. As a result, the minority has a restricted choice of houses and typically must bid somewhat over the normal range of market prices for housing. This would be a social injustice brought about by a pattern of spontaneous behavior on the part of individuals acting as private persons.

This example suggests more generally that institutions can produce socially just outcomes only if there is general compliance with their governing principles. This is obviously the case for those who staff the institutions, but it applies to the public at large as well. It may be an

objective of public policy to make housing available on equal terms to all the groups who together form a political community, but this objective will be frustrated if large numbers of individuals behave in a discriminatory way when buying and selling their homes. Hence social justice cannot only be an ideal that guides politicians and officials and voters at the ballot box. It must also constrain everyday behavior: people need not see themselves as acting in direct pursuit of social justice, but they do need to recognize that it sets limits on what they can do. Justice does not necessarily prohibit people from acting competitively in pursuit of their interests—trying to outbid their rivals for a desirable house or competing for jobs or promotions—but it does require them to recognize rules and principles that prohibit some ways of winning these competitions (offering bribes to the relevant officials, for instance). There has to be a culture of social justice that not only permeates the major social institutions but also constrains people's behavior even when they are not formally occupying an institutional role.

This raises the question whether social justice and individual liberty are necessarily at odds with each other. Strong libertarians argue that people's legitimate freedom to use their justly acquired resources is so extensive as to leave no space for policies and practices of social justice.<sup>24</sup> A more widely held view is that public policy should trade off the conflicting demands of liberty and justice—for instance, when imposing nondiscrimination legislation on employers. What both views overlook is the way in which conceptions of social justice affect our understanding of liberty itself.

They do so in two ways. First, a central element in any theory of justice will be an account of the basic rights of citizens, which will include rights to various concrete liberties, such as freedom of movement and freedom of speech. The exact nature and extent of these rights will depend on how citizenship is understood within the theory in question, but in general we can say that an extensive sphere of basic liberty is built into the requirements of social justice itself. Second, one of the most contested and intractable issues to arise in debates about freedom is whether and when lack of resources constitutes a constraint on freedom. If we say that the extent of a person's freedom depends on how far he is prevented or otherwise constrained from performing actions that he might want to perform, then we have to ask, for example, whether only laws or other coercive impediments count as constraints, or whether lack

of material means—say, the money to put your child through college—also counts.

In my view this question cannot be answered without appealing (openly or tacitly) to a conception of social justice. This is because I hold a version of the responsibility view of freedom, according to which an obstacle to someone's action counts as a constraint on their freedom if and only if another agent (or set of agents) is responsible for the existence of that obstacle.<sup>25</sup> But since "responsible" here means "morally responsible," this in turn can be established only by looking at what people owe one another as a matter of justice. Thus if we think that suitably qualified people have a right to higher education, then we owe it to our fellow citizens as a matter of justice to secure this right materially, and someone who is prevented from attending college by lack of resources can properly claim that her freedom has been restricted. By contrast, someone who can't afford to buy a racing yacht can't claim an impairment of his freedom, because there is no obligation of justice to provide yachts, and so no one can be held morally responsible for the financial obstacle this person faces.

I am not claiming here that individual liberty and social justice can never conflict. Clearly they can: to take the most mundane of examples, when people are taxed to provide social services for others, their freedom is reduced in the name of justice. It may, however, be that *overall* freedom is increased, taking into account the range of actions now open to the recipients of the services that were not open before, in which case the conflict is as much between freedom and freedom as it is between freedom and justice. My point is that we cannot confront aspirations to social justice with a predefined conception of individual liberty, because what counts as liberty, as well as how it should be distributed, will depend on how we understand justice itself.

I HAVE DEFINED the scope of social justice broadly, both in terms of the range of advantages and disadvantages whose distribution its principles seek to regulate, and in terms of the institutional structure to which it applies. Some critics will argue, nonetheless, that the account given still falls within "the distributive paradigm" by virtue of its focus on the distribution of material resources like income, education, and health care.<sup>26</sup> For that reason, such critics argue, the account is too narrow, and must at the very least be broadened to include aspects of social relations

that do not fall readily under the rubric of distribution. For Iris Young, for instance, social justice centrally requires "the elimination of institutionalized domination and oppression," and distributive issues should be tackled from that perspective.

This critique requires some unpicking. It has three main strands. First, theories of social justice that fall within the distributive paradigm are charged with focusing their attention on distributive outcomes rather than on the processes that gave rise to those outcomes, especially the hierarchical structures of power that may explain why the final distributions—of wealth and income, say—have the shape they do. At first sight it might seem that this charge simply misses the point, because the reason for focusing on distributive outcomes is not simply to label them just or unjust, but to indict the institutions and practices that create unjust outcomes. If the capitalist organization of industry produces distributions of income, working conditions, and so forth that fail the test of justice, then that gives us good reason to attempt to find a better alternative. Young claims, however, that decision-making processes can be unjust independent of their distributive consequences, simply by virtue of the fact that they give some people power to decide issues that they should not possess.

I accept this claim insofar as I believe that procedural justice has a value of its own that cannot be reduced to outcome justice. I consider this further in Chapter 5, where I argue that procedures are fair when they satisfy a number of independent criteria having in common the quality that they show respect for the people who are subject to them. Wherever decision-making power is concentrated in the hands of one person or a small number of people, it is less likely that the decisions taken will satisfy these criteria. Thus far I agree with Young's claim. I am not convinced, however, that all claims for the greater democratization of social life are best understood as claims for social justice. Consider the (persuasive) case for industrial democracy. Part of the argument is that when employees manage their own firms, the distribution of income and other benefits within the firms is more likely to be fair—this is an argument about social justice.<sup>27</sup> Part of the argument is that the experience of self-management—of being involved in decision-making, of taking responsibility for the firms' achievements—encourages the employees to develop and use personal capacities that would otherwise remain dormant. This (good) argument is not about justice; it concerns personal



autonomy and personal development. Unless someone wants to maintain that social justice should encompass all the features of a good society, there is no point in stretching the concept to include these values.

A second strand in Young's argument has to do with the division of labor. She points out that whereas conventional theories of distributive justice can address discrimination on grounds of race or sex in getting access to jobs, they cannot capture the injustice involved when tasks are divided in such a way as to make certain tasks seem appropriate to some groups (for example, women) and not others, with the result that these tasks are overwhelmingly performed by members of the designated groups. (She points out that in the United States, for instance, mental service jobs are nearly always filled by members of racial minorities.) Only an expanded conception of social justice such as the one she favors can address this issue.

The problem in assessing this argument is that in the real world such patterning is almost certain to arise from conscious or unconscious discrimination on the part of those who have to fill jobs, and so it will be condemned by "distributive" theories that include, for instance, a principle of equal opportunity. But suppose this were not so, and the patterning arose simply because members of group X were convinced that they were only capable of performing tasks belonging to category C, or that it was only proper for them to perform such tasks. We would certainly think that the members of X were suffering from a form of false consciousness and were self-destructively limiting their opportunities. We would also want to raise questions about how these beliefs had come into common circulation. But the mere fact that the group in question holds such beliefs, and acts accordingly, cannot be described as an injustice.<sup>25</sup>

My response to the third strand in Young's argument, which concerns the cultural representation of different social groups, for instance, the way in which the mass media portray women and blacks, is much the same. Is it an injustice to blacks if, as Young claims, the media regularly represent them as "criminals, hookers, maids, scheming dealers, or jiving connivers"?<sup>26</sup> This state of affairs immediately raises two concerns about social justice. First, is it possible for employers and others to give genuinely equal opportunities to blacks if they are constantly being bombarded with such negative images? Second, is it possible for blacks to think of themselves as equal citizens along with others if the public

media routinely portray them in this way? These questions connect Young's concern to principles, which, as I shall show, fit naturally within a conception of social justice that belongs within what she calls the distributive paradigm. By contrast, if the focus is simply on the way in which media representations might tend to encourage blacks or other groups to adopt certain roles (and so be self-fulfilling), I am less sure that this is a violation of justice. Certainly, following John Stuart Mill, we want people to choose their plan of life for themselves, and exercise faculties other than the ape-like one of imitation, but it is not an injustice if this fails to happen.<sup>30</sup>

Conceiving social justice in terms of how the basic structure of a society distributes advantages and disadvantages to its members need not be unduly restrictive so long as both "advantages and disadvantages" and "basic structure" are understood broadly. Relations of domination and oppression are drawn into this picture because the systematic presence of such relations is clear evidence that the basic structure is unjust. At the same time the centrality of ideas of social justice to contemporary political debate should not induce us to pack into the concept everything we might find socially desirable. As Isaiah Berlin has often reminded us, to assimilate distinct political ideals to one another is not only to court confusion, but to obscure the need for choices that involve some sacrifice of one value, which might be justice itself, in the name of others—democracy, individuality, or social harmony.

THROUGHOUT THE DISCUSSION I have spoken about "distribution among the members of a society" and "the basic structure of a society" without indicating what "a society" means in these phrases. I pointed out that theorists of social justice down to Rawls have assumed that their theories are to be applied within a self-contained political community without trying to justify this assumption. But the assumption is open to challenge from two directions. First, it is often argued that nowadays people's shares of resources and their life prospects generally depend not just on the working of domestic institutions within states, but also on transnational economic and political forces. The "basic structure" (if we continue for the moment using this term), therefore, must now be understood to include institutions (such as global capital markets) that are not subject to control by the state at national level. Second, from a normative perspective, there is no reason principles of distributive jus-

justice should be applied within national societies rather than across humanity as a whole. We should be thinking of global justice, not of social justice understood parochially.

I will return to the first challenge in the final chapter of the book, when I have finished laying out the theory of social justice I want to defend. As to the second challenge, I argued earlier that when we apply principles of justice such as those analyzed and defended in this book—primarily principles of need, desert, and equality—we presuppose a social universe within which distributions can be judged fair or unfair.<sup>31</sup> This universe can be small or large: we are concerned about justice within small groups like families or workplaces as well as within wider societies. But nation-states have a special standing here, because where a state is constituted in such a way that its citizens share a common national identity, the resulting political community has three features that make the application of principles of justice feasible and fruitful.

First, national identities tend to create strong bonds of solidarity among those who share them, bonds that are strong enough to override individual differences of religion, ethnicity, and so forth. The community that is formed in this way becomes a natural reference group when people ask themselves whether the share of resources they are getting is fair or not. They compare themselves primarily with fellow members rather than with outsiders when thinking about whether their income is too low or whether the educational opportunities available to their children are adequate. My claim is not that justice formally requires this particular scope restriction, but that the principles we use are always, as a matter of psychological fact, applied within bounded communities, and that the integrating power of national identity is sufficiently great to make the national community our primary universe of distribution. Sometimes our sense of justice may be more forcefully engaged by distribution in smaller units such as workplaces, but it is very hard to imagine this happening within units larger than nation-states. A Spaniard who feels that he is being underpaid may be comparing himself with other Spaniards generally, or with other workers in his factory or village, but he will not be comparing himself with Germans or Americans, say.<sup>32</sup>

Second, national political cultures include a range of shared understandings that form an essential background to principles of social justice. As I have shown, the idea of social justice presupposes that there is agreement both about the basis on which people can make just claims to

resources and about the value of the resources that are being distributed. Thus principles of desert presuppose that we can identify valued activities (such as performing well in education, or contributing to the production of goods and services), forming the basis on which individuals come to deserve benefits of different kinds; principles of need presuppose shared understandings of what someone must have in order to lead a minimally adequate human life. On the other side of the equation, justice sometimes requires that people should receive benefits in proportion to their deserts, and sometimes that they should receive equal benefits. In each case there must be common standards of value that allow us to compute the worth of what someone is receiving. Because these shared understandings are so easily taken for granted within national communities, we may overlook the difficulty involved even in specifying what distributive justice would mean across such communities.

Finally, for social justice to become an operative ideal that guides people's everyday behavior, those concerned must have sufficient assurance that the restraint they show in following fair principles and procedures will be matched by similar restraint on the part of others. There is little point in pursuing social justice singlehandedly if everyone else is taking part in a free-for-all. Nation-states can help to provide such an assurance, partly because the solidarity they generate encourages mutual trust, and partly because the state is on hand to penalize defaulters. Such penalties can never be wholly effective, but if, say, I have to decide whether to fill in my tax return honestly—which I am willing to do, provided that others do likewise—then the thought that cheats stand some chance of being caught and punished is reassuring. What can motivate adherence to principles of social justice, then, is trust backed up by compulsion, and it is this combination of forces that nation-states are uniquely able to provide.

The absence of these three features at world level means that global justice cannot be understood on the model of social justice, at least not for the foreseeable future. Here and now we must continue to think of social justice as applying within national political communities, and understand global justice differently. I have argued elsewhere that our thinking about global inequalities should be guided not by comparative principles, such as principles of equality, but by the noncomparative ideas of *protecting basic rights* and *preventing exploitation*.<sup>33</sup> Thus to say that the scope of social justice should be limited by the boundaries of

national political communities is not to say that we owe no duties of justice to people living outside those boundaries. But we should not confuse the two, in theory or in practice. The pursuit of social justice is a special project, bounded in time and space, and one that is sufficiently complex by itself to fill the pages of the present book.

## A Sketch of a Theory of Justice

What is the point of elaborating a theory of justice? All morally competent adults have a well-developed sense of justice that enables them to cope with the practical questions they confront from day to day. How should my neighbor and I share the cost of the new fence that will run between our properties? Which child in my class ought to get the academic prize? Should I give Smith, my employee, the leave he has asked for to look after his sick mother? We know how to think about such questions, and we can answer them without any knowledge of the many abstract theories of justice that political philosophers from Plato to Rawls have advanced. So why bother to develop such a theory? Intellectual curiosity aside, how does having a theory at our disposal help us in knowing how to act justly?

We need theories, we are usually told, because of *uncertainty* and *disagreement* about what justice requires of us. Although we may know roughly in what terms to think about problems like those described above, we are often in the end unsure which principles we ought to be applying; faced with what is essentially the same problem on different occasions, we may give different answers because our intuitions are differently engaged. For the same reason, we may disagree with one another over what justice requires of us in some cases, and this is inherently unsatisfactory, because it means that at least one of us will be left bearing a grievance. Justice is a social virtue—it tells us how to order our relationships, what we must rightly do for one another—and so our hope must be that we can all agree about what justice demands of us, that everyone can feel that his or her legitimate claims have been met. A

the subject" (B. Barry, *Theories of Justice* [Hemel Hempstead: Harvester Wheatsheaf, 1989], p. 87.)

19. A good example of garbage collectors' taking pride in their work is presented in M. Walzer, *Spheres of Justice: A Defence of Pluralism and Equality* (Oxford: Martin Robertson, 1983), pp. 177–181. Walzer thinks that pride in work in cases like this is relevant to justice, partly because it stops the work from being experienced as degrading, and partly because it may help to lower the rate of accidents. But he would not, I am certain, want to suggest that it should be taken into account when assessing a fair wage for collecting garbage.
20. A major problem is the radical heterogeneity of public goods, even those that fall into the same broad category, for instance, environmental public goods. I have tried to tackle the issue of how such goods might be incorporated into a theory of social justice in "Social Justice and Environmental Goods," in A. Dobson, ed., *Fairness and Futurity: Essays on Environmental Sustainability and Social Justice* (Oxford: Oxford University Press, 1999). I argue there that three categories of goods must be distinguished: basic environmental goods (like clean air), access to which is required for the enjoyment of other primary goods such as liberty and property; goods for which an agreed social value might be established through public discussion; and goods whose value will vary radically according to individual preferences and conceptions of the good. Goods in these categories must enter the theory of justice in quite different places.
21. According to Rawls, primary goods are "things which it is supposed a rational man wants whatever else he wants." In general terms these are "rights and liberties, powers and opportunities, income and wealth" (Rawls, *Theory of Justice*, pp. 92, 62). This characterization of primary goods has drawn much criticism, and its shortcomings can be seen if we take as an example higher education, access to which is surely a concern of social justice, and yet it appears not to satisfy Rawls' criterion: there are many rational plans of life to which higher education is an irrelevance. On my view what brings a good within the scope of social justice is not that it is instrumentally valuable to all rational persons, but that it has a social value that can be recognized even by those who choose not to claim it.
22. Rawls' own answer to this question is not clear, as G. A. Cohen has shown in "Where the Action Is: On the Site of Distributive Justice," *Philosophy and Public Affairs*, 26 (1997): 3–30.
23. I include here the family, whose internal division of labor and distributive practices have very substantial effects on the respective life chances of

men and women, as Susan Okin has shown in *Justice, Gender, and the Family* (New York: Basic Books, 1989).

24. See, for example, R. Nozick, *Anarchy, State, and Utopia* (Oxford: Blackwell, 1974), chap. 7.
25. I have argued for this position in *Market, State, and Community: Theoretical Foundations of Market Socialism* (Oxford: Clarendon Press, 1989), chap. 1. For a full discussion of the responsibility view of freedom, see K. Kristjánsson, *Social Freedom: The Responsibility View* (Cambridge, England: Cambridge University Press, 1996).
26. I. M. Young, *Justice and the Politics of Difference* (Princeton, N.J.: Princeton University Press, 1990), esp. chap. 1. See also the contrast that Nancy Fraser draws between claims for redistribution and claims for recognition in "From Redistribution to Recognition? Dilemmas of Justice in a 'Post-Socialist' Age," *New Left Review*, 212 (July/August 1995): 68–93.
27. See my discussion in *Market, State and Community*, chap. 6.
28. It might help here to think of a society whose members belonged to two distinct religious groups, each holding contrasting views about which forms of work were legitimate and which were taboo. We might think that the resulting segregation of labor was somewhat artificial and even absurd, but it would be hard to describe it as unjust. The real cases Young describes differ from this hypothetical one insofar as certain groups tend to end up holding menial jobs while others have good jobs, and it is this feature that makes us ask critical questions about how the division of labor has come about.
29. Young, *Justice and the Politics of Difference*, p. 20.
30. J. S. Mill, *On Liberty*, chap. 3 in Mill, *Utilitarianism; On Liberty; Representative Government*.
31. I have addressed the underlying issues more fully in *On Nationality* (Oxford: Clarendon Press, 1995), chaps. 3–4.
32. Part of the reason for this is cognitive—he probably won't know what workers doing comparable jobs in Germany or America are earning, or be able to assess the real purchasing power of these money wages—but this is not the whole reason. I am claiming that inequalities with comparable Spaniards are experienced as unfair in a way that inequalities with comparable Germans or Americans are not, primarily because of the common identity and sense of belonging to a group that (most) Spaniards share. (There are some obvious exceptions to this claim: a Spaniard working for a multinational corporation will expect to be paid the same wage as other nationals doing similar work for the corporation.)
33. See D. Miller, "Justice and Global Inequality" in A. Hurrell and N. Woods, eds., *Inequality in World Politics* (Oxford: Oxford University Press, 1999);

D. Miller, "The Limits of Cosmopolitan Justice," in D. R. Mapel and I. Nardin, eds., *International Society: Diverse Ethical Perspectives* (Princeton, N.J.: Princeton University Press, 1998).

## 2. A Sketch of a Theory of Justice

1. Empirical research shows that in any case Rawls' two principles of justice would be very unlikely to emerge from such an experiment. See N. Frohlich and J. Oppenheimer, *Choosing Justice: An Experimental Approach to Ethical Theory* (Berkeley and Los Angeles: University of California Press, 1992); and my own discussion of this research in Chap. 4.
2. "To invoke justice is the same thing as banging on the table: an emotional expression which turns one's demand into an absolute postulate. That is no proper way to mutual understanding. It is impossible to have a rational discussion with a man who mobilizes 'justice,' because he says nothing that can be argued for or against" (A. Ross, *On Law and Justice* [London: Stevens and Sons, 1958], p. 274). A similar position can be found in H. Kelsen, "What Is Justice?" in Kelsen, *What Is Justice?* (Berkeley and Los Angeles: University of California Press, 1957).
3. B. Pascal, *Pensées*, trans. A. J. Krailsheimer (Harmondsworth: Penguin, 1966), p. 239. More pithily still: "Justice is as much a matter of fashion as charm is" (p. 47).
4. F. Nietzsche, *The Birth of Tragedy and the Genealogy of Morals*, trans. E. Golffing (New York: Doubleday Anchor, 1956), p. 207.
5. There is controversy about this in the case of Marx. On some accounts, Marx's belief in a final, highest stage of society allowed him to present the ideal of justice appropriate to that society as the correct one. I cannot pursue this issue here, but see A. Wood, *Karl Marx* (London: Routledge and Kegan Paul, 1981), chap. 9; A. Buchanan, *Marx and Justice* (London: Methuen, 1982); G. A. Cohen, review of A. Wood, *Karl Marx, Mind, 92* (1983): 440-445; J. Elster, *Making Sense of Marx* (Cambridge, England: Cambridge University Press, 1985), chap. 4; S. Lukes, *Marxism and Morality* (Oxford: Clarendon Press, 1985), chap. 4.
6. This is the portrait given by "postmodernists;" a good example can be found in J.-F. Lyotard and J.-L. Thebaud, *Just Gaming* (Manchester: Manchester University Press, 1985). While claiming that "there is first a multiplicity of justices, each one of them defined in relation to the rules specific to each game" (p. 100), Lyotard seeks to avoid complete skepticism by speaking also of "the justice of multiplicity." This requires us to respect the autonomy of the different language games and prohibits the regulation of one by another (Lyotard claims that such boundary crossing always involves the use of "terror"). As Stephen White has observed,

there is some convergence here with Michael Walzer's much less skeptical defense of a pluralist account of justice. See S. K. White, *Political Theory and Postmodernism* (Cambridge, England: Cambridge University Press, 1991), chap. 7.

7. S. Hampshire, *Innocence and Experience* (London: Allen Lane, 1989), p. 63.

8. See the fuller discussion of this question in Chap. 5.

9. Where political disputes have to be resolved by negotiation, this can take the form of disagreement over who should get a seat at the negotiating table, or indeed what shape the negotiating table should be.

10. See the evidence cited in Chap. 4.

11. M. Walzer, *Spheres of Justice: A Defence of Pluralism and Equality* (Oxford: Martin Robertson, 1983).

12. I have discussed Walzer's position at greater length in the Introduction to D. Miller and M. Walzer, eds., *Pluralism, Justice, and Equality* (Oxford: Oxford University Press, 1995).

13. These are modes of relationship that typically obtain between fellow members of a political society. I do not here address the question of what justice requires of us in the case of people outside our society; see my paper "Justice and Global Inequality" in A. Hurrell and N. Woods, eds., *Inequality in World Politics* (Oxford: Oxford University Press, 1999), in which I argue that its requirements are quite different from those of social justice.

14. This is not because the institutional claims have less force, but because their content is derivative. I return to this question in Chap. 5 when considering the relative importance of procedural and outcome justice.

15. I expand upon this claim in Chap. 10.

16. Walzer, *Spheres of Justice*, pp. 71-78.

17. This claim raises a number of difficult questions, some of which I address in Chap. 9. Note in particular that we cannot use marginal productivity in a particular case to measure desert, for this would have the absurd consequence that if employing an electrician is essential to making the product the team is producing, then the electrician's marginal contribution—the difference between her working and not working—will be the whole of the product's value. To get around this problem, we need to look at marginal contributions across the entire range of uses to which a particular set of skills may be put.

18. For more on the latter idea, see Chap. 8.

19. On these grounds I argue in Chap. 6 against Alasdair MacIntyre's claim that desert must be understood internally to "practices" such as sports, medicine, or science.

20. In Chap. 7 I argue that the attempt to factor out native talents from the