Theories of social justice

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How should we resolve complex political questions about, for example, the way in which our society should be structured, what the purposes of our political institutions should be, and on what grounds scarce social goods and resources should be distributed among citizens? By what principles, if any, should our deliberations about public policy be guided, and what should we do if faced with policy dilemmas in which these principles come into conflict with one another? Such questions require us to think deeply not just about the kind of society in which we live. It requires us to think beyond this, to transcend our own lived reality and to think normatively about the kind of society in which we ought to live. It requires us to be attentive to empirical data, and to take social and political reality seriously. But it also requires us also to put aside our own experience, or the particular experience of particular states or societies, in order to derive regulative first principles which can guide the process of policy development, and can shape our deliberations about what kind of societies we ought to live in, and what social and political institutions should do.

That, at least, has been the aim of the majority of political philosophers working in the Anglo-American tradition for over half a century: to derive a conception of politics from the ground up which properly identifies the fundamental principles on which we should build our political life. But identifying normative principles capable of informing decisions about
policy and institutional design is not straightforward. Political philosophers from different traditions differ in their ideas about how these principles should be determined and understood. Classical liberals like Hayek argued that the search for overarching normative principles is folly, that such plans necessarily thwart individual freedom and are in any case grounded in false epistemological assumptions about the capacity of philosophers to know more than they ever could about the future and about the implications of their theories (Hayek, 1944 & 1960). Continental philosophers like Hegel and, later, communitarians like Michael Sandel and Michael Walzer have argued that normative principles should be understood as emerging from the shared values of the community or nation (e.g. Hegel, 1821; Sandel, 1982; Walzer, 1983). Theories of social justice, however, are a product of a different kind of theorising and emerged in the modern world as a reaction to both classical liberalism and particularism. For many ‘cold war liberals’ like Isaiah Berlin and Karl Popper, the rise of Fascism and Nazism in the 20th Century revealed how easily particularism could be used to justify exclusionary and aggressive forms of political life which were, on any measure existing beyond the ‘community’ in question, contrary to the very notion of justice (Berlin, 1958; Parvin, 2010; Popper, 1945). And for others, including social liberals like John Stuart Mill, and socialists like G.D.H. Cole and Robert Owen, the inequalities in wealth created by the industrial revolution between workers and factory owners, and the grinding poverty that industrialisation created, showed the error in the idea that markets, if left alone, would distribute wealth in accordance with justice (Cole, 1957; Mill, 1848; Owen, 1878). Faced with an unpalatable choice between the unfair inequalities created by unfettered markets and the exclusionary nationalism and conservatism delivered by particularism, many philosophers began to seek an alternative. What was needed in place of particularism and the classical liberals’ faith in ‘spontaneous social orders’ was an ‘analytic’
theory: a theory which could provide rationally defensible, principled arguments for
constraints on markets which could be justified on grounds which were independent of the
shared values of any particular community and which, therefore, could be accepted by all
reasonable people regardless of their wider ethical beliefs and values.

The years leading up to and following the publication of John Rawls’s *A Theory of Justice* –
the work that more than any other set the template for analytic normative theorising about
social justice - arguably bore witness to a new optimism among philosophers about the
power of analytic philosophical methods to establish action-guiding, normative principles in
the realm of the political which could impose rationally defensible checks on markets, in
ways that had been marginalised in the analytic tradition up to that point (Rawls, 1971).
While political theorising flourished among critical theorists, post-structuralists and post-
modernists, and in the work of writers like Hannah Arendt, Simone de Beavoir, Michael
Oakeschott, and many others, it had nevertheless been marginalised in the analytic
tradition which had become dominated by the logical positivism of thinkers like A.J. Ayer
(Ayer, 1936; Arendt, 1958; de Beauvoir, 1949; Oakeschott, 1939). The work of thinkers like
Rawls in the field of political philosophy, Brian Barry in political science, and HLA Hart in
legal theory exemplified a view which would soon be adopted by a generation of political
philosophers that the analytic philosophical tradition was as hospitable a place for political
theory as other traditions, and that it is possible to use analytic methods to reveal new and
enduring insights into the nature of the political which are grounded in reason rather than
contingency and particularity and, hence, could be understood as universal (Hart, 1961;
Barry, 1965). Consequently, although some disagreement exists among political
philosophers about the degree to which normative theorising should take place
independently of ‘facts’ about the world, the Anglo-American analytic tradition of political
philosophy is arguably characterised by a rationalist commitment to ahistorical, acontextual
theorising over embedded and historical forms: the view that political philosophers should
put aside such things as lived experience, current political reality, and feasibility constraints
in order to tackle the bigger questions of how should we act, and how institutions should be
configured, given our background commitment to some other, wider principles like freedom
or equality (Cohen, 2008; Estlund, 2014; Rawls, 1971).

But as influential as the analytic/rationalist approach has been and continues to be, it has
also been controversial. Critics of the Anglo American political philosophy mainstream have
long rejected the conclusions produced by these forms of inquiry, as well as the method of
inquiry itself. They have done so for different reasons. Political realists, for example, have
argued that in abstracting away from empirical circumstance and history the analytic
approach cannot capture the complex, messy lived reality of contemporary politics; that in
employing ideal theory in the service of producing regulative first principles of justice,
analytic philosophers working in the Anglo American tradition exclude all that is meaningful
in everyday politics – conflict, power, struggle, difficulty – and hence produce theories
which cannot speak to some of the world’s most profound and enduring problems (e.g.
Geuss, 2008; Runciman, 2012). Similarly, many feminists and Marxists have rejected analytic
philosophy for failing to deal adequately with the idea of power, and hence, for being
incapable of identifying or resolving some of the most debilitating sources of inequality
experienced by people throughout the world (Young, 2011; MacKinnon, 1991). Post-
structuralists, post-modernists, and critical theorists have in their own ways criticised
analytic philosophy for its blindness to the problematic and value-laden nature of normative
concepts, and hence, for its aspiration to achieve a degree of abstraction from the real world which is impossible (Habermas, 1986). And historians from the Cambridge School too have castigated analytic philosophers for their preoccupation with the timeless quality of political concepts and their assumption that the meaning of political texts can be understood independently of the historical contexts in which they were produced (Skinner, 1969; Pocock, 2009).

For these and other theorists, the search for the ‘ideal society’ or ‘justice’ by Anglo-American political philosophers is naïve and doomed to failure. And yet, I want to suggest, despite the problematic nature of the exercise, the need for a normative theory of social justice, which can stipulate the fundamental principles on which our societies should be built, and which can identify what is at stake in our discussions about policy and political life, is as central and as crucial now as it has ever been. For we live in an age in which questions of social justice loom large on the world stage and, hence, in which normative theorising about what kind of world we should live in, and what responsibilities the state has or does not have with regard to its own people and people in other parts of the world, is a crucial and central human activity. We live in a world, for example, in which the 62 richest individuals in the world currently own the same amount of wealth as the poorest 50% of the Earth’s population (3.6b people). In 2014, US bankers working on Wall Street were awarded $27.5b in bonuses in addition to their regular salaries, double the combined earnings of all Americans working full-time at the federal minimum wage. We live in a world in which black Americans born into middle-income families are more likely to experience downward social mobility than upward social mobility and in which in England and Wales, two women a week are killed by their partner or former partner, and 1 in 4 women will experience domestic
abuse in their lifetime. We live in a world in which vast swathes of the world’s population live lives of daily struggle, characterised by hunger, disease, and uncertainty about their future, and in which 65m people – 1 in every 113 human beings on Earth – in countries as diverse as Syria, Iraq, Afghanistan, Colombia, the Congo, Burundi, Eritrea, South Sudan, Nigeria, and the Ukraine have been forced to flee their homes for fear of violence, prompting a global migration crisis on a scale unprecedented in world history (Parvin, 2016).

It is easier to feel outrage at the terrible things that happen in the world than it is to know what to do about them, or even how we should best approach such questions. It is often difficult even to know exactly what is terrible about them. Political realists, postmodernists, and historians of the Cambridge School are surely right that there are problems with abstracting away from lived reality in order to theorise about normative questions, but it is nevertheless important to do so to some degree in order that our conclusions are not constrained by conventional wisdom or unduly shackled to the facts of social and political life in any one particular time or place. We need to be able to evaluate political structures – including communities and markets – from the outside in order to understand their strengths and weaknesses.

Furthermore, we need to be able to evaluate the actions of those in power against their claims in order to hold them to account. In her first party conference speech after becoming UK Prime Minister, Theresa May pledged her commitment to social justice, and in particular to ending the era of economic austerity and minimal states which characterised David Cameron’s premiership, and expressed her desire to create a society ‘built on fairness and opportunity . . . where every single person – regardless of their background, or that of their
parents – is given the chance to be all they can be’ (Telegraph, 2016). In the weeks following that speech, May’s conservative government made it harder for disabled people to claim state support, passed laws affording the police powers to monitor British citizens’ online activity and communications which are stronger and more extensive than have ever been passed in any other democratic state, and reneged on her election promise to democratise the workplace by having workers on boards. The point is not that Theresa May is wrong to do these things, or that she is a hypocrite: she may or may not be both. It is that we need to know what she means by social justice in order to know whether she is acting consistently. And we need to know what her theory is before we can know whether or not we ought to support it. In order to have a clear and rationally defensible vision of political life which can act as a guide to public policy debates and also act as an evaluative standard for the quality and structure of social and political institutions and the laws they pass, we need a theory capable of identifying social and political problems and what is at stake in those problems, and which is capable also of guiding institutions and policy makers in their deliberations about how best to resolve them. We need to be able to achieve sufficient distance from reality to evaluate it from the outside, but not so much as to lose touch with reality completely. In the rest of this chapter, I defend the centrality of theorising about justice to our wider understanding of politics and the ends to which our political institutions should be committed, and offer a way of understanding the practice of theorising about social justice which makes clearer the roles and purposes of such theories in order, hopefully, to better contextualise the chapters in this book. To understand the need for such theorising, and what the analytic approach means on the ground, let us explore the diverse positions that have emerged concerning the central question facing theorists of social justice: the appropriate distribution of wealth, resources, and opportunities in liberal democratic states.
Contemporary debates about social justice: redistribution, resources, and inequality.

Let us imagine two people, David and Louise. David is a former business man, who retired early in his mid-Forties having accumulated a vast personal wealth. He lives in a large house in central London, has an extravagant lifestyle of theatre-going, parties, meals in expensive restaurants, and international travel. He worked hard for his money. He built up his business over many years at great personal sacrifice. His relationship with his wife and child suffered as a result, and he sees his grandchildren much less than he would like, although he does use part of his wealth to fund their education in an elite and very expensive private school. His view is that having worked hard and made these sacrifices he should now be able to enjoy his wealth as free as possible from outside intervention, enjoy himself, and ensure that his children and grandchildren are financially secure in the future.

Louise, on the other hand, is homeless and destitute. Louise’s parents had an abusive relationship and Louise moved in to live with her grandparents at a young age. Following the death of her grandfather when she was 15, Louise became the primary carer for her sick grandmother, leaving no time to study for her exams, and ending her dream of studying for a degree in journalism. Upon her grandmother’s death, the house and estate were bequeathed to Louise’s parents who did not let her live in the house. Having no money or home, and little education, Louise ended up living on the street, hungry, isolated, and sleeping either in the open or, when she can, in the overcrowded homeless shelter in her local area, which is located about a mile from David’s palatial townhouse.
What, if anything, do we think about the relative plight of David and Louise? What should we think and how should we approach the business of thinking about it? What, if any, political conclusions should we draw about what obligations the state and other citizens have toward either of them or what kind of laws the government should pass?

Neither David nor Louise appear to be bad people, yet as a result of a combination of individual choices and circumstances beyond their control, they have come to live very different, and very unequal, lives. Their stories are not unusual, and are played out in more or less extreme ways in societies across the world. Their predicaments create complex policy dilemmas. David worked hard and made sacrifices that continue to be a source of sadness for him. Many, including David himself, would argue that it seems rather unfair, having worked so hard to come up with the idea for his business and to develop it at significant personal cost, to coercively take away a significant proportion of the wealth amassed as a result of this effort in order to give it to someone else who he has never met. Such an act would be unjust: it would take away something that rightfully belongs to him. It would in fact be a kind of punishment, and a disincentive to others to work hard and develop their talents. David’s fortune resulted from an entirely legitimate process of free economic activity within the marketplace. He offered his products to the world and people bought them in sufficient numbers to make him astoundingly rich. It is true that David is thus much richer than Louise, and indeed the vast majority of the population of the world, but this inequality is fair: no-one forced anyone to buy his products, he did nothing underhand. The free choices and voluntary activity of people all over the world combined in a way that resulted in a vastly disproportionate, yet fair, re-distribution of wealth from each of these people to one person, or at least, his company. Because the distribution and the
resultant inequality was fair and uncoerced David is entitled to the wealth that people freely chose to give him. To argue as much is not necessarily to say anything about Louise or people like her. We need not be selfish and obnoxious to believe that David is entitled to keep his money rather than have a proportion of it taxed away. We just need to subscribe to the classical liberal view that the liberal state is charged above all with the protection of individual freedom, that state intervention into voluntary market transactions is a form of coercion and hence a constraint on freedom, and that, therefore, coercive taxation and the redistribution of money and other resources by the state for the purposes of alleviating inequality or anything else is straightforwardly contrary to liberal principles (Hayek, 1944). Or we might emphasise the important role of property rights, as do contemporary libertarians like David Gauthier and Robert Nozick (Gauthier, 1986; Nozick, 1974). Everyone has a right of ownership over their own property, including the money that they have justly accumulated, the argument goes, and so no-one including the state can coercively take away any of one’s property without violating an important and fundamental right.

This view, as I noted in section 1, represents not just a rejection of a particular conception of social justice, but of the very idea of social justice itself. For as we have seen, in classical liberal and libertarian theory questions about who gets what in a society are answered relatively straightforwardly: resources are distributed by individuals engaging in voluntary market transactions with one another within an over-arching regime of liberal rights and freedoms which protect them from relevant forms of harm. Classical liberal and libertarian theories therefore reject social justice for broadly similar reasons: theories of social justice embody the claim that the distribution of goods and resources among citizens which emerges within a context of liberal rights may not in fact be just, and hence, can be
appropriately rectified through state intervention. Nozick argued that state intervention into market transactions required the state to violate individual freedom on an ongoing basis and that a genuine commitment to individual liberty would always upset idealised social blueprints or plans. Hayek argued that social justice was a ‘mirage’: a ‘superstition’ which leads to the destruction of personal freedom. How, ask classical liberals and libertarians, can a liberal state which is necessarily committed to protecting individual liberty above all else, be grounded in principles which state that individual liberty can be violated in the interests of alleviating inequality or securing some other set of social goods?

The answer is in the shift from the pre-eminence of *liberty* to that of *fairness* in the theories of social justice offered by political philosophers in the contemporary era. The driving idea is that it is not the job of the liberal state to simply ensure *freedom* (understood merely as the possession of individual rights and liberties). It is rather to ensure a fair society, which protects the *fair value* of political rights and liberties; not a society in which all individuals possess merely the formal right to live in the way they would choose, but one in which all persons have access to the social resources necessary for them to exercise these rights meaningfully, constrained only by the ability of each and every other individual to do the same. This idea that people need to not only *possess* a right but also possess the meaningful ability to *exercise* it in order to be free is central to the egalitarian pursuit of a more equal society and is a dominant theme in social liberalism, second-wave feminism, and socialism, as well as emancipatory social and political movements like the women’s movement and the civil rights movement. The motivating concern here is to come up with a theory which takes seriously, and seeks to rectify, those unfair inequalities in access to resources and opportunities which affect people’s life chances. A theory of justice is not a theory of
freedom, although freedom will inevitably play an important role in it. It is a theory which can both secure the greatest freedom for all individuals as is consistent with fairness (and therefore, provide an account of what freedom is and what it requires), and provide clear and normatively defensible constraints on individual freedom in the interests of establishing a society that is not maximally free, but maximally fair.

This approach is most obviously exemplified in the work of John Rawls, who in *A Theory of Justice* arguably established the substantive and methodological framework within which normative debates about the just society among many political philosophers, public policy specialists, social policy experts, and many others have been conducted. He created a new kind of theory which sought to define and provide clarity to political concepts in the service of providing a substantive normative vision about the appropriate ends of politics. Rawls’s work was controversial both in terms of its substantive conclusions and in terms of its methodology, and Rawls refined and developed his theory over the course of his long career (Rawls, 1993, 2001a, 2001b).

From a substantive point of view, Rawls’s conclusions were groundbreaking, not least because they effectively undermined many of the most widely accepted views about moral and economic theory held by experts at the time. Rawls criticised the utilitarian idea that social and political organisations should be configured in such a way as to create the greatest happiness for the greatest number, arguing among other things that this required states to subordinate the interests of some individuals to the general interest of society at large. But he also overturned the dominance of classical liberal thinking in liberal theory, arguing that the assumption among thinkers like Hayek that liberal justice should concern
itself with protecting individual freedom through the establishment of free markets and minimal states was mistaken, and that such a society was unfair and actually made many people less free.

Rawls’s work has inspired generations of political philosophers in its simple and intuitive claim that liberal states should treat people fairly, and, hence, should allocate resources and opportunities in ways which are fair. Rawls believed that too often in history, states allowed the distribution of opportunities and resources to be influenced by characteristics and factors which should rightly be considered irrelevant. Too often, people have been denied certain job opportunities on the basis that they were disabled or the wrong sex, for example, or denied educational opportunities or university places on the grounds that they had the wrong colour skin. Rectifying these injustices, and removing these arbitrary factors from deliberations about who should get what and how people should be treated in liberal democratic states, has been a central goal, and the profound achievement, of the civil rights movement, the women’s movement, and other protest groups across liberal democratic states. The rallying cry of these groups – that all people deserve equal access to those resources which they need in order to live a life of their choosing on an equal basis with others regardless of the colour of their skin, their gender, their sexuality, and so on – is embodied in Rawls’s central claim that a just society ensures that people should not suffer disadvantages as a result of circumstances or factors beyond their control. Rawls believed that a just society minimises the influence of good or bad luck on the distribution of citizens’ life-chances; no individual should live a better or worse life, or be given more or fewer opportunities, on the basis of arbitrary and irrelevant characteristics about them or the circumstances in which they find themselves. No-one has any control over their sex or race,
or whether they were born to rich parents or poor parents, for example, and so, Rawls argued, so it would be unfair to create a society in which success or failure was influenced by these unchosen facts about the world. A society which distributes educational opportunities according to how much money a child’s parents have, for example, or the colour of a person’s skin, is acting unfairly because it is distributing social resources and opportunities according to facts about people over which they have no control. Rawls believed that just political institutions should ensure fair equality of opportunity: all people, regardless of their sex, race, and so on, should be able to choose a life for themselves and pursue it as freely as is commensurate with every other individual doing the same.

Unfettered free markets are unjust, Rawls argued, precisely because individuals in the marketplace often choose to distribute their goods (e.g. spend their money, offer places at their school or university, give jobs in their organisation, provide health care) on the basis of irrelevant facts about the world and people and, hence, create unfair inequalities which can become entrenched over time.

So as unfair as it may sound to classical liberals and libertarians to coercively remove some of David’s wealth in the interests of funding wider social goods, it will sound similarly unfair to liberal egalitarians like Rawls that Louise should be forced to lead an impoverished life because she was unlucky enough to be born to parents who were unpleasant, and because it fell to her to care for her sick grandmother. Many egalitarians, socialists, and those on the political left more generally, would argue contra the classical liberals and libertarians that the state is indeed morally justified in removing a proportion of David’s wealth in order to give it to Louise, perhaps directly in the form of welfare payments or the provision of a universal basic income, or indirectly through the more general funding of state education.
and the building of new affordable homes for homeless people, or both. For egalitarians like Rawls, rich individuals have a moral responsibility to help poorer individuals, and the state has a moral duty to tax the wealth of rich people in order to redistribute it to the poor. Furthermore, they might argue, as GA Cohen did, that coercive redistribution is justified even on classical liberal grounds because, contrary to what classical liberals and libertarians believe, redistribution increases the freedom of the poor more greatly than it reduces the freedom of the rich. On this view, the poor are simply less free than the rich (Cohen, 2011). They have fewer options open to them, and feel stronger pressures to take jobs and live lives that they would otherwise not choose in order to feed themselves and keep a roof over their heads. If a liberal system is charged with the responsibility of protecting aggregate individual liberty, then it must also be committed to freeing people from economic hardships which limit their freedom. True, coercive taxation forces rich people to give up a proportion of their wealth to the state which then spends it in ways that the original owners would not choose, but the marginal cost to this person’s freedom of taking, say, £3m a year, from someone who earns £10m a year is dwarfed by the gain that distributing that £3m among the poorest members of society would create among those people.

Neither the libertarian nor the Rawlsian view exhausts the possibilities open to policy makers, politicians, and political philosophers, of course, as debates in Anglo-American political philosophy over the past half-century illustrate. Indeed, both arguably raise as many questions as they answer. For example, the libertarian view rules out formal state support for poor people like Louise as a violation of individual freedom and property rights. The only support for the poor that is therefore consistent with individual liberty is charitable
and philanthropic giving, because this is a voluntary transaction within a market place (Chambers & Parvin, 2010). The libertarian argument does not stipulate that we should not care about the poor, or that we do not have a moral duty to give up a proportion of our wealth to help those in dire need. It simply stipulates that the liberal state, committed to individual freedom, cannot coercively take away our property against our will. Very small rates of tax may be justifiable in order to keep the minimal state from dissolving entirely, but no progressive taxation aimed at funding wider social goods or alleviating inequalities is permissible. But this view has the obvious consequence that the lives of some of the most poor and vulnerable people in the world, and within liberal societies, are subject to the changing whims of the rich. In a libertarian system, there is no formal guarantee that the poor will receive any money, or support of any kind, or that the money and services that they enjoy today will be available tomorrow or next year. In such a system, the lives of the poor are precarious, uncertain, and demeaning which is precisely why critics of libertarianism argue that decisions about how to improve the lives of the poor should be taken by the state and not citizens themselves.

But accepting this view creates further philosophical and practical dilemmas. For example, even if we agree that liberal states should tax the wealth of rich individuals in order to help the poor, how much should rich people be taxed? What should be taxed – should it be income or overall wealth, as economist Thomas Piketty has argued (Piketty, 2014)? How should states redistribute money to the poor? Should they do it through a universal basic income, or through welfare payments of a different kind (Van Parijs, 1995)? Should they be committed to a predistributive recalibration of the basic structure of society in order to rule out unfair inequalities at source (Thomas, 2016)? Should poor people be expected to
engage in certain forms of community work or civic activity in return for financial support,
or should they be given this support as a matter of right? Also, how much capital should
someone own before they are considered ‘rich’? And how much money should poor people
receive? That is, what is the real problem with David and Louise’s relative economic and
social positions? Is the problem the fact of *inequality* between them, or is it the fact that
Louise is in *poverty*? Our answer will dramatically affect our view as to the appropriate
policy response. If the problem is that Louise is in poverty, then the state discharges its duty
toward her by ensuring that she receives sufficient resources to lift her out of that situation.
If our priority is to eradicate or reduce poverty, then we will not be overly concerned about
how rich David is, or how rich he is in relation to other people like Louise. We will also not
care very much that Louise will still end up with very little money. In such circumstances, we
might adopt a ‘prioritarian’ position by which we prioritise the interests of the worst off in
society (Parfit, 1997), or we might adopt a ‘sufficientarian’ approach which seeks to ensure
that Louise, and all people like Louise, have *sufficient* resources to lift them over some
important threshold point (Frankfurt, 1987). We might alternatively adopt an approach in
which we seek to ensure that all people are able to exercise a range of basic ‘capabilities’
(Nussbaum, 2000), or ‘functionings’ (Wolff & deShalit, 2007). Having done so, we will
consider the duties of state and of other citizens to be satisfied. However, if the problem is
that David and Louise are *unequal* then we will require the state to engage in a much more
significant redistribution of wealth and resources from rich people like David to poor people
like Louise in order to close the economic gap between them, perhaps through much more
significant taxes on inheritance, to break up the intergenerational entrenchment of
advantage that results from the wealthy being able to bequeath their property to their
children, through a range of initiatives aimed at breaking up concentrations of wealth held
by corporate bodies, businesses, and the like, and the more equitable dispersal of property throughout the population (Rawls, 1971 & 2001a; Thomas, 2016). But even then, it is not enough to simply state that inequality is a problem. We need to know what needs to be equalised, and in what ways. We need to know if we should be committed to equalising individuals’ economic positions, or equalising opportunities, or their access to important social resources, or something else.

Imagine now that David was not in fact the hard-working self-made man that I originally described but instead the son of a rich businessman who inherited all his wealth, never worked a day in his life, and pays for his extravagant lifestyle out of the trust fund that his parents set up for him upon their death. How, if at all, should this change affect our thoughts about Dave’s obligations toward Louise and people like her? How important is the fact that Dave massed his wealth himself through hard work to our deliberations? What if it also turns out that Dave’s family wealth originated with his American great-great-grandfather who made his fortune capturing black people from Africa and selling them as slaves, or with his grandfather who made his fortune importing ‘blood diamonds’ unearthed by brutalised slave workers in Sierra Leone? Should wealth that is obtained unjustly be treated differently to wealth that was created justly? Is the wealthy ancestor of a slave trader entitled to keep their wealth? Or should that person be compelled to compensate current generations of black people perhaps by investment in initiatives aimed at helping poor black children or funding college bursaries or building museums dedicated to celebrating black culture? That is, is it a responsibility of the state to consider historical injustices in their decisions about who should get what and why? And if it is, how far back
should they look, and how do we evaluate which historical injustices are relevant, or how much they ‘cost’ the group in question?

Finally, imagine that instead of becoming primary carer for her sick grandmother, Louise was cruel to her grandmother, stole from her, and was then evicted from the house by her parents. Or imagine that she inherited all her grandparents’ wealth and then gambled it all away, leaving her with nothing. How, if at all, do these altered circumstances affect our thoughts about Louise and her current circumstances? We might continue to think that the over-riding concern is that she is in poverty, or vastly unequal to many in society, and hence that she should still receive financial support; we might think that the reasons for her poverty or inequality are subordinate to the brute fact that she is unequal or in poverty (Rawls, 1971). Such a view has an enduring appeal in contemporary political philosophy, but also among many political activists and politicians. Alternatively, we might think that the circumstances which led to her being poor matter and that her actions render her undeserving of support; we might think that she brought it on herself, that she deserves to be poor. Such a view is also widely supported by many political philosophers and politicians around the world, and in affluent liberal states in particular. For example, it resonates with the call among many politicians like Tony Blair and David Cameron for a more ‘meritocratic’ society: a society in which individual success or failure are dependent as much as possible on individual choice rather than structural disadvantages, a society which provides opportunities for all but which does not bail out individuals who choose not to avail themselves of these opportunities. A number of liberal theorists have argued for a ‘luck egalitarian’ approach which sounds a lot like this view, and which attempts to take more seriously than Rawls questions of personal responsibility in debates about economic
distribution (Dworkin, 2000). Ronald Dworkin, for example, argued that it is the responsibility of a just liberal state to compensate people only for disadvantages suffered as a result of certain forms of bad luck, rather than all forms. According to this view, Louise has a reasonable moral case for compensation in the first case because the disadvantages she suffered were a result of circumstances beyond her control. However, she would have little grounds in the second case, because she brought her situation on herself. That is, in the second case, we might think in such circumstances that David has little or no moral obligation to help such a horrid or feckless person as Louise and that the state has similarly no responsibility to provide such a person with any financial or other support. Would we be right in thinking this way? And if we are not right in thinking this way, are there any other changes in Louise’s personal circumstances which might make us change our minds? Should we think differently if Louise were an immigrant? What if she had been imprisoned in the past for a number of violent crimes? What if she lived in a different country: do wealthy people like David have any obligation to help people in poorer countries (as cosmopolitan liberals and utilitarians suggest) (Barry, 1999; Caney, 2006) or do any such obligations only extend to co-nationals (as suggested by liberal nationalists and contemporary communitarians) (Walzer, 1983)? The logic of Rawls’s position, and the central thrust of much contemporary theorising about justice, is that such considerations are ‘morally arbitrary’ and, hence, irrelevant to justice. Are Rawls and his followers right?


There is no clear answer to any of these questions, and certainly no objectively ‘right’ or ‘wrong’ answer as there are to problems posed in many other disciplines. There is no logical
or mathematical algorithm which will reveal philosophical truth about the way in which we
should understand our obligations toward other members of our society, or the members of
other societies; no calculation that can be made which will furnish citizens or politicians with
the one true answer to questions such as how many immigrants the state should allow
across its borders, whether gender or race or sexuality are ever relevant grounds for judging
someone’s suitability for a job or a university place, whether obese, unhealthy people have
as much of an entitlement to free life-saving heart surgery as slim, healthy people, or
whether citizens of liberal democratic states should be free to consume pornography. In
seeking answers to these and countless other political questions, all we can do is draw upon
the background concepts and ideas implicit in our background political discourse, analyse
them, and use them to build a coherent and appropriate vision of politics which we try to
defend to others. But this process is itself complex, due to the indeterminacy of political
concepts themselves, which is why political debates about complex normative political
questions such as the appropriate distribution of resources in a society, the permissible gap
between rich and poor, and the scope and structure of state institutions are the stuff of
intense and enduring conflict.

Although political philosophers are divided over the question of how ‘ideal’ their theorising
should be – that is, how removed from reality they should be - the central thrust of the
analytic approach arguably captures and formalises a central feature of discussing and
thinking about complex political matters. Whether we are professional political theorists,
politicians, or friends in conversation, our discussions about politics, if they continue for
long enough, retreat into abstraction: our discussions become discussions about
fundamental concepts, and our disagreements become disagreements about deep matters
of political theory. What often starts as a discussion about a particular policy such as, say, affirmative action or investment in renewable energies, quite quickly becomes a discussion about the grounding principles upon which our political systems should be built, and what a commitment to such principles requires of citizens, states, and other institutions. Should universities seek to disproportionately increase the number of black or female students they recruit in any given year in order to rectify the under-representation of these groups in higher education caused by historical prejudice? Does such a policy violate the principle of equality? Or is it required by equality? Should states invest scarce resources in the well-being of future generations, thus reducing the amount of money that can be spent helping people that currently exist or improving their current society, or should they use those resources to improve the lives of poor and other people who are currently alive? It is not possible to answer the first question without a clear definition of the nature and requirements of equality. It is not possible to answer the second without a similarly clear grasp as to whether or not currently-existing states and citizens have obligations to future generations and, if they do, what such obligations consist in.

So the search for answers to policy dilemmas and also to questions of institutional design are necessarily grounded in, and require, deeper engagement with questions about the definition, scope, inter-relation, and requirements of basic political concepts and ideas. Ideas such as freedom, rights, or equality provide the raw materials for our reflections on normative matters; they frame our discussions, guide our search for conclusions, and establish (hopefully) some common ground between us and our interlocutors. But the indeterminacy of political concepts means that invoking them rarely produces the decisive
or objective conclusions that we seek, and rarely establishes common ground secure enough to bring us together with whom we are communicating.

As noted earlier, historical thinkers of the Cambridge School as well as many post-structuralists and post-modernists, have emphasised the inherently subjective and contextual nature of our political language and, hence, the concepts we draw upon to understand politics and set the purposes for our institutions. These thinkers prefer to ground their deliberations about politics in contextual narratives of one kind or another rather than abstract analytic reasoning, that is, in historical or other theories which systematise political ideas and concepts and provide the contextual tools necessary for asking and answering political questions. Analytic philosophers of social justice, who eschew history and context in the interests of producing universal normative definitions and principles also nevertheless point to the need for systematising theories which can not only define but balance and weigh concepts with one another. It is a strong theme in the mainstream Anglo-American tradition of political thought that while the search for the definition of political concepts might be appropriately conducted in abstraction from history or context, it cannot be usefully conducted in abstraction from other countervailing concepts, the definition and relative priority of which will affect and influence our definition and priority of others. Conceptions of freedom and equality will differ across different theories depending on the ways in which different thinkers appeal to these ideas and understand their implications, and also how they interconnect with other ideas. Political concepts cannot be clarified and defined independently of some wider theory of how these different concepts fit together, and what their relative priority is.
It is easy to underestimate the need for such systematising theories, and also the indeterminacy of our basic political language. After all, we live in an era in which certain ideas like democracy, rights, freedom, and equality have arguably gained widespread validity, at least in the Anglo-American political and philosophical space. But the consensus on the validity of certain first principles among Western politicians and philosophers still leaves vast scope for disagreement about fundamental political questions, as we saw in our discussion of David and Louise. We can agree on the importance of individual freedom, but disagree vehemently on the definition of this term and, hence, what institutions should do to protect it. We can recognise the need to view all people as equal, but disagree radically about the ways in which we should do so, what institutions should seek to equalise, and how institutions should balance ideals like freedom and equality if they come into conflict. And we can agree on the general need to recognise that individuals are rights-bearers while disagreeing fundamentally about what rights people have, how we might best protect them, which rights are more important in the event of conflict and when, if at all, it is permissible to violate the rights of individuals in order to satisfy some other, wider social good. In none of the dilemmas presented in section 2 were the value of freedom or equality in doubt, it was their definition and scope which were at issue.

To answer fundamental questions about the appropriate arrangement of our social and political lives, therefore, we need a systemising theory. We need a theory of social justice which not only clarifies and gives meaning to fundamental political concepts that form the background vocabulary of our political discourse, but one which orders and prioritises these concepts, and shows how they fit together into a more general vision of politics which can in turn guide the process of institutional design, political decision making, and the
development of public policy. We need a ‘free-standing’ conception of justice the validity of which is not, as far as possible, grounded in appeals to tradition or history or contingent facts about human experience, but in forms of reasoning which can be accessed by all people and which, consequently, can produce conclusions which are acceptable to all, at least in theory. That is to say, we might helpfully view theories of social justice as fulfilling a similar purpose to that which Michael Freeden believes are fulfilled by ideologies (Freeden, 1996). Stating as much is controversial, as Freeden himself sought to establish a clear division between ideological and normative theory. Nevertheless, according to the argument I am presenting here, and the role of normative theory that I have thus far outlined, the parallels are clear. On Freeden’s account, ideologies should be understood as systems of thought which decontest the meaning of political concepts, and set their relative priority with regard to one another. Ideological discourse thus, for Freeden, performs the important duty of not only clarifying and defining concepts, but also showing how they fit together into overarching systems of thought which can produce coherent and consistent normative prescriptions. Ideologies represent frameworks of concepts which act as prisms through which we can interpret the world, identify social and political problems, and propose solutions which are internally consistent given the definitions of basic concepts provided by the ideology and their relative weighting. Theories of justice, according to the view that I am describing here, act in much the same way, while remaining ahistorical in the way that, for Freeden, ideologies do not. Theories of justice are analytic constructs which clarify and order political concepts in ways which allow for the production of normative prescriptions which are internally coherent and aim at an ideal vision of political life. Theories of social justice provide a theoretical framework through which we can evaluate common intuitions about the meaning and relative importance of political concepts and
then employ the conclusions at which we arrive in the service of identifying moral and political problems and producing normative prescriptions which can guide and shape wider debates about what policies we should aim for, what institutions we should create, and what they should do. In order to know whether, or how much, an individual should be taxed, what duties an individual has toward other individuals or to the state, whether healthcare or education should be free at point of use, and so on, we need a theory – a theory of social justice - to know what the basic purpose of our political system is, what we look to our institutions to do, and why.

4. Conclusion.

In the stories of David and Louise that we heard earlier we see in microcosm many of the questions and concerns that have driven debates among political philosophers, politicians, and activists about the nature, scope, and content of social justice over the past half-century, as well as the pressing need to find such a theory. But they only scratch the surface, as the chapters in this volume show. Political philosophers – liberal egalitarians, luck egalitarians, libertarians, classical liberals, communitarians, cosmopolitans, utilitarians, sufficientarians, prioritarians – as well as activists, have tried, and continue to try, to make sense of the world and of our politics. But we live in a world in which new political challenges are created all the time, about the future of the environment and of democracy, the treatment of cultural and religious minorities, gender equality, and the ethics of migration and global inequality, of new technologies, and more besides. These challenges exert pressure on states and citizens and raise profound questions of principle, about what truly matters in political life. The struggle for justice is not simply about making the case for
liberal democratic principles, and it does not end with their establishment. It continues in
the work of academics, policy makers and activists, who seek, in their own ways, to reveal
what these principles require of states and of people, and how we understand and justify
them to others in circumstances of deep political complexity.

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