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Egalitarian Liberalism Revisited
On the Meaning and Justification of Social Justice

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To Hugo and Isak
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Appeals to justice are omnipresent. They entail invocations to punish the guilty or demand public apologies for past encroachments. Justice is thought to be actualized by reducing poverty, by rewarding the ambitious, and it may be taken to mean implementing the will of God. The victim of violent crime might think of something different compared to what the upper class female victim of recurrent threats of male violence does. Similarly, representatives of poor nations, when arguing at a United Nations general assembly meeting, might have something different in mind, as compared to illegal immigrants talking at the local square, within the affluent society of contemporary Sweden. In short, different people at various places and times seem to ask for different things, though all of them cry out for justice.¹

Besides alterity due to different locations in space and time, there are also substantial disagreements among people who share many conditions. Indeed, northern European upper middle class political philosophers and theologians, like myself, are in substantive disagreement about what it takes for a society to be just. Among us there are disagreements in substance like e.g. between the libertarian and the egalitarian, as well as in theory, for example, concerning the level of abstraction and generality at which discussions about justice should take place. It is important to note that these differences cut straight through the disciplines of theological social ethics and secular political philosophy. This is one important reason for finding the prevalent separation of these fields of research unfruitful. This investigation is not limited to either one, but will consider arguments about the justification and meaning of justice from both theologians and philosophers,

although, of course, for practical reasons, it would be impossible to take every context into account.

All disagreements will indeed not be settled, given that some are desirable and perhaps necessary. The aim here, rather, is to explicate the meaning, and evaluate the coherence, of one particular conception of justice, namely, egalitarian liberalism. It will be argued that egalitarian liberalism on a general societal level is best understood as a triune conjunction of equality of opportunity, desert and self-ownership. The investigation will show how and when these substantive criteria reinforce, and why they do not necessarily contradict each other. Two problems will be addressed: These are the meaning of social justice, and the problem of justification. The latter concerns the possibility of establishing valid reasons for thinking that egalitarian liberal justice ought to be realized. As we shall see, it will be argued that the convincing force of justice is internal to its meaning. So in a sense, the solution to the problem of justification presented here is self-referential, it points back to the attractiveness of making things fair, simply because it is the right thing to do, for a person, a company, or a nation state.

Egalitarian liberal ideas about social justice might seem to be a very well investigated though. Nevertheless, cross-disciplinary investigations are not common and a focus to evaluate its reasonableness by comparing how it fares compared to known alternatives is not common either. Major explications of egalitarian liberalism have been just that, explications of its purported meaning, rather than attempts to assess by comparing to alternatives.

This particular attempt to reconstruct a reasonable conception of social justice has been aided in numerous ways by many persons. For correcting my English and for many valuable comments I wish to thank Herbert Xunyu Lin and the John Templeton Foundation. I am indebted to Swedish Research Council (VR) and to the Nathan Söderblom Foundation for the financial support that made it possible to pursue and to complete this project, and to the Acta editorial staff committé which together with the Board of Vilhelm Ekman’s university fund financed the publishing of this book. Helen Andersson, Theresa Caelewart, Johannes Fischer, Sven-Ove Hansson, Eberhard Herrmann, Fredrik Karlsson, Mikael Lindfelt, Lars Löfquist, Elena Namli, Gull Törnegren, and Ulf Zackariasson offered constructive feed back on different parts of the manuscript. Robert Audi and Carl-
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1. Introduction

The Contours of Justice

Writing about justice in the contemporary situation of radical and global pluralism requires qualifications. Without them, understanding would be difficult. Therefore, I shall introduce a selection of intellectual guiding lights. Together they should provide the conceptual contours of social justice.

In the opening sentences of the preface several types of justice were blended together. Legal justice was mentioned. It is about interpreting valid law, its content and about interpreting its procedures for implementation. Something can be legally just in a particular context irrespectively of whether it furthers or is about a substantial issue of social justice or not. For example, punishment for various crimes can be determined based on the law. This kind of justice will not be our object of investigation.

What will be our concern, however, is what I have chosen to call social justice. It is social in the simple sense of not being particular to a small community, say a family, group or clan. It is also an ethical idea, rather than legal, because it articulates an aspect of right relations independently of what different positive laws or lawmakers might say. It is not the only aspect on righteous living, but it is an important one.

The choice of terminology, social justice, is, however, not theoretically innocent. It might conceal an important difference. Since Aristotle, who contributed to its establishment, the classical and in many ways apt distinction between corrective and distributive justice, has been in use.\(^1\) Corrective or Commutative justice refers to standards by

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which violations of legitimate private transactions can be judged unfair or unjust (e.g. *pacta sunt servanda*). Common examples of such private transactions are gifts or trade contracts. According to this, corrective justice prevails where, promises are kept, entered contracts are respected and violations of contracts are corrected. *Distributive justice*, on the other hand, refers to “the distribution of honor, wealth, and the other divisible assets of the community, which may be allotted among its members in equal or unequal shares”. This ancient quote is still highly relevant.

First, Aristotle claims that distributive justice is about the right distribution of *divisible assets*. This translation presents us with certain problems. Not all goods that can be distributed are literally speaking divisible, i.e. capable of being divided in parts. Take for instance the good of respectful treatment of patients. This is hardly a good that can be divided in parts, like a piece of land or a specific amount of money can. For example, a nurse might offer each patient the same amount of time without it being the case that everyone gets treated respectfully. Nevertheless, respectful treatment appears to be distributable, at least to some extent. Given a general idea of what respectful treatment consists in (avoiding talk over anyone’s head, a tender as opposed to a brusque touch, meeting the patient’s eyes, and so on), it can be given roughly equally to everyone, only to a few, or more to some, for example. Furthermore, in spite of the fact that respectful treatment is hardly divisible, apparently it can be unjust if a nurse distributed the good of caring unequally between patients. If so, Aristotle would be

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2 Aristotle, *The Nicomachean Ethics*, V. ii. 13. See also Oxford English Dictionary, *b. commutative justice* = L. commutativa justitia, a term used by Aquinas and others as equivalent to Aristotle’s *τὸ ἐν τοῖς συναλλάγµασι διορθωτικὸν δίκαιον*, i.e. ‘the justice which is corrective in transactions between man and man’.

3 Aristotle, *The Nicomachean Ethics*, V. ii. 12. Cf. Kant, Immanuel. *The Metaphysics of Morals*. In *Texts in German Philosophy*, Geuss, Raymond ed. (Cambridge: Cambridge University Press, 1991), p. 113. I believe Kant makes basically the same distinction as Aristotle when he distinguishes between *iustitia commutativa* and *iustitia distributiva*. See also Oxford English Dictionary, *b. distributive justice*, one of the two divisions of Justice, according to Aristotle (the other being COMMUTATIVE); that which consists in the distribution of something in shares proportionate to the deserts of each among the several parties. [The old Latin version of Aristotle’s *Ethics c 1250* renders *διανεµητικὸν δίκαιον* by *distributivum justum*; Aquinas, in his commentary on the text, has *distributiva justitia*.

4 Göran Lantz first opened my eyes for this both important and now apparently obvious point.
more reasonable if he were to be understood as saying that distributable goods can be distributed in equal or unequal shares. As I have suggested and shall show, one crucial question concerns what entities we should consider as legitimate objects of distribution, i.e. roughly Aristotle’s divisible assets. In other words, what is lacking for those whose situation is unjust, and correspondingly, what do the privileges of the privileged consist in? This we need to know.

Secondly, this connects directly to Aristotle’s distinction between corrective and distributive justice. I am first and foremost thinking about the fact that property by some is mentioned as an object for redistribution and by others as something that, in line with a substantive conception of corrective justice, is allegedly not up for distribution unless the owner chooses to sell or to give it away, whereas others claim that injustice and the very institution of private property are internally linked. We shall return to this primarily in chapter 3.

Thirdly, Aristotle also says that distributive justice is about equal or unequal shares, and that distribution takes place among community members. Thus in order to learn what this means we need to learn who should count as a member of the community, and which community we are talking about. Is it the actual world community, maybe a particular nation-state, or is it a fictitious well-ordered society? Furthermore, what is the compelling idea behind the view that shares (of what?) ought to be equal? Subsequent chapters will provide answers and show how corrective and distributive aspects of justice are related.

Furthermore, though important in its own right, the idea about just distribution cannot give a comprehensive account of what would make a society more just. Basically, attending to misrecognition cannot be easily translated into talk about redistribution. This is the first reason for choosing the label social justice rather than distributive ditto. The other is that elements of corrective justice are also present in a reasonable conception of social justice. Therefore, qualifying the whole as distributive in kind would be strange.

Besides differences in kind, there are, of course, differences in substance. Introducing all of them here would forestall what is to come. It should, however, be acknowledged that this investigation begins with a substantial hypothesis, namely, that egalitarian liberalism is a reasonable place to start. At its core this conception of social justice
holds that each and every human individual is very and equally important. Also, that a life directed by oneself is, ceteris paribus, better than a life of passivity, or of subordination. The first clause says that an egalitarian understanding of justice is about right relations among equals. The second is an abstract articulation of the meaning of treating someone as an equal. The ceteris paribus clause is important, since there must be room for exceptions.

The attentive reader might have noticed that the expression self-direction was used instead of the more common expression, self-determination. This is a terminological choice of importance. I believe that self-determination has usages that presuppose philosophical anthropological claims that are both unnecessary and hard to defend, and that a change of terminology can be a pronounced way of avoiding those claims. The idea of self-determination can be understood as presupposing that people in general have the ability to determine the nature of their own selves. If so, self-determination is used as an opposite to the fixing of selves by external factors, such as biology and/or inherited tradition. This constitutes a dichotomy I find at least partly misleading. The idea about the importance of letting people be the directors of their own lives, and of creating the conditions of possibility for this, does not need the ontological assertions of an existentialist philosophical anthropology. We simply do not need to assume that an ability to make one’s nature belongs to the nature of being human, in order to consider it right to let people be the directors of their own lives. According to my opinion, it probably is the case that biology, economical structures and self-transcending culture, to varying degrees, set limits for, and determine aspects of our selves. The point is, adult human beings can be self-directing within the limits of being partly determined by external factors.

I believe that this positive claim finds support if we imagine the opposite, i.e. cases where we obviously are directed from the outside, for example, by a malevolent significant other or a manipulative employer. In reality these are poles between which adults probably oscillate during a lifetime. Some might continue to be more self-directing, once they came of age, than others ever will be, and this can be due to internal and external as well as changeable and unchangeable reasons.

5 Every directs attention chiefly to the totality of all human beings, and each chiefly to the individuals composing it. Cf. Oxford English Dictionary, every, 1.
Regarding the importance of self-direction, all we need to assume is that human beings can, within more or less flexible limits, decide what to do and whom they would like to be, and therefore be responsible for what they eventually will become.⁶

Some might object: is not concern for self-direction a rather selfish idea? Would it not be better to speak about the importance of others or perhaps the Other? This rests on a false dichotomy though. Saying that freedom, in terms of self-direction, is important means that this is assumed to be as important for others as it is for myself, and that this, contrary to the imagined objection, is a way of articulating a way of respecting others which is designed to avoid disrespect through various forms of paternalism.

Method

How then should one go about determining whether a particular idea about justice is inter-subjectively reasonable?⁷ According to my opinion; there are two main types of normative sources, i.e. places containing useful material for the task. The first is oriented toward different kinds of first order material and the second towards meta- or second order material. Material can be of the first order kind in virtue of harboring crude conceptions of justice, which can be found in:

⁶ Gustafson, James M. Ethics from a Theocentric Perspective Volume Two Ethics and Theology (Chicago: The University of Chicago Press, 1984), p. 13. I agree with James Gustafson’s observation concerning the advantages of thinking about human agents in terms of being a participant, namely that: “Agents are participating not only in ‘trans-actions’ with immediate ‘recipients’ of their initiatives; They are participating in larger spheres of interaction, and even in the development of the natural world. When we attend to participation in interaction within wholes, we acknowledge the prior reality of the arenas of activity to which persons and institutions respond and exaggerated notions of human creativity (as if we somehow created the worlds of which we are a part ex nihilo) are avoided.”

⁷ By inter-subjectively reasonable I mean that whatever it is, its validity is not contingent upon any particular identity; religious, gender, ethnic, race, etc.
(a) Everyday language,\textsuperscript{8}  
(b) Intuition,\textsuperscript{9}  
(c) Coherence,\textsuperscript{10}  
(d) Constituting parts of our intentionality (phenomenological method),\textsuperscript{11}  
(e) Popular conviction.\textsuperscript{12}

The second order type of source consists in the cultivated points made by those who have presented investigations about justice, moral philosophers and ethicists. Such points, of course, are found in recent and not so recent articles and monographs, as well as in the history of thoughts and ideas (compare, for example, with “the historical turn”, and Alasdair Macintyre’s \textit{Whose Justice Which Rationality}, for example).\textsuperscript{13}

In reality, many sources of the second order are mixtures of (1) and (2). Just like how investigations based on first order sources are often related to texts written by other philosophers (although the purpose here does not have to do with the interpretation of any particular text), investigations that pertain to second order sources for guidance refer to points being made as e.g. “in-coherent”, “illuminating”, “counteri-

\textsuperscript{8} Rorty, Richard. “Introduction” in \textit{The Linguistic Turn. Recent Essays in Philosophical Method}. Ed. by Rorty, Richard (Chicago: University of Chicago Press, 1967), p. 8. In his introduction Rorty writes: “All linguistic philosophers talk about the world by means of talking about a suitable language. This is the linguistic turn, the fundamental gambit as to method, on which ordinary and ideal language philosophers (OLP, ILP) agree.”

\textsuperscript{9} Cf. Sumner, L.W. \textit{The Moral Foundation of Rights} (Oxford: Oxford University Press, 1987), p. 49-50. See Lake, Christopher. \textit{Equality and Responsibility} (Oxford: Oxford University Press, 2001), p. 13, for an example of a contemporary analytical philosophical text that frequently refers to more or less “strong” and “clear-cut” intuitions as arbiters of differing accounts of a concept, or put in other words, as arbiters between different conceptions of a concept.


\textsuperscript{11} See for example Husserl, Edmund. \textit{Idéer till en ren fenomenologi och fenomenologi-\textsuperscript{g} sk filosofi}, original title; \textit{Ideen zu einer reinen Phänomenologie un phänomenolo-\textsuperscript{g}ischen Philosophie. Erstes Buch. Allgemeine Einführung in die reine Phänomeno-\textsuperscript{g}ie} (Stockholm: Thales, 2004), s. 249.


tuitive”, “anachronistic” or “contrary to ordinary language use”. Thus, problem-oriented investigations, as this study aims to be, often oscillate between different sources in their attempt to solve or dissolve a philosophical problem. This need not be a problem though, insofar as the utilized kinds of support for evaluative judgments are clear to the reader. In this text sources of the second order are used for the purpose of delineating principally different interpretations of justice and in order to outline their advantages. Sources of the first (primary) order (primarily a negative use of a, b, and c) will be put to systematic use in reasoned evaluations. A conception of justice which is not counter-intuitive and which is coherent internally and externally (vis-à-vis everyday language) will be judged as reasonable.

One reason for taking this path is that it offers shortcuts. It is faster as well as safer to learn from the investigations of others than to investigate and explicate different ideas from scratch. A second reason is that an investigation of this kind can handle incompleteness in a fruitful way. By incompleteness I refer to the fact that very few philosophical investigations can take into account everything (e.g. written texts and other sources) that has a bearing on the discussed problem. Indeed, many interesting studies would not even have begun if such completeness had been perceived as mandatory.

Of course, incompleteness can constitute a problem, when, instead of doing important work through deeper discussion, old ideas are being recycled and presented as if they were original insights. I fear that this is inevitable to some extent, given our current production of texts. It can, however, be counteracted. Pure usages of type 1 sources, though pleasantly insulated from the vice of name-dropping, pose the risk of overlooking the results of second order sources. The goal, of course, is to limit negligence, as much as possible.

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14 See for example Frankfurt, Harry. The importance of what we care about (Cambridge: Cambridge University Press, 2005), p. 96. In this influential article Frankfurt discusses the problem of moral responsibility in relation to the principle of alternate possibilities (PAP). Frankfurt’s text oscillates between a freestanding philosophizing and a direct discussion of a particular defense of PAP published in a text written by a philosopher colleague (see the bottom of page 96).
Human Rights and Justice

Before we turn to the outline, there are two more contours that need to be in place. I am thinking about the similarities and differences between respecting rights and upholding justice, and about the place and role of the notion of justice as seen in the ambivalent light of the traditional normative divide between consequentialism and deontology. Before we attend to the latter in the next section, we shall turn to the more specific issue of the claimed synonymy between respecting human rights and making the world (more) just. There are philosophers who argue that the meaning of justice can be comprehensively explicated in terms of respecting rights. For example, the theologian Nicholas Wolterstorff writes the following in his recent monograph *Justice: Rights and Wrongs*: “I think of justice as constituted by rights: a society is just insofar as its members enjoy the goods to which they have a right.”15 According to him, an explication of a substantive conception of justice is identical to an explication of which rights human beings have to what goods. Wolterstorff is not alone in holding this idea, as it is also shared by Robert Nozick’s famous *Anarchy, State, and Utopia*, which begins with the following significant statement: “Individuals have rights, and there are things no person or group may do to them (without violating their rights).”16

There is something appealing about this idea. If someone says: “Justice demands that Judith receives the goods that are necessary for the satisfaction of her basic needs.” This seems to lead us to the conclusion that if the statement of the speaker is correct, Judith has a right to receive those goods. Consequently, this also implies that injustice reigns when people’s rights are violated. According to this, poverty seems to be an injustice because it violates the (positive) rights of the poor.

The interesting thing, however, is that simply by saying that Judith ought to be given food because otherwise injustice will persist, does not, in itself, add anything here. It just means that without food, her rights are violated. Nevertheless, the phrase “because it would be unjust” does not always imply “because it would violate her rights”. It

can also mean: “Because accepting poverty entails accepting that goods are unequally distributed.” In other words, some ideas about justice are comparative in nature, and, at the most, only indirectly related to individual rights. Their information basis is a comparison of situations, say, between the black working class daughter and the white son of the medical science professor.\(^17\) Of course, material goods are not the only things, which, under comparison, may be unjustly distributed.\(^18\) Indeed, as we shall see, egalitarian ideas about justice have distinctive comparative ingredients, and it would be odd to exclude them at the outset in considering the contours of justice.

For now it is sufficient to conclude that thinking about justice as equal distribution of something is common and significantly different from justice as respect for rights. It remains to be seen, however, whether one is better than the other and how comparative and non-comparative elements ought to be related in a reasonable conception of social justice.

### Justice, Consequentialism, and Deontology

Consequences are important for the determination of whether an action or a state policy is just. For example, when a state takes money from the wealthy and redistributes it to less fortunate members of society, that itself has relevant consequences for justice. These effects can be interpreted in various ways. Many of them are of direct and of indubitable relevance for judgments concerning whether justice has been done or not. One consequence is that the poor, at least momentarily, get more. More precisely, one consequence of this particular action is that the difference in size between the holdings of some rich

17 See Collste, Göran. *Globaliserings och global rättvisa* (Lund: Studentlitteratur, 2004), p. 25, for a clear example of how obvious inequalities serve as information basis for judgments about injustice.

18 See also Dewey, John and Tufts, James H. *Ethics*. Revised Edition (New York: Henry Holt and Company, 1932), p. 458. The authors contend: “One of the greatest sources of the feeling of injustice is that too often those who work hardest—such as the laborers in many kinds of agriculture and industry, and those whose contributions are of the highest value to civilization, such as the inventor or scientist—are poorly paid; whereas many who have never done a stroke of useful work enjoy by inheritance, or by luck, or by shrewd manipulations of securities and monopolistic privileges, enormous wealth.”
people and the holdings of some poor people decreases. The holdings in question become more evenly distributed among the affected. Viewed from the lens of (simple) egalitarianism, we can judge that “things” have become more just. Viewed from another standpoint, however, things have become more unjust, since strong property rights have allegedly been violated.

How does this cohere with the fact that the notion of justice is often considered to be a prime example of a deontological moral concept, and to that deontology is commonly characterized as an opposite to consequentialism? Should not possible adherence to principles or norms be determining the justness of a particular action, rather than consequences? The question is important and shows the need for careful delineation of the kind of consequentialism that deontological understandings of justice necessarily oppose. One can also say: the answer is yes and no. There are compatibility problems between so-called consequentialism and conceptions of justice but there is no necessary opposition between a deontological interpretation of justice and taking consequences into account. I use the expression “deontological interpretation of justice” because there are utilitarian attempts to integrate ideas about justice, more about this shortly.

First, the compatibility problems need to be identified. Since interpreting consequences is involved in the determination of whether an action, a policy or an institutional system was just or not, consequences in themselves cannot be the problem. No, the shoe must be pinching in the specific type of consequences that are seen as right-determining. If the comparison-of-shares lens is shifted and a maximizing sum of utility or welfare is put in its place, then we start to see what this is about. If the rightness of actions is to be determined by estimating and comparing the size of the total sum of utility that is produced, then the rightness of actions is contingent upon an interpretation of effects that does not take any idea about justice into account. If taking from the rich and giving to the poor produces less utility then leaving things as they are, then leaving things as they are would be the right thing to do.

The point here, of course, is to show that the rightness criterion, operative in utilitarian interpretations of political morality, is sealed off from considerations about justice (a utilitarian would say; “and rightly so”). Put in other words, there is only room for an indirect connection such as when upholding a particular principle of justice
happens to be the best utility maximizing strategy there is, which, of course, might be questioned. The important thing, though, is that making the world just could not be right because ideas about justice happen to articulate something morally important in its own right. Ordinary talk about justice does seem to imply that such exclusion is problematic. This, of course, is not tantamount to claiming that justice always is of overriding importance. It is just to note that the concept of justice has a distinctive role to play in our attempts to figure out how to live together in society.¹⁹

Wherein then does the distinctively deontological reside? The answer is: in a specific idea about what it means to respect the neighbor, as a complex and concrete individual. This is, so to speak, the preferred source of rightness. It is preferred before those alternatives that explicate rightness in the terms of the enhancement of the good, perhaps in terms of satisfaction of as much or as many strong high quality desires as possible. Although an evaluative comparison with consequentialist alternatives goes way beyond the purpose of this study, I hope that the following chapters will provide additional reasons for choosing this outlook.

Outline

The outline follows closely upon the main thesis and method of the book. The second chapter therefore starts by presenting the normative core of egalitarian liberalism. The presentation continues in the following chapters by evaluating how it fares when challenged by critiques formulated by important alternative conceptions of social justice.

Most of the mentioned critiques exist, as we shall see, in benchmark texts. Many of them are monographs that have become modern political philosophical classics, such as John Rawls’s *A Theory of Justice*, Robert Nozick’s *Anarchy, State, and Utopia*, Michael Walzer’s *Spheres of Justice*, and Iris Marion Young’s *Justice and The

Politics of Difference, just to mention the perhaps most well-known examples. The purpose, as I have indicated, is to extract important points and alternative ideas about social justice. I will not attempt at offering comprehensive interpretations and consequently there will be no explications of possible interpretations of their contexts, or on their different complex genealogies, unless this is necessary for making ideas intelligible.

The constituent parts of what I have chosen to call Egalitarian Liberalism are presented in chapter 2. These consist in primarily two components, equality and distribution. Simply put, social justice is here taken to be about equal distribution, of something. Injustice reigns when the chosen object is unequally distributed. Hence, egalitarian liberalism is at its root comparative. This raises many interesting problems among which the following are particularly pertinent, namely: Which are the reasons for maintaining that social justice is about equal distribution? Are any of these good? And, what (if anything) is it that people ought to have equal shares of?

In chapter 3 we meet the first critique of egalitarian liberalism in the form of Robert Nozick’s version of Libertarianism. While many have considered such a conception of justice as utopian in a negative sense, it is nevertheless operative on a global scale in contemporary legitimations of the diminished role of politics. Libertarians claim that realizing justice is about respecting particular rights. Redistribution therefore is explicated as an injustice, basically in virtue of allegedly violating people’s ownership of themselves. Contrary to this, I argue that granting the distinctiveness and relative moral importance of self-ownership does not entail that social justice ought to be reduced to, or is primarily about, respecting property rights.

Chapter 4 introduces an account of social justice that critiques standard egalitarian liberal versions for being simplistic and for overlooking how its content is embedded in social practices. Important proponents of this idea of complex local justice have argued that the meaning of justice is determined by the actual meanings of every dis-

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20 Cf. James M. Gustafson, Ethics from a Theocentric Perspective, p. 25. Gustafson describes the function of benchmark texts as: “[…] points of indication for defending and developing my own argument, and I select from them to show further the distinguishing features of it.” To this I would like to add that in virtue of harbouring important critiques, the benchmark text also has a vital role in the process of evaluation.
tinctive good or by its relational context, say, of office, which is to be distributed. Overall injustice here means that goods are distributed according to principles that are alien to the context where they serve a particular purpose, that office is distributed according to market principles, for example. In many ways, this illuminating conception of justice points at an important distinction between particular and overall justice. It is shown in this chapter that the concept of simple egalitarian liberalism is badly suited for articulating the various and varying meanings of particular justice. However, it is also shown that an egalitarian conception of equality of opportunity is quite useful for determining whether the overall result of distributing goods according to principles that fit their meanings is just. It is also proven helpful for determining which distributive principle ought to be chosen in cases where a given context, say, the family, does not offer any unambiguous fit between kinds of goods or relationships and distributive principles. Sometimes goods can take on many meanings, and as we shall see, the same item can also, at times, be many goods simultaneously.

Chapter 5 investigates the claims that injustice is conceptually and epistemologically prior to positive accounts of justice. There are important reasons for thinking that injustice has such a priority, and if valid, they would pose fatal objections to one of the cornerstones of egalitarian liberalism, namely, the alleged importance of (positive) equality. The conceptual objections considered here are different versions of Harry Frankfurt’s idea that having enough is more important than having equal. The truth of this, Frankfurt argues, is revealed when we consider examples where having equal means that everyone suffer from having too little. Hence, for someone who has too little, getting more is considered relevant, but having an equal share need not be. Against this claim my argument explicates how the importance of having enough can be affirmed without excluding that equality of opportunity is also important in its own right.

The second epistemological objection says that the demands of justice can only be recognized by those who themselves have suffered from injustice, for example, the victims of colonial domination or gender oppression. Put bluntly, positive accounts run the risk of being distorted by desires to serve the interests of the privileged. Granting the importance of ideological critique, that is, by affirming a kind of fallibility suspicion towards positive privileged white western armchair philosophy accounts, I argue that a liberatory account of justice
nevertheless needs a positive non-private account of liberation, in the
form of a conceptual lens coherent with natural language through
which various claims of injustice can be judged. It is shown how such
a lens is put to use in the work of, for example, the Christian feminist
theologian Karen Lebacqz.

Chapter 6 returns to the question, mentioned briefly in the Intro-
duction, concerning whether the traditional focus on redistribution
does not miss out on the fact that common examples of misrecognition
constitute instances of injustice, even though they are not about unjust
distributions. As we have already seen, it is fairly easy to grant that
social justice is not only about unfair distributions. However, it is not
as easy when it comes to explicating how the perspective of recogni-
tion can be integrated in an egalitarian version of social justice. It is
shown in this chapter that vital aspects of the injustice of the misrec-
ognitions, particularly those involved in oppression, can be explicated
in terms of the inequality of opportunity due to various group mem-
berships. Hence, this critique does not undermine the idea of equality
of opportunity; on the contrary, it offers important conceptual tools for
the continued articulation of its meaning.

Chapter 7 investigates the claim that egalitarian liberal social jus-
tice is both alien and inferior to a truly Christian politics. It allegedly
is so in virtue of being a mere human reaction to circumstances of a
fallen creation, in particular to scarcity and narcissism. The Christian
Church is, in contrast, portrayed here as a counter community in
which the loving and bountiful reality of God is revealed. In opposi-
tion to this critique it is argued that Christian love is incomplete, that
is, it does not offer relevant guidance, unless it is complemented by a
robust notion of equality. Hence, it is argued that a conception of egal-
itarian justice would not be redundant even if circumstances were as
ideal as e.g. the radical orthodox Christian claim they are. But it is
also shown that the Christian idea of Liebeskommunismus, to borrow a
congenial term from Ernst Troeltsch, is in fact not furthered by claim-
ing that the violent realities of this world are not real.

Chapter 8, the last chapter, picks up three major loose ends and in-
tegrates them into the emerging whole of egalitarian social justice.
Not only do they have to do with the challenges posed by differences
in space and time, but they also raise the question regarding whether
the comparison oriented equality of opportunity and the apparently
non-comparative notion of desert can both be reasonably integrated in
a coherent (if not complete) conception of social justice. The answer, not so surprisingly, is yes. Positive desert can only be detected if people have equal opportunities to participate in the social systems that determine what they can be and do. All things considered, egalitarian liberalism provides vital conceptual components of a reasonable conception of social justice.
The cornerstones of egalitarian liberalism consist in equality and the freedom of each person. Today most egalitarian liberal versions of social justice are indebted to John Rawls’s work *A Theory of Justice*. The publication of this book changed the debate. Before that, utilitarianism reigned. Rawls’s constructive account of justice revived a deontological interpretation of social justice and opened up for our contemporary situation a plurality of competing normative outlooks. Whether or not the “theory” is liked, few contemporary texts on justice try to accomplish original contributions without explicitly relating, constructively or negatively through critique, to Rawls’s texts. And, in spite of numerous later developments and an immense amount of writing on this subject, Rawls’s original work still contains important insights. Therefore, this book takes Rawls’s specific egalitarian version of liberalism as a point of departure as well as a source of inspiration.

This chapter aims at accomplishing three things. Firstly, it presents a selective interpretation of the major ideas of John Rawls’s work. It is discriminative on a simple basis. It outlines the most fruitful Rawlsian ideas and the reasons for finding them helpful. Many components are

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1 Sen, Amartya. *The Idea of Justice* (Cambridge, Massachusetts: The Belknap Press, 2009), p. 52. The Nobel-prize winning economist and political philosopher writes the following about the impact of John Rawls’s work: “Indeed, Rawls has made the subject what it is today, and I start this critique by recollecting, first, the thrill of seeing him transform contemporary political philosophy in a truly radical way.”

left out. For the knowledgeable readers, one particularly striking omission deserves a comment. The contractarian component, particularly as it is outlined in the idea of rational choice in a hypothetical original position, is left out since, put bluntly, it seems particularly unhelpful. Time will not be spent on discussing this.

Secondly, the meaning of the suggested basic ingredients of social justice will be further explicated by showing how they relate to recent articulations of egalitarian liberalism.

And thirdly, the conception of justice in this chapter can be viewed as one ideal type way of understanding social justice. It is an ideal type according to which distributive justice consists in a certain pattern of equality against which current states of affairs are to be compared. As we shall soon see, though, even if we stay within the boundaries of egalitarian liberalism, there are several mutually excluding candidates for being the good that ought to be enjoyed in equal shares.

Egalitarian Liberalism, According To John Rawls

While summarizing his principle of justice, what he calls the General Conception, Rawls writes the following: “All social primary goods—liberty and opportunity, income and wealth, and the bases of self-respect—are to be distributed equally unless an unequal distribution of any or all of these goods is to the advantage of the least advantaged.”

One must understand that this quote derives its force from being a presumably reasonable explication of the moral conviction that every person, in virtue of her common humanity, is entitled to equal respect. The objects of distribution are thus presupposed to be individuals, not families, not groups, and not communities or nations. Fur-

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4 Cf. Sen, Amartya. *Inequality Reexamined* (Oxford: Clarendon Press, 1992), p. ix. Sen writes: “The central question in the analysis and assessment of equality is, I argue here, ‘equality of what?’ I also argue that a common characteristic of virtually all approaches to the ethics of social arrangements that have stood the test of time is to want equality of *something*—something that has an important place in the particular theory.”
thermore, because persons are entitled to equal respect, or as Rawls echoing Kant also puts it, because persons are to be treated as ends in themselves and not mere means, all distributable goods should, ceteris paribus, be distributed in equal shares.\textsuperscript{7} The ceteris paribus-clause is used to guard against the event where an unequal distribution is to the advantage of the least advantaged, in which case an unequal distribution is claimed to be justified. However, the quote also says something important about the entities that are up for distribution. These are specific goods that denote all the common means that are necessary for the realization of any (rational) life plan.\textsuperscript{8} Rawls calls these goods social primary goods. These are the distributable entities of the hypothetical distributive domain in question, which, in the case of \textit{A Theory of Justice}, would refer to the nation-state. One could also say that they constitute the alleged information basis of justice, since, according to this conception, when you look at society and ask whether it is just or unjust, or how unjust it is, you could find an answer to the question by identifying social primary goods and their actual distribution.

\section*{Fairness}

Trying from Rawls’s admittedly complex conception of justice to wash out one fundamental idea might seem optimistic. Yet I contend that there is one substantive conviction that determines the shape of the whole. I say this notwithstanding the alleged importance of the process of mutual adjustment of intuitions to theory and vice versa, that is the purported importance of the procedure Rawls calls reflective equilibrium.\textsuperscript{9} The latter has sometime been used to downplay the importance of certain formative core intuitions.

\begin{thebibliography}{9}
\bibitem{Rawls:2010a} Rawls, John. \textit{A Theory of Justice}, p. 92. Rawls writes: “With more of these goods men can generally be assured of greater success in carrying out their intentions and in advancing their ends, whatever these ends may be.”
\end{thebibliography}
The purportedly basic assumption is:

Society is not fair when individuals are disadvantaged or privileged by arbitrarily given, and therefore undeserved, natural and social circumstances.

This articulates the idea that, more than anything, social justice is about making society fair, which, as we shall see, means creating and safeguarding equality of opportunity. Allegedly, life is unjust when our standing, that is, how we fare compared to others, is determined by capricious fate rather than by our choices. This is expressed by Rawls as follows: “Thus it seems reasonable and generally acceptable that no one should be advantaged or disadvantaged by natural fortune or social circumstances in the choice of principles (author’s italics).”

This means that the meaning of social justice must be skewed neither by privileges nor disadvantages. Moreover, the aforementioned circumstances are completely beyond the control of single individuals.

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10 The formulation is inspired by Will Kymlicka’s interpretation of the intuitive background to what he describes as Rawls’s equality of opportunity argument. See Kymlicka, Will. Contemporary Political Philosophy An Introduction Second edition (Oxford: Oxford University Press, 2002), p. 58 f. See also Dworkin, Ronald. Sovereign Virtue The Theory and Practice of Equality (Cambridge, Massachusetts: Harvard University Press, 2000), p. 6. Dworkin writes that government is required to “adopt laws and policies that insure that its citizen’s fates are, so far as government can achieve this, insensitive to who they otherwise are—their economic backgrounds, gender, race, or particular sets of skills and handicaps.” Cf. Lake, Christopher. Equality and Responsibility, p. 12. Lake outlines what he calls the egalitarian intuition as follows: “[...] it is objectionable for some to be worse off than others through no fault of their own.”

11 Rawls, John. A Theory of Justice, p. 18. Cf. Sen, Amartya. Development as Freedom (Oxford: Oxford University Press, 2001), p. 74. Here, Sen first interprets Rawls to be claiming that natural circumstance plays no positive role in his justice conception and then turns to holding this fact against Rawls. Sen writes: “If the object is to concentrate on the individual’s real opportunity to pursue her objectives (as Rawls explicitly recommends), then account would have to be taken not only of primary goods the persons respectively hold, but also of the relevant personal characteristics that govern conversion of primary goods into the person’s ability to promote her ends.” The problem with this interpretation of A theory of Justice is that personal characteristics do play a role in the process of determining the amount of primary goods that constitutes her or his fair share.
A Short Digression about Origins

As so often in philosophy however, ideas tend to reappear. In his work *Principles of Political Economy* John Stuart Mill wrote about what he called initial inequalities and injustices in old societies. Though it is rather long I offer a particularly illuminating quote below.

> Every full grown man or woman, we must suppose, would be secured in the unfettered use and disposal of his or her bodily and mental faculties; and the instruments of production, the land and tools, would be divided fairly among them, so that all might start, in respect to outward appliances, on equal terms. It is possible to conceive that in this original apportionment, compensation might be made for the injuries of nature, and the balance redressed by assigning to the less robust members of the community advantages in the distribution, sufficient to put them on par with the rest.\(^{12}\)

An idea about the injustice of having one’s life determined by the capriciously given, such as birthplace, parents and marketable talent, is evidently present in Mill’s text. I am particularly thinking about the usage of the terminology of distribution of “outward appliance” in a hypothetical original situation or position. But valuing the ability to start on equal terms does in fact also overlap with contemporary talk about equality of opportunity.

Justice as Fairness

Let us return to Justice as fairness.\(^{13}\) The idea is that contracting parties who are ignorant of their own social location and of their bodily as well as mental abilities, who have the task of determining the allocation of the distributable goods of their society, and who are concerned about their own welfare only, are supposed to choose, based on rational self-interests, the principles that best benefit those who will be worst off.\(^{14}\)


\(^{13}\) Rawls, John. *A Theory of Justice*, p. 3, 11–17. The importance of fairness for the early Rawls is underlined by the simple fact that the whole conception of justice is named *Justice as Fairness*.

The interesting thing is, by combining a narrowly self-regarding rationality with ignorance of one’s own social position, the decision of each participant in the so-called original position is pre-determined to resemble a decision taken by a concrete well informed person, who is equally concerned about the substantive freedom of everyone.\textsuperscript{15} Thus only seemingly, the theory presupposes a realistic philosophical anthropology, according to which the subjects of justice are selfish rather than altruistic. This purposely hidden moral substance determines the shape of Rawls’s famous difference principle, which, as we saw, is present already in the previously introduced general formulation of justice. It says that social and economic inequalities, are just if and only if they “[…] are to be to the greatest benefit of the least advantaged members of society”.\textsuperscript{16} And, being least advantaged is about suffering more than others from natural and social misfortune.\textsuperscript{17} It is actually the infusion of the moral substance of the equal positive regard of common societal institutions for every citizen that makes the decision just and not merely rational. Moreover, if this moral content is not read into the description of the original position, the decision would only be rational for agents who combine preferring safety before gambling and who are situated in quite unrealistic circumstances.

The important thing, of course, is whether we think that Rawls captures something important. As we have seen, above anything else, \textit{Justice as Fairness} appeals to a distinctive moral conviction, or to use Rawls’s terminology, a particular considered judgement, which happens to consist in the all things considered rightness of fairness. We must ask; is then society likely to be fair when: “people’s fate is de-
determined by their choices, rather than their circumstances?"18 The word *circumstances* denotes the various *things* that combine having effects for our chances to live the lives we desire to live, and being beyond our control. I believe there are good reasons to agree with this idea of fairness, particularly if the word *informed* is added before *choices*. Not all our actual choices should be taken seriously. Some are unreliable due to misinterpretations and lack of information, for example. However, the reasons for agreeing are not obvious. Not all circumstances seem interesting from the perspective of justice. Being born as a human being on planet earth is a shared circumstance that definitively sets a frame on anyone’s conception of life, not to mention the good life, just as it also determines a great deal of our fate. Is that unfair? Of course, it can hardly be so, but then what is the problem?

Besides being human, large parts of our different bodily and mental abilities as well as our various formative childhoods certainly can affect our chances to live a good life. Furthermore, unlike the condition of being an *earthing* and of belonging to the group *Homo sapiens*, some effects of disabling circumstances can be remedied, just as privileges might disappear. Therefore I take it that moral problems appear when different circumstances set arbitrary and removable obstacles or privileges for different people.19 Comparisons between wealthy & healthy suburb people and broken relations & bodies in ghettos can come to one’s mind.20

Furthermore, claiming that life ought to be fair seems uncontroversial. If someone claims “That is not fair!” one would be justified in asking what exactly the speaker means and whether the statement is true.21 It may also be reasonable to ponder whether there are aspects

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18 Kymlicka, Will. *Contemporary Political Philosophy*, p. 56.
19 Cf. Dworkin, Ronald. *Sovereign Virtue: The Theory and Practice of Equality*, p. 92. Dworkin writes: “Unfair differences are those traceable to genetic luck, to talents that make some people prosperous but are denied to others who would exploit them to the full if they had them.”
other than fairness that have a bearing on what ought to be done in the concrete situation. However, it does not make sense to say: “I agree that it is not fair, but why bother?”[22] That would be equivalent to saying: “I do not care about right and wrong”. It appears to me that once the rightness or wrongness of a particular action is settled, all possible further explanations as to why this action ought to be done or avoided are thereby irrelevant when compared to the simple response “Because it is right.”[23] Building a conception of justice on a conviction about fairness therefore is safe simply in virtue of being as certain as any moral conviction could be.

The account can still be questioned in different ways, of course. For example by asking about whether the proposed account of circumstances and their role in explicating social injustice are to the point, when it comes to understanding fairness. Such objections stay on the level of meaning though.

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23 Cf. Sterba, James P. Justice for Here and Now (Cambridge: Cambridge University Press, 1998), p. 40. Sterba writes: “[...] failure to be moral involves both a logical and a material mistake. The logical mistake is that of begging the question or acting contrary to reason. The material mistake is the infliction of basic harm for the sake of nonbasic benefit. Both of these mistakes characterize any failure to be moral, and they mutually entail each other. They are simply two different aspects of the same act.” To this I would like to respond that the rightness of being fair does not depend on it being rational or consistent, thus its rightness is not entailed by that. To do the right thing might be rational and it might not be. It might sometimes even be irrational, say if you where a rescuer of Jews during the second world war, and still be right. The strength of the obligation to do the right thing is, I contend, carried by the meaning of acting right, and obligations to be rational or to be consistent are weaker, and run the risk of obscuring what a moral obligation is about (compare saying “torture is wrong” and “torture is irrational”). Put in other words, I believe that it is reasonable to avoid rationalism. See also Namli, Elena. Kamp med förnuftet Rysk kritik av västerländsk rationalism (Skellefteå: Artos, 2009), p. 240, for a more comprehensive, interesting and, compared to mine, different explication of rationalism. It focuses more on the alleged limitless non- or transrational responsibility of the first person and less on insights drawn from the meaning carried by everyday use of moral words.
Equality of Opportunity

Let us continue by taking a closer look at our basic conception of fairness. As it happens, there are two apparently different distributive criteria at work here. The first is a conception of comparative equality and the other is desert. As we shall see subsequently, the latter is given a mere negative role.

To put it bluntly, I will argue that opportunity is the short answer to the famous “equality of what question”, i.e. the question concerning what, if anything, we ought to have in equal shares. So why should opportunity be considered of such central importance for a conception of social justice and, secondarily, is this idea really coherent with Rawls’s idea that was outlined as reasonable above? *A Theory of Justice* can easily be read as being about distribution of social primary goods rather than of opportunity.

The word *opportunity* is ordinarily used to connote a condition, or a set of circumstances that permit or are favorable to, a particular action or a purpose. In the context of distributive justice, opportunity can refer to the various conditions of things that make it possible for people, broadly speaking, to lead fulfilling lives. A competitive and adequate education system is one such example that constitutes an important part of many persons’ ability to lead a fulfilling life.

Notwithstanding pertinent examples of things that constitute opportunities one might ask whether equality of opportunity connotes an equal opportunity to choose (something), or whether it means an equal chance that some desired end will be realized. In reality these aspects come together. This is so since the just distribution of goods ought to enable people to choose life-plans, and to equalize the prospects for favored life-plans. *A Theory of Justice* says that when fairness reigns; “…men can generally be assured greater success in carrying out their intentions and in advancing their ends, whatever these ends may be (author’s italics)“. Given that Rawls also writes that rights and liberties belong to these goods, I believe it can be safely assumed that he views them as enabling both choice and the prospects of one’s chosen end or goal. And, if the chosen end is labelled *good*, one can say that

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24 Oxford English Dictionary, *Opportunity* 1A.
25 The Swedish philosopher Sven-Ove Hansson has pointed this out for me.
each should “…be given an equal chance of getting the good”, and that I contend is what equality of opportunity is about.28

At this point a pause is called for. Can equality of opportunity really bear the burden of constituting the normative core of egalitarian liberalism? Does it, for example, fit Rawls’s previously cited General Conception of Justice?29 There it is stated that all social primary goods, among which opportunity is supposed to be only one, should be distributed equally (unless again an unequal distribution would be to the advantage of the least advantaged).30 I, on the other hand, have suggested that goods should be distributed so that each individual gets an equal opportunity to realize non-trivial favored ends. Exactly what kind of distributions of enabling things, that are necessary, although perhaps not sufficient, to accomplish this is left open.31

There is, however, no necessary contradiction here. Rawls’s use of the words opportunity and opportunities simply seems somewhat confusing. I have used the word opportunity as synonym to life chances, that is—encompassing all things that through being enabling or constraining are necessary for our possibility to realize the kind of life we prefer to live. Thus, a just distribution of e.g. what Rawls calls social primary goods is supposed to equalize the prospects of realizing favored ends. The following quote from A Theory of Justice offer support for this contention. Rawls writes:

Regardless of what an individual’s rational plans are in detail, it is assumed that there are various things which he would prefer more or rather than less. With more of these goods men can generally be assured of greater success in carrying out their intentions and in advancing their ends, whatever these ends may be.32

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31 Cf. Young, Iris Marion. Justice and the Politics of Difference, p. 26. I agree with Iris Marion Young when she writes about distributive justice and equality of opportunity (applying it to education) that; “This does not show that distribution is irrelevant to educational opportunity, only that opportunity has a wider scope than distribution (italics mine).” This refers to her previous argument.
Since these goods refer to social primary goods, it is clear that Rawls conceives of social primary goods as instrumental to an individual’s ability to realize the kind of life she finds preferable. He is, after all, talking about social primary goods as assuring success in realizing our various long-term ends. Thus, according to the quotation above, goods are in effect to be distributed according to the criterion of equal opportunity. Therefore, it appears strange to call one of the goods, which is necessary for safeguarding equal opportunity, opportunity (which Rawls’s so called general conception does). An explanation can perhaps be found in shifting terminology. When the social primary goods are introduced “in broad categories”, one of them is called opportunities, not the singular opportunity. According to this formulation, opportunities constitute one distinctive class of enabling things that can be distributed in order to accomplish equal life-chances. Unfortunately Rawls does not explain what such an opportunity is in comparison to other generally enabling things. The only hint the reader gets is that it should be seen in contrast to other alleged goods, such as rights, liberties, powers, income and wealth. However, this can be further clarified, it seems to me, by making a distinction between opportunities and opportunity (where the former is defined as a social primary good), which will also allow us to arrive at a coherent reading of Rawls’s text. In light of this distinction, “opportunities” are merely one kind of things that have to be distributed so as to satisfy the criterion of equality of opportunity.

To conclude, the first substantial criterion of egalitarian liberalism is equality of opportunity. To be more precise, the criterion is equal chances to realize one’s own most favored and presumably most important ends. The question about the relative plausibility of this conception of social justice will have to wait until we have seen how it fares when confronted to alternatives. It can be said, though, that focusing on chances has certain advantages, since one would wish to

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33 Cf. Rawls, John. *Political Liberalism*, p. 189. I believe that Rawls in this later major work confirms what he wrote in *A Theory of Justice*. Rawls writes (about an index of social primary goods): “Even if in most cases the index does not approximate very accurately what many people most want and value as judged by their comprehensive views, primary goods will surely be regarded by all, or nearly all, as highly valuable in pursuing those views.” And a bit further down on the same page he writes about fair equality of opportunity as if it is a part of an index of social primary goods.

fulfill whatever one finds important in life, and it is not by any means certain how equal distributions of other things would safeguard anything of equal or higher importance (which, for example, would not be ensured by an equal distribution of money).

Desert

When used as a sign of social justice, desert is often taken to mean: goods ought to be distributed to those who deserve to have them, and (sometimes) taken from those who do not deserve them. In everyday English, to be deserving means to become “worthy of recompense, that is to be worthy of reward or punishment, according to the good or ill of character or conduct”. Thus, desert is tightly connected to our ability to act, that is, to the things that were brought about through our decision, and by extension, through what we are responsible for. According to this, neither individuals capable of only compulsory bodily movements, nor those who cannot understand the meaning of what they do can be said to become deserving. Denying this equals saying that whether something happened by accident or “fate” is irrelevant for desert. Indeed, I argue here that an affirmation of chance as grounding desert would completely hollow out ordinary utterances such as: “She really deserves a reward”.

In order to understand this idea, it is important to notice that—and how—the words arbitrary and undeserved are related to each other. Circumstances caused by “the blind caprice of fate” are arbitrary. In causing these, the suffering or enjoying subject plays no part. Thus, it seems that we can only be or become deserving of those circumstances that we bring upon ourselves, so to speak. Put positively, one can say that a person may deserve to be rewarded when her actions are voluntarily performed for the benefit of someone else. In other words, it is the conscious effort to take a decisive part in causing something to happen that forms the basis of desert.

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36 Cf. Schmidtz, David. Elements of Justice, p. 38. Schmidtz writes: “Such a theory acknowledges the existence of persons: beings who make choices and who are accountable for the choices they make.” The phrase “such a theory” refers to an ethical theory that contain attempts to answer questions like “what I can do to deserve this”.

39
What is important here is that the notion of desert is dependent upon what we do or have already done, e.g. ambitious work or a wasteful living, which supposedly affect what we ought to receive in return from others. The upshot for social justice is that being or not being in control of relevant causes, determines what should be left unconsidered (deserved disadvantages), rewarded (e.g. the ambitious use of one’s talent/abilities) or compensated for (undeserved disadvantages).

This conception of desert is thus closely connected to responsibility. Taking a decision to do or to omit as a criterion of desert is also quite common. For example, Brian Barry calls action, understood as activity controlled by a self-interpreting subject, “a necessary condition of ascribing desert”, and George Sher writes (in his book Desert); “…the value of freedom is one genuine source of desert”. In line with this I contend that to determine desert entails the determination of whether someone is responsible for a meritorious or a disqualifying activity. Actual desert therefore can only be known through investigations of the past.

However, as David Schmidtz has pointed out, it might be the case that someone eventually proves himself worthy of an opportunity by making the most out of it through his future hard work, even though he might not have been deserving of it initially. Thus, perhaps one can become deserving of an advantage in spite of having started from a position of undeserved privilege. However, also in this case, it is by


38 Cf. Mill, John Stuart. Principles of Political Economy and Chapters on Socialism, p. 19. Mill writes the following about a certain way of distributing wages or remuneration: “The proportioning of remuneration to work done, is really just, only in so far as the more or less of the work is a matter of choice: when it depends on natural difference of strength or capacity, this principle of remuneration is in itself an injustice: it is giving to those who have; assigning most to those who are already most favoured by nature.” Cf. Sher, George. Desert, p. 37. In a section where he is speaking about Rawls’s conception of desert Sher writes: “As we saw, his anti-desert argument assumes that a person cannot deserve to have X while another does not unless his having X is the result of something he has done. Here, Rawls implies that desert, if it exists, is somehow rooted in free choice or agency.” I believe George Sher’s interpretation of Rawls coheres with mine.

39 Schmidtz, David. The Elements of Justice, p.49. Schmidtz writes: “Specifically, we can deserve an opportunity. Moreover, whether we deserved an opportunity can depend on what we did with it. First, there are things we can do after the fact to balance
The virtue of being the self-conscious and self-directing originator of behavior that one can become deserving. The rationale for desert disappears as soon as it can be reasonably suspected that the person in question did not want to, and could not help behaving like he did, either because his concrete circumstances left him with no choice, or because he did not have the psychological ability to deliberate on what he wanted to do. Moreover, the rationale for desert also disappear or at least weakens when the abilities and merits a person have are not the results of one’s own making, but caused by fortunate circumstances. This is why taking desert seriously does not entail distribution according to merit. Merits namely can be but need not be deserved. Consequently desert does not justify distribution, of say salary, according to merit.

Therefore, if desert is accepted as a criterion of justice, it appears that Egalitarian Liberalism contains the inconsistent view that opportunity ought to be equal and that opportunity ought to go to those who deserve it. However, in its Rawlsian version, this is not the case. On the contrary, the argument from desert is used only to validate the importance of equality of opportunity. The idea is that it is impossible to separate meritorious activities from causes beyond the control of concrete agents. Rawls writes: “Even the willingness to make an effort, to try, and so to be deserving in the ordinary sense is itself dependent upon happy family and social circumstances.” It is assumed here that the causes of ambition or effort are impossible to separate from one’s upbringing and genetic prerequisites, things evidently beyond anyone’s control, and hence things one cannot deserve.

Is this purely negative use of desert as distributive criterion reasonable then? In order to answer this question let us start by pondering on a quote from David Schmidtz’s book *Elements of Justice*. Schmidtz

40 See Grenholm, Carl-Henric. Fem nyanser av rättvisa - om lönepolitik och rättvise (Stockhol: LO, 2015), p. 112, for a critique of a desert based conception of social justice that understands distribution according to desert as synonymous with meritocracy, i.e a conception of desert that blurs the distinction between desert and merit.


42 Rawls, John. *A Theory of Justice*, p. 301. Rawls writes: “Even in a well-ordered society that satisfies the two principles of justice, the family may be a barrier to equal chances between individuals.”
writes: “The most valuable things we are given in life are opportunities, and the main thing we do to deserve them is to do justice to them after the fact.” The upshot is, the various and varying opportunities that we are given can be deserved retroactively and therefore having been offered the opportunity may prove to be just not in virtue of comparative equality but in virtue of what he or she did to honor it. This seems to cohere well with saying about someone who got a job opportunity and “honored it” by working hard, that she deserved to get the job, after all.

Can this be true then? Is it valid for the type of basic opportunity that talk about equality of opportunity refers to? As we have seen, the word opportunity is used to refer to the various things any person would need in order to be able to realize the ends in life that she finds really important. The question is whether it is reasonable to claim that by working hard one can become deserving of a relatively better opportunity, consisting of, say, qualitatively better education and health care.

Is it possible to show that what I really deserve are not merely the chances that I actually get, but also those that I may potentially receive? Basically, I would say no for the following reason. Perhaps it can be shown how one may be deserving of a job if one is judged against a general standard of how people honor similar job opportunities. However, the situation changes if we move from a fixed conception of “normal ambition and success” to different criteria by which to evaluate how the competing or excluded job applicants would have honored the same job opportunity, were they offered it. Let us suppose that there are good reasons to believe that one of them would have performed even better on the job (because one of the neglected persons performed outstandingly well on a job she eventually got). Is it then still reasonable to contend that he who actually got the position as senior partner deserved to get it in spite of the fact that he got it just because he was a relatively tall, good-looking, charming white male? I would say no. It might be possible to do justice to an opportunity, but it is not possible in the same way to do justice to a better chance, especially not when the chance-bestowing mechanisms are skewed along traditional lines of gender, race, class etc. There simply is no way of determining how persons who did not get any comparable

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43 Schmidtz, David. Elements of Justice, p. 54.
chance would have handled a similar chance, if they had gotten one. Thus, and again, a person can, through comparison with all those who got similar chances, retroactively prove to be worthy of the life chance she or he got, but he cannot prove worthy of a better life chance. In order to ascertain that others are less worthy than we are, of the chances we actually got, we all need to have started from a place where the chances were evenly distributed.

To conclude, Rawlsian Egalitarian Liberalism holds that right distributions of (distributable) goods achieve equality of opportunity, unless everyone get better chances to realize their life plans from a distribution that causes inequality of opportunity, in which case inequality of opportunity is supposed to be compatible with justice. The latter means that, in order for inequality of opportunity to be justified, those who get the least opportunity in scenarios of inequality must have more opportunity than they would have if equality of opportunity prevailed.

There are two interesting instabilities of this argument that should be noted before we continue. Firstly, the independent importance of having an equal amount of, as opposed to (in absolute terms) a large or perhaps sufficient amount of, opportunity is unclear. Thus the specific role and value of equality, the ingredient that after all motivates thinking about this conception of justice as a version of egalitarianism, is difficult to delineate. Secondly, there is the problem of introducing the allegedly morally relevant factor of being worst off. Being worst off is radically different from having an unequal share. In a situation of affluence, even those who have less than average can be well-off compared to those who have more than average in really poor circumstances. And the defining characteristic of being worst off is not the situation of having less than some other people, but it is being the one who has the least. And yet the worst off denotes a collective, amongst which the few goods they have can be unequally distributed, so there might be one who has the least amongst those who are worst off. I believe that this shows how an idea probably meant to rest on the certainty of common sense, “surely we know that there are people who are worst off, e.g. among those who suffer from cancer those who

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44 Rawls, John. “Justice as Fairness”, p. 135. Rawls writes: “[…] an inequality is allowed only if there is reason to believe that the practice with inequality, or resulting in it, will work for the advantage of every party engaging in it.”
have pancreas cancer seem to belong to this group”, can be destabil-ized if unpacked by asking how we are to determine which concrete people that actually are worst off. Demarcating the borderline below which people ought to be seen as worst off is simply notoriously diffi-cult.

To this I would like to add that the previous has showed that egal-itarian social justice needs to accommodate not merely a negative but a positive conception of desert. A conception of justice that interprets the abstract idea of respecting equals in terms of respecting individu-als as at least potentially self-directing agents simply becomes inco-herent if desert is ruled out. This is so since excluding desert means neglecting important aspects of the agency of persons, namely, aspects needed in order to explicate the importance of having an opportunity, rather than merely being happy of experiencing welfare, for example. We shall return to this in the following chapters.

Equality of Resources

So far we have concentrated on explicating grounds for interpreting social justice in the terms of equality of opportunity and desert. In the following I shall introduce competing egalitarian liberal ideas about what social justice is about, what it allegedly is that people ought to have in equal shares. Let us first consider Ronald Dworkin’s concep-tion of equality of resources.

In his major work on social justice, *Sovereign Virtue: The theory and Practice of Equality*, Ronald Dworkin writes: “The theory of justice that I have been defending in this book—equality of resources—is continuous. It aims to make people’s impersonal resources sensitive to their choices but insensitive to their circumstances.” In other words, according to reasonable theories of social justice, resources should, *ceteris paribus*, be distributed equally. The *ceteris paribus* clause is also here used to guard against chance and circumstances. Thus, ac-cording to Dworkin, resources ought to be distributed equally unless an unequal distribution is either the result of individual choice, or if it is needed for improving the undeservedly bad circumstances of some. Besides the emphasis on resources, the similarities with Rawls are

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obvious. Taking into account those who live in poverty as well as those who have been helped by undeservedly favorable circumstances, this conception of justice, like Rawls’s, focuses on the rightness of redistributions.

Is then equality of resources preferable to equality of opportunity? I shall argue that it is not, firstly, because they have overlapping meanings and, also, because the word opportunity has a wide range of uses. Other than material goods, I claim that the word resources can also be taken to mean certain states of affairs the distribution of which is of importance for judgments about the relative degree of justice.

Let us start by noting that in ordinary language resources are means. They are “things” people need in order to achieve or realize whatever they care about, e.g. “...happiness, self-respect, and a significant role in the life of the community”.

Resources, of course, can also be perceived as ends, for example when people care more about having the means to do things than they do about actually doing those things. This reason for wanting resources, however, still presupposes that the resources in question are means, since it is having the means to do that that is valued, not the resources in themselves. In line with this understanding of resources, Ronald Dworkin makes an interesting distinction between personal and impersonal resources. He writes: “...a person’s resources include personal resources such as health and physical capacity as well as impersonal or transferable resources such as money...” The interesting things to observe are first, that equality in both of these respects is not necessarily of equal importance, and secondly, the reasons for thinking that this is not so. The bodily disabled might for example need a more than equal share of impersonal resources in order to compensate for scarcity of certain personal resources. In other words, compared to those who do not suffer from bodily disabilities, a larger amount of impersonal resources might be needed for the disabled to have equal life chances.

Dworkin, Ronald. *Sovereign Virtue The Theory and Practice of Equality*, p. 301. This also fits one of the ordinary usages of the word “resource” quite well, namely (according to the Oxford English dictionary “resource” no 5) “Capability in adapting means to ends, or in meeting difficulties”.

The oxford English dictionary makes use of the following example, which indeed has a patriarchal ring to it: “1853 KANE Grinnell Exp. xxii. (1856) 171 They are a gentlemanly, well-educated set of men. full of personal resource”.

Thus, as we can see, personal and impersonal resources differ in the sense that only the impersonal ones are possible to distribute in a direct way. For example, parts of the physical power of bodily abled adults cannot simply be removed and imparted to bodily disabled persons. On the other hand, impersonal resources such as money can be taken from some, be transferred and converted into things like electric wheelchairs which, at least to some extent, will alter bodily disability (although, this, of course, can also be done in an inconsiderate manner that does not really take into account the actual needs of people).

Thus personal resources can be manipulated through various combinations of redistributions and conversions of impersonal resources. They cannot easily be seen as possible to redistribute though. That would imply things like the transfer of organs from one body to another. Though this might sometimes be possible, without informed consent, it comes through as a gross integrity violation. Other personal resources less connected to bodily activity, like various forms of “know how” or learnedness are obviously impossible to redistribute in any direct sense.

Presumably, personal resources are strictly speaking not redistributable in a mere indirect way either. This is so to the extent that the transfer does not proportionally diminish the personal resources of those who give up impersonal “things”. A foreseeable correlation between the extent at which personal resources are diminished through the loss of some external resources, e.g. parts of one’s salary in tax, and the extent at which the personal resources of others are increased by receiving “extra” impersonal resources is simply unlikely.

After having scrutinized the relationship between personal and impersonal resources it is time to relate resources to opportunity. My basic argument for focusing on opportunity rather than resources is straightforward. It simply is more important to have an actual opportunity to do something, than to have a bundle of resources. Why is this so?

The opposition between opportunities and resources might be a chimera. Firstly, one need to realize that to have an opportunity is to have a chance, to do or to be something. And vice versa, to have a

chance is to have an opportunity. Secondly, as I have said, to have a resource is to have a means, something that makes it possible to achieve or be something. Now, to have a chance and to have means, in the form of some kind of ability, appears to be the same thing. Nevertheless, it is still the case that a resource like e.g. money can offer a chance though money in itself does not constitute the chance. Money can pay for tuition, for example, and thus offer someone the chance to enroll on a university program. Another way of viewing this is to say that when resources offer no ability, they no longer deserve to be called “resources”. Still it does not go against ordinary language to say: “I have plenty of resources most of which are quite useless for me”. There is an apparent confusion here; presumably due to the fact that something in common parlance is called a resource in virtue of being spoken of as a resource by most people, at the same as it might not be a resource for some actual possessors. For example, having access to higher education might be a resource for many people, though not for everyone. It certainly is not for e.g. mentally disabled persons.

This means that one must be careful to distinguish between things that are commonly spoken of as resources, and the extent to which these things can make a difference. The fact that this distinction is sometimes not made also explains why one can coherently claim that opportunity is more important than resources. Saying this simply means that having an actual resource is more important than having something that is commonly considered to be a resource. Only actual resources can mediate abilities, hence only they can offer opportunity.

Power

What about the closely related concept of power then? Cannot power, just like resources, also be more or less justly distributed? After all, it does seem to make sense to say that impersonal resources can offer power even though they themselves are not power. The British philosopher Peter Morriss’s investigation of the notion of power is helpful here. To make a long story short, power is defined as the ability to
This is interesting since one objection to the equality of opportunity perspective is that at best it is a detour when compared to conceptions of justice that focus directly on who has power to do what, and on who or what has power over whom. The alleged detour consists exactly in the claim that though resources can offer abilities they do not constitute them, and it purportedly is comparisons of what we are more or less able to do and to be which are of interest from the perspective of social justice.  

Money, for instance, is a resource that is not power but which offers power the very moment it is possessed by someone who has the power of action, and understands how money works (what buying transactions are like), and who is situated in a context where there are goods and services for sale. Hence, talk about resources might be a detour whereas power might go directly to the heart of the matter.

It seems to me that although there are similarities between the personal-impersonal resources relation and the power-impersonal resources relation. Just like impersonal resources can bring about personal resources, by e.g. paying for education, impersonal resources can be a necessary part of a system, which as a whole constitutes an ability to effect things, that is power.

This also suggests that the relation between so-called personal resources and power is different from the one between impersonal resources and power. While the latter is fairly easy to distinguish from power, or to see as a mere necessary part of that which as a whole constitutes power, the former is at least in some cases hard to separate from power. Consider a combination of physical strength, perceptual and cognitive abilities, for example. Taken together, these “things”

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50 Morris, Peter. *Power A philosophical analysis* (Manchester: Manchester University Press, 1987), p. 29 f. On page 30 Morris writes: “Benn’s bankrupt financier had a certain amount of power before his fall, which he lost when his empire collapsed; although his fall possibly affected people more drastically than any of his previous actions, he did not thereby exercise power. To affect something (or somebody) but not effect (accomplish) anything seems, then, not to be an exercise of power.”

51 Cf. Moriss, Peter. *Power A philosophical analysis*, p. 79. “Then, when we say that someone has the power to do something, we mean that she can do it if she wants to. If she wants to: not if someone comes along and threatens to blow her head off unless she does it pretty smartish. Someone’s power to do things when coerced by someone else (and only when so coerced) is not the sort of power I imagine you, as the reader of this book, will have at the front of your mind, unless, of course, you happen to have an important post in an organisation like the CIA.”
can constitute one’s ability to effect things by e.g. moving them about, carrying, caressing, or hitting them. Furthermore, the fact that someone is physically stronger than others can be used to affect others in various ways, by making them feel scared as well as making them feel safe. It all depends on the situation and how the ability in question is used.

To conclude, it seems to me that in this context the words “personal resources” and “power” are used to denote the same thing. They are used to refer to a person’s ability or cluster of abilities to effect “things”. Now because talk about impersonal resources is also liberty oriented, oriented around possibilities to do, rather than achievement oriented, they also focus on power. What I mean by this is that the goal of distributing resources is to make people, within the limitations of the possible, to become authors of their own destiny. The goal is not to, so to speak, implement an alleged good way of living. Thus the reason for distributing resides here on the level, or in the kinds of abilities, that a cluster of resources can bring about, and consequently not on the level of welfare or happiness it can produce for its recipient. This is important to note. It shows that talk about distributing power and talk about distributing resources for the sake of equalizing opportunity are likely to overlap.

Capability

One significant alternative to opportunity (and desert) remains to be considered. I am thinking about Amartya Sen’s and Martha C. Nussbaum’s conception of capability. According to both of them, we need to learn how much capabilities people have in order to learn whether a society is just or not. In order to assess this claim we must start by

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52 Cf. Sen, Amartya. Development as Freedom, p. 11. Sen writes the following about his conception of development, which he also describes as freedom oriented: “With adequate social opportunities, individuals can effectively shape their own destiny and help each other.”

53 Sen, Amartya. The Idea of Justice, p. 231. Sen writes: “In contrast with the utility-based or resource-based lines of thinking, individual advantage is judged in the capability approach by a person’s capability to do things he or she has reason to value. A person’s advantage in terms of opportunities is judged to be lower that that of another if she has less capability – less real opportunity – to achieve those things that she has reason to value.”
investigating what a capability is.\textsuperscript{54} The answer starts with a quotation. It is a rather lengthy one. It justifies its space by taking us directly to the core issue. Martha C. Nussbaum writes:

The central question asked by the capabilities approach is not, ‘How satisfied is Vasanti?’ or even ‘How much in the way of resources is she able to command?’ It is, instead, ‘What is Vasanti actually able to do and to be?’ Taking a stand for political purposes on a working list of functions that would appear to be of central importance in human life, we ask: Is the person capable of this, or not? We ask not only about the person’s satisfaction with what she does, but about what she does, and what she is in a position to do (what her opportunities and liberties are). And we ask not just about resources that are sitting around, but about how those do or do not go to work, enabling Vasanti to function in a fully human way.\textsuperscript{55}

In spite of its explicit critique of an equality of resources perspective I believe this quote shows that there are decisive similarities between having a capability and having an opportunity. The focus is on what persons are able to do and to become.\textsuperscript{56} The capability approach explicitly addresses the fact that a person’s ability consists in a complex set of components, some of which are personal, which consists in e.g. relative physical and mental strength or weakness, and some impersonal that are constituted by implications of different social organizations. This, however, is exactly the same with both talk about impersonal and personal resources and equality of opportunity. Thus, so far it seems as if the differences are terminological rather than conceptual. The words opportunity, resource and capability are on crucial points used in exactly the same way. I therefore contend that they connote the same concept.

There are important similarities with Justice as Fairness. As we have seen, Rawls suggests a list of so called social primary goods,

\textsuperscript{54} Cf. Nussbaum, Martha C. Women and Human Development. The Capabilities Approach (Cambridge: Cambridge University Press, 2001), p. 12. Nussbaum writes: “[…] as I argue, we may reasonably defer questions about what we shall do when all citizens are above the threshold, given that this already imposes a taxing and nowhere-realized standard.”

\textsuperscript{55} Nussbaum, Martha C. Women and Human Development, p. 71.

\textsuperscript{56} Cf. Sen, Amartya. The Idea of Justice, p. 235. Sen writes: “The focus of the capability approach is thus not just on what a person actually ends up doing, but also on what she is in fact able to do, whether or not she chooses to make use of that opportunity.”
which he defines as “prerequisites for carrying out their plans of life”\textsuperscript{57} The word \textit{their} refers to the choosing parties in the original position, which in practice means all moral persons. In \textit{Political Liberalism} the same set of goods are called; “[…] essential all-purpose means to realize the higher order interests connected with citizen’s moral powers and their determinate conception of the good.”\textsuperscript{58} Compare this with Amartya Sen’s definition of the notion of capability, namely, as follows: “Capability is thus a kind of freedom to achieve alternative functioning combinations (or, less formally put, the freedom to achieve various lifestyles). For example, an affluent person who fasts may have the same functioning achievement in terms of eating or nourishment as a destitute person who is forced to starve, but the first person does have a different ‘capability set’ than the second […].”\textsuperscript{59} Thus, a capability, according to Sen, is “a freedom to achieve”, or put in other words, it is an opportunity. \textsuperscript{60} Further down on the same page, Sen incidentally refers to a capability set as “real opportunities”. I also believe that the formulation; “an affluent person who fasts has an important opportunity which the starving person lacks (to eat)”, is just as clear as Sen’s, and that my suggested formulation has the advantage of being less abstract.

There are thus two good reasons for preferring the label \textit{opportunity}. The first is that this word refers in daily use to something that is, so to speak, situated between the individual and her or his surroundings. Its ordinary use counts with the fact that an opportunity consists in a relation between the personal and the impersonal. The word \textit{resource} can also account for this as we have seen. In that case one must use the word in a specific technical way, which ordinary usages of \textit{opport-

\textsuperscript{57} Rawls, John. \textit{A Theory of Justice}, p. 396.
\textsuperscript{59} Sen, Amartya. \textit{Development as Freedom}, p.75.
\textsuperscript{60} Sen, Amartya. \textit{Inequality Reexamined}, p. 7. On this page Sen explains why he prefers the term \textit{capability} to \textit{opportunity}. He claims that the standard use of the equality of opportunities terminology “in the policy literature” is restrictive in an unhelpful way. It allegedly is used to connote only “equal availability of some particular means, or […] equal applicability (or non-applicability) of some specific barriers or constraints.” Sen also writes that the phrase \textit{equality of capabilities} connotes “real equality of opportunities” which is what I am and have been referring to as equality of opportunity.
tunity do not demand. The word ability on the other hand puts the
individual in focus and, unless it also is explicated in a technical way,
runs the risk of neglecting the complicated impersonal or social ingre-
dients of most concrete abilities. Finally, the word capability has ordi-
nary usages that completely converge with how ability is often used
and it thus has the same drawbacks.\footnote{Oxford English Dictionary,
Capability, 2.} Furthermore, it simply strikes me as unnecessarily abstract. Taken together, this is why I suggest that
the term opportunity is preferable.

There is, however, an important point that distinguishes the entire
capability approach from Rawls’s and Dworkin’s conceptions of jus-
tice. I am thinking, in particular, of how Martha C. Nussbaum makes
use of a richer, or at least more explicitly articulated, philosophical
anthropology. Nussbaum offers a distinct answer to the “equal oppor-
tunity to what-question”, that every human being should have equal
opportunity to function in a fully human way.

Nussbaum writes the following about her suggested list of central
human capabilities: “The list provides the underpinnings of basic po-
litical principles that can be embodied in constitutional guarantees.
For this purpose, it isolates those human capabilities that can be con-
vincingly argued to be of central importance in any human life, what-
ever else the person pursues or chooses.”\footnote{Nussbaum, Martha C.
Women and Human Development, p. 74.} And a few lines down: “In
that sense, too, they play a role analogous to that of primary goods in
Rawls’s recent (political liberal) theory: they have a special i-
importance in making any choice of a way of life possible, […]”\footnote{Nussbaum,
Martha C. Women and Human Development, p. 75.} I believe that the similarities are striking and not only so between Nuss-
baum and Rawls’s later work but also between both Sen & Nussbaum
and A Theory of Justice. All these texts refer either to a set of “things”
any person would need, or a set of allegedly universal abilities one
would benefit from having access to. In the first case the touchstone
for an authentic need is formulated in terms of being necessary for the
possibility to realize any rational plan of life, and in the latter case, the
same work is done by a conception of true human functioning.\footnote{Nussbaum,
Martha C. Women and Human Development, p. 72.} Thus the real difference is small.
Furthermore, already in *A Theory of Justice* John Rawls introduces what he calls the Aristotelian principle. He writes: [...] other things being equal, human beings enjoy the exercise of their realized capacities (their innate or trained abilities), and this enjoyment increases the more the capacity is realized, or the greater its complexity." The upshot is that there are substantial limits on which plans would likely be rational plans of life and that the limits are determined by the extent to which a certain plan involves the development of given abilities. In other words, in Rawls’s case also, there is a substantial conception of the good life that puts flesh on the bare bones on expressions like “rational plan of life”. And the ability to function in an allegedly truly human way plays that crucial role. However, the question of how this is supposed to set limits on plausible plans of life, and which concrete abilities may be desirable to develop is further developed in Nussbaum’s text.

Opportunity, Welfare and Adaptive Preferences
The problem of so-called adaptive preferences presumes that subjective welfare, a concept that so far has been left out of the discussion, has an important role to play in a conception of social justice. And, so far we have not seen why equality of welfare is not helpful for our explication of the meaning of social justice. After all, resources or abilities can be seen as important to the extent that they can give us some positive experiences, or to the extent that they can satisfy our (informed) desires, that is, to the extent that they can increase our welfare. Nevertheless, the fact is that an equality of opportunity conception of justice harbors valuable resources for handling the otherwise disturbing problems connected to conceptions of equality of welfare.

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65 Rawls, John. *A Theory of Justice*, p. 426, 429 f. On page 429 and the following Rawls offer a similar formulation of the principle: “It says only that we prefer, other things equal, activities that depend upon a larger repertoire of realized capacities and that are more complex.”


67 Cf. Dworkin, Ronald. *Sovereign Virtue*, p.31. “The basic, immediate appeal of equality of Welfare, in the abstract form in which I first set it out, lies in the idea that welfare is what really matters to people […]”
There are, of course, several ways of understanding the concept of welfare. It has been interpreted as a positive mental state, as satisfied desires, and as satisfied preferences. Books are written about this and space does not allow us to go deeply into them. Fortunately this is not necessary for our purpose. The most pressing problems with the welfare conception of justice present themselves independently of how it is interpreted. Therefore, these problems will not be solved by choosing a preference conception instead of a mental state one, for example. Before I go into these problems, let us assume that welfare relates to the satisfaction of desires. Accordingly, more welfare means more satisfied desires, or satisfaction of stronger instead of weaker desires, and accordingly, equality of welfare means equal desire satisfaction.

The problems I had in mind, by using welfare as "information basis" for judgments about social justice, are as follows. Both are conceptual in kind. The first is particularly well known and well discussed. It concerns the two directions desires can have and the lack of desire-internal reasons for including only some in the information basis of justice. The second problem concerns the implications of thinking that some people are too easily satisfied whereas the satisfaction of others might be too expensive.

Let us start with the first problem. It is commonly recognized that desires can be directed towards oneself and they can be directed outward, towards others, society, nature or things like political procedural rules, for example. The first kind of desires is self-regarding and the other kind is other-regarding. Naturally, other-regarding desires can be very different when it comes to content. We can be happy for others just as we can be envious or spiteful. The problem in relation to social justice follows from the fact that according to the conception of equality of welfare, the extent to which a person’s desires are satisfied must be the only thing that counts. This is so because the point is that one’s good is determined by subjective desire satisfaction and nothing else. The reason for agreeing with this is straightforward. Allowing for that treatment x is good for you independently of whether you want it or not can seem to make the powerless individual unnecessarily vulnerable, and because one can always ask: isn’t the question of our own good best determined by ourselves rather than from the outside?

Notwithstanding this general attractiveness of the welfare conception, some of our desires are not nice. And the conception en-
tails that other-regarding desires whether they be nice or not, some are filled with racist or homophobic spite, count in exactly the same way as the simple self-regarding desire to be less hungry. The point is, an interpretation of social justice which is adjusted to the strong malevolent desires of many could, according to the welfare conception, be more just than distributions that are not so adjusted. So, the equality of welfare conception of social justice is found wanting simply because it is compatible with blatant injustice.

Besides the lack of tools for dealing with malevolent other-regarding desires, taking self-regarding desires at their face-value is problematic too. I am thinking about the problems often referred to as the problem with expensive tastes and with desire adaption. In line with Kenneth J. Arrow’s now classical article “Some Ordinalist-Utilitarian Notes on Rawls’s Theory of Justice” Ronald Dworkin argues that when some persons, among other things, have relatively expensive tastes, very costly goods are needed in order to offer them the demanded equal level of welfare compared to the level of welfare persons with cheap tastes enjoy. There are goose liver lovers, for example. Using available resources to satisfy their desires would, besides probably causing pain for gees, be costly indeed. The point is that an equal distribution of welfare can and is likely to lead to an unfair distribution of available resources. That is, if the goal is to achieve equality of welfare only because some prefer pea soup rather than goose liver, the former persons would end up with a relatively small amount of available resources. And this, as our intuitions al-

68 Cf. Dworkin, Ronald. *Sovereign Virtue*, p. 23 f. Dworkin writes: “Suppose, […] that some people are merely selfish and have no political convictions even in the extended sense, so that their overall approval of the state of affairs after any distribution is just a matter of their own private situation, while others are benevolent, so that their overall approval is increased by, say, the elimination of poverty in society. Unless we refuse to take the benevolence into account, as a positive source of success in meeting the preferences overall of those who are benevolent, we shall end once again by giving those who are selfish more for themselves, to compensate for the success others have from that benevolence. But it is surely a mark against any conception of equality that it recommends a distribution in which people have more for themselves the more they disapprove or are unmoved by equality.”

69 See Arrow, Kenneth J. “Some Ordinalist-Utilitarian Notes on Rawls’s Theory of Justice,” *Journal of Philosophy* 70, no. 9 (10 May 1973), p. 254, for, as far as I know, the first and original introduction of the theoretically important term expensive taste. Dworkin, Ronald. *Sovereign Virtue*, p. 48.

ledgedly tell us, is not fair.\textsuperscript{71} Indeed, there is definitely a problem with considering the satisfaction of expensive desires to be right if it entails making the satisfaction of some other person’s less costly desires impossible. In other words, there is something wrong with a conception of justice that entails naming something obviously unfair, just.

The problem with adaptive (self-regarding) preferences refers to certain implications of how unnecessarily low expectations, due to lifelong habituation to poverty for example, can create blindness for and acceptance of deprivation and oppression. Thus, the problem is that, according to an equality of welfare account, equality of welfare and hence justice can be reached although the contented deprived continue to be deprived, or to put it differently, equality of welfare can be realized in spite of the fact that the contented deprived continue to lead unnecessarily bad lives.\textsuperscript{72}

One must notice, however, that not all kinds of adaptation is problematic, and it is important to discern exactly what makes some adaptation problematic and some not so. Martha Nussbaum writes: “Again, someone as a child may want to be the best opera singer in the world (as I did), or the best basketball player – but most people adjust their aspirations to what they actually can achieve.”\textsuperscript{73} The idea, of course, is that such adjustments are unproblematic because “[…] we probably shouldn’t encourage people to persist in unrealistic aspirations.”\textsuperscript{74} So the question is: are there aspirations that people should be encouraged to nurture or to persist in, notwithstanding their seemingly unrealistic nature, and if so, how can these be detected? Nussbaum’s and Rawls’s common answer is that aspirations for central goods, that is, primary

\textsuperscript{71} Dworkin, Ronald. \textit{Sovereign Virtue}, p. 48. Dworkin formulates this problem as follows: “Equality of welfare seems to recommend that those with champagne tastes, who need more income simply to achieve the same level of welfare as those with less expensive tastes, should have more income on that account. But that seems counterintuitive.”\textsuperscript{72} Cf. Williams, Bernard. “The Idea of Equality” in \textit{Philosophy, Politics and Society} (Second Series) ed. by Laslett, Peter and Runsiman W. G. (Oxford: Basil Blackwell, 1967), p. 117 f. Williams writes: “There are forms of exploiting men or degrading them which cannot be excluded merely by considering how the exploited or degraded men see the situation. For it is precisely a mark of extreme exploitation or degradation that those who suffer it do not see themselves differently from the way they are seen by the exploiters; either they do not see themselves as anything at all, or they acquiesce passively in the role for which they have been cast.”\textsuperscript{73} Nussbaum, Martha C. \textit{Women and Human Development}, p. 137.\textsuperscript{74} Nussbaum, Martha C. \textit{Women and Human Development}, p. 138.
goods in Rawls’s terminology, should be encouraged because they are aspirations for things that human beings have a right to. Thus people are assumed to have a right to things that are necessary for the possibility of leading a good life, which interestingly enough shows that, after all, this egalitarian liberal conception of social justice seems to need an account of central goods. Without it, equality of opportunity might just as well mean: equal opportunity to live the life one happens to prefer. Or put in other words, it may mean equal opportunity to realize the aspirations one happens to have, whether or not they are other-regarding, quite expensive, impossible, unnecessarily adapted.

Hence the conclusion: it is problematic to take a relative level of satisfied desires as an indication of just distributions. If, on the other hand, the touchstone is not one’s level of subjective welfare, but one’s ability to function, then subjective satisfaction does not necessarily constitute a reason for not offering more resources since they can, if the person so chooses, be used to reach a social functioning one allegedly is entitled to.

In the welfare case, one of the most common arguments in favor of the general rightness of redistributions is formulated in terms of an assumption about the most welfare-efficient distribution of extra impersonal resources. Basically it is assumed that those who have little will gain more in welfare from receiving extra resources than those who have more (or “very much” relatively speaking) would do. For example, a relatively small amount of extra money can, for the poor, buy access to e.g. clean water which presumably can make a huge difference for their welfare, whereas for the rich the same sum of money might make almost no difference at all, at least so this argument goes. Hence if the goal is to equalize welfare, redistributions from those who have plenty to those who have little would be considered right.

However, as I have tried to indicate above, this argument does not offer a very stable support of the rightness of such redistributions. A stable support would explicate the wrongness of the very action or activity that strong intuitions say is wrong. The prevalence of so-

75 Nussbaum, Martha C. *Women and Human Development*, p. 138
called preference adaptation among poor people tells us that the welfare conception cannot offer that support.\textsuperscript{77}

Still, the equality of opportunity conception discussed here also starts off from a set of assumptions, of which one is that every individual is entitled to an opportunity to realize a certain threshold level of functioning.\textsuperscript{78} It is also assumed that in present societies, a vast number of people need more impersonal resources than they presently have in order to pass the critical level of life chances that they as human beings are entitled to. However, as we shall eventually see, the equality of opportunity argument need and should indeed not be based on a fixed threshold level of functioning.

Conclusion

This chapter is approaching its end. Its findings are clear. An egalitarian liberal interpretation of social justice entails comparing actual societies to a regulative standard of equality of opportunity and desert in combination. The chapter started by indicating what equality of opportunity and desert mean, and why these ideas are central to egalitarian liberalism. In addition, the notion of opportunity has been explicitted in relation to main egalitarian liberal alternatives, namely capabilities, power, resources, and welfare. Each of them, for different reasons, has been found wanting. We have also seen that a focus on agency necessitates making room for desert alongside equality of opportunity. Exactly how this should be done remains to be seen though.

\textsuperscript{77} Cf. Nussbaum, Martha C. *Women and Human Development, The Capabilities Approach*, p. 113. While discussing the problem of adaptive preference formation Nussbaum writes: “In the desert area outside Mahabubnagar, Andhra Pradesh, I talked with women who were severely malnourished, and whose village had no reliable clean water supply. Before the arrival of a government consciousness-raising program, these women apparently had no feeling of anger or protest about their physical situation. They knew no other way.”

\textsuperscript{78} Cf. Nussbaum, Martha C. *Women and Human Development*, p. 5, 74f. Nussbaum writes: “What this approach is after is a society in which persons are treated as each worthy of regard, and in which each has been put in a position to live really humanly. (that is where the idea of a threshold comes in: we say that beneath a certain level of capability, in each area, a person has not been enabled to live in a truly human way.)” Furthermore, on page 5 Nussbaum defines the notion of capability as “what people are actually able to do and to be”. Hence, she uses the word “capability” to refer to basically the same thing as my usage of the word “ability” does.
3. When Corrective Justice Rules

With this chapter the critical evaluation of egalitarian liberalism starts. Here we will meet a political philosophical stance where a specific version of corrective justice is presented as the preferable version of social justice. We shall ponder whether the existence of chains of valid exchanges of property between individuals, individuals and organizations, or organizations and organizations, determine whether actual distributions of goods are just or perhaps unjust. If so, then current distributions are just if and only if they are the result of such unbroken chains.

Though the present usage of the word libertarian is recent, originating from the end of the 19th century, connecting distributive to corrective justice is definitively not a new idea. Thomas Hobbes (1588–1679), for example, wrote: “[…] the nature of Justice, consisteth in keeping of valid Covenants.”

We should note that Hobbes’s usage of the word covenant is closer to the contemporary usage of the word contract than to the use of the word covenant in certain religious

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1 Nozick, Robert. *Anarchy, State, and Utopia*, p. 232. Nozick writes: “Writers note that in a given country the wealthiest $n$ percent of the population holds more than that percentage of the wealth, and the poorest $n$ percent holds less; […]. They then proceed immediately to discuss how this might be altered. On the entitlement conception of justice in holdings, one cannot decide whether the state must do something to alter the situation merely by looking at a distributional profile or facts such as these. It depends on how the distribution came about. Some process yielding these results would be legitimate, and the various parties would be entitled to their respective holdings”.

2 Oxford English Dictionary, libertarian 2.

contexts, especially in Jewish and Christian ones where there is an emphasis on an engagement by and with God.\footnote{Cf. Oxford English Dictionary, covenant, n 1.}

Notwithstanding its longer history, the conception of distributive justice that is discussed in this chapter, which is often labelled as Libertarian, had an upsurge after the publication of the by now famous book \textit{Anarchy, State, and Utopia}, written by John Rawls’s former doctoral student Robert Nozick.\footnote{Cf. Nozick, Robert. \textit{Anarchy, State, and Utopia}, p. 183. Nozick writes the following admiring words about \textit{A Theory of Justice}: \textit{“A Theory of Justice} is a powerful, deep, subtle, wide-ranging, systematic work in political and moral philosophy which has not seen its like since the writings of John Stuart Mill, if then. It is a fountain of illuminating ideas, integrated together into a lovely whole.” And a bit further down on the same page: “And it is impossible to finish his book without a new and inspiring vision of what a moral theory may attempt to do and unite; of how beautiful a whole theory can be.”}

Nozick’s work was the first major philosophical reaction against \textit{A Theory of Justice} and it is an elegant constructive argument for Libertarian politics. As we shall see, the idea of self-ownership is salient for Nozick.

Parallel to Nozick’s work and its aftermath there have been different Libertarian arguments that focus on the priority of negative liberty, and following from this, on the primacy of negative rights.\footnote{Cf. Kymlicka, Will. \textit{Contemporary Political Philosophy}, p. 138 ff.} The English political philosopher Isaiah Berlin is famous for his explication of negative and positive liberty and did, at least in some of his writings, assume a libertarian position.\footnote{Berlin, Isaiah. \textit{Fyra essäer om frihet} (Stockholm: Ratio, 1984), p. 133 f.} In spite of differences, I wish to state that there is a common aspect to all Libertarian thought, namely, a strong evaluation, to use Charles Taylor’s terminology, of freedom from invasive coercion.\footnote{Cf. Machan, Tibor. “The Case for Libertarianism: Sovereign Individuals” in \textit{Libertarianism For and Against} by Duncan, Craig & Machan, Tibor R. (Lanham: Rowman & Littlefield Publishers, Inc., 2005), p. 4. Tibor Machan describes the alleged libertarian character of the American constitution as follows: “Thus the Declaration of Independence is in its essence a libertarian document—it is concerned with the basic right to individual liberty of all those who are citizens of a political community.” Cf. Taylor, Charles. \textit{Human Agency and Language Philosophical Papers 1} (Cambridge: Cambridge University Press, 1995), p. 25.} Let us now turn to our explication of a Libertarian view on justice.
A Libertarian View on Justice

In Robert Nozick’s book *Anarchy, State, and Utopia,* a purportedly purely procedural and historical conception of justice is the standard against which actual distributions of *holdings/property* are to be judged. Let me show how this is understood by citing *Anarchy’s* formulation of the maxim of social justice, or in its own terms, the “principle of justice in holdings”.

From each according to what he chooses to do, to each according to what he makes for himself (perhaps with the contracted aid of others) and what others choose to do for him and choose to give him of what they’ve been given previously (under this maxim) and haven’t yet expended or transferred.

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10 Nozick, Robert. *Anarchy, State, and Utopia,* p. 151, 155. On page 151 Nozick outlines the constitutive ingredients of his conception of justice. He writes: “If the world were wholly just, the following inductive definition would exhaustively cover the subject of justice in holdings. 1. A person who acquires a holding in accordance with the principle of justice in acquisition is entitled to that holding. 2. A person who acquires a holding in accordance with the principle of justice in transfer, from someone else entitled to the holding, is entitled to the holding. 3. No one is entitled to a holding except be (repeated) applications of 1 and 2. The complete principle of distributive justice would say simply that a distribution is just if everyone is entitled to the holdings they possess under the distribution.” What justice in acquisition really means is somewhat difficult to understand (since it is hard to trace acquisitions of things that with certainty are not already owned by someone), but the principle of justice in transfer is more straightforward, it means roughly that the transfer must be voluntarily undertaken by he/she who has the holding. See also Schmidtz, David. *Elements of Justice,* p. 203, where he argues that Nozick’s conception of justice is a purely procedural one. He writes: “To Nozick, the question is whether proper procedure was followed. So far as justice goes, that is it. There is no other question.”


Evidently, the meaning of upholding the specific norms of voluntariness, that allegedly regulate transactions between individuals, is claimed here to exhaustively define general societal justice. This conception of social justice is synonymous to what I above called corrective justice, and since the latter completely dominates the former, corrective justice is supposed to rule.

Self-ownership

While sensible persons are committed libertarians, we must approach this idea by assuming that there are factors that explain why many people have found this somewhat extreme conception of justice attractive. I shall try to highlight one particular factor that accounts for this, and in the following I shall attempt to outline and evaluate it.

As we shall see, this factor has to do with offering a distinctive way of articulating what it means to care about justice, and it simultaneously constitutes an original answer to the question: why should we care about justice at all? I am referring here to what is called the “self-ownership argument”.13 The famous political philosopher G.A. Cohen writes the following illuminating words about the meaning and role of self-ownership: “Nozick’s philosophy gains much of its polemical power from the attractive thought that, so it seems to me, constitutes its foundation. That thought is that each person is the morally rightful owner of himself. He possesses over himself, as a matter of moral right, all those rights that a slaveholder has over a complete chattel slave as a matter of legal right, and he is entitled, morally speaking, to dispose over himself in the way such a slaveholder is entitled, legally speaking, to dispose over his slave.”14

13 See Kymlicka, Will. Contemporary Political Philosophy, p. 107 ff, for a discussion of the self-ownership argument and an example of a text where the argument is attributed to Anarchy, State, and Utopia. See also Schmidtz, David. Elements of Justice, p. 203, where he refers to the centrality of “the self-ownership argument” in Nozick’s conception of justice”.
The point is, even if it is done for the purpose of offering a life-saving organ to a dying person, would we not find it obviously and strongly wrong if some doctor anesthetized us against our will in order to remove one of our presumably healthy kidneys? I would say yes. No matter what reason the doctor may appeal to, invading someone’s body against her will comes through as not merely, ceteris paribus, wrong, but as a gross violation. And why do we find it so wrong? My response is that because the body in question happens to be a crucial part of who I am, treating me as another person’s property is deeply disrespectful. In the ordinary sense of the term, it would be degrading.

To treat a person as an item of property would be akin to “cutting their head off”, which reduces her to some kind of remote-controlled organism. In this sense, to be owned by someone is to be in a relationship that bears the paradigmatic mark of a slave/master relationship, and that is something that we do not want. Given the validity of these intuitions and what they seem to tell us, we can also say that each person has a right to control and direct her own life, and therefore, a right to put our veto on other’s use of ourselves, which includes our body. This seems to fit an agency-oriented understanding of social justice quite well.

However, talk about owning one’s body, arguably, does not exhaust the meaning of self-ownership. We are supposed to be legitimate owners of our whole selves rather than simply our physical bodies. Will Kymlicka makes the following helpful observation: “The idea of having ownership rights over oneself may seem bizarre, as it

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15 Cf. Cohen, G.A. “Self-Ownership, World-Ownership, and Equality”, p. 250. Cohen makes use of a similar example when he writes (about “leftists”, which are denoted in the following by the word they): “They do not immediately agree that, were eye transplants easy to achieve, it would then be acceptable for the state to conscribe potential eye donors into a lottery whose losers must yield an eye to beneficiaries who otherwise would not be one-eyed but blind.” Cf. Nozick, Robert. Anarchy, State, and Utopia, p. 206. On this page Nozick argues that Rawls’s difference principle “might well involve forceable redistribution of bodily parts”.


17 Cf. Kymlicka, Will. Contemporary Political Philosophy, p 108. Kymlicka writes: “The basic idea of self-ownership can be understood by comparison with slavery—to have self-ownership is to have the rights over one’s person that a slaveholder has over a chattel slave.”
suggests that there is a distinct thing, the self, which one owns. But the term ‘self’ in self-ownership has a ‘purely reflexive’ significance. It signifies that what owns and what is owned are one and the same, namely, the whole person’.

Nevertheless, one can ask: is it not strange to say that a person can own herself? She certainly can own things, but is a person as a whole something that can be owned? After all, wouldn’t such a language run the risk of reducing people into commodities? We can begin to respond to this worry by recalling that slaves are persons who in fact are bought and sold, a practice which still continues to exist in the world today. So, without doubt, persons can be owned. This response might beg the question though. Though slaves are persons that are owned, at least according to some versions of valid law, we can still ask if there is any point in talking about non-slaves as self-owning. Why not simply say that they are unowned, such that they would not only be free from being viewed as someone else’s property but also free from being viewed as property as such? However, the point when writing about people as having “property in themselves” is not to say that people are property, i.e. that people are things, but to say that each person has “a right to decide what would become of himself and what he would do”. Nozick himself explicitly claims that (most?) human beings are not just commodities but beings characterized by “[…] the ability to regulate and guide its life in accordance with some overall conception it chooses to accept.” Indeed, he even claims that acting on this ability is what makes life meaningful. I believe that this reveals how the idea of self-ownership has crucial similarities with the alleged importance of being the director of one’s own life.

19 Nozick, Robert. Anarchy, State, and Utopia, p. 171.
20 Nozick, Robert. Anarchy, State, and Utopia, p. 49.
21 Nozick, Robert. Anarchy, State, and Utopia, p. 50.
22 See Williams, Robert R. Hegel’s Ethics of Recognition (Berkeley: University of California Press, 1997), p. 147, for an illuminating discussion about Hegel’s way of relating taking possession of oneself to being self-determining. For Hegel, it seems, to take possession of oneself is to determine oneself to ethical, as opposed to inauthentic natural, life.
I find it interesting to note here a somewhat paradoxical aspect of the self-ownership idea. As we have seen, the argument is designed to support the idea that human beings, in general, may be said to own themselves, that is, we stand in a relation of strong ownership vis-à-vis ourselves. However, part of the basis for this conviction is that we are not property, that we ought not to be disposed of as if we were property and, in connection with this point, that we should not be regarded as something beneath our nature. For now, let us keep this brief observation in mind and proceed to outline the implications of the distributive justice of self-ownership.

From Property in Oneself to Property in Other Things

As might be suspected, the continued argument consists in an attempt to show that there is a robust connection between self-ownership and ownership in “extra personal goods”. How then is an alleged absolute right to oneself related to rights to property? One way of answering is by attempting to shift the burden of proof with the help of a counter-question. One can ask, is it not true that if you own yourself, you also own the possible talents which unquestionably are a part of you? To deny this seems to amount to affirming that after all you do not own all of yourself, which we have claimed that we do. And if we own our talents it seems reasonable to believe that we own the fruits of the usage of our talents, e.g. the money we have made by using our skills. Thus being the fruit of somebody’s talent might function as a transfer of ownership, from the self to the new created object. Or as Will Kymlicka puts it: “If I own my self, then I own my talents. And if I own my talents, then I own whatever I produce with my self-owned talents.”

According to this, to against my will take from me parts of what I own, as the fruit of my investment in it or as the result

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23 See Russell, Daniel C. “Embodiment and Self-Ownership” in Social Philosophy and Policy (2010), 27:1, p. 135-167, p. 135 f. Russell presents the following important observation: “[...] there is considerable disagreement over the relation between owning one’s person, on the one hand, and owning parts of the external world—the world outside one’s physical silhouette—on the other.”

of free transfer, and use it for e.g. the purpose of redistribution, would be to violate my self-ownership.\textsuperscript{25} Disposing of the things I have produced with my talent is, according to this, equivalent to disposing of my talents which, in turn, is the same as disposing of myself.

The gist of the argument is that as free persons we own ourselves, and that the fruits of our possible talents cannot be exempted from this. It cannot be exempted from this ownership relation. To do so means to accept an infringement on our self-ownership. G. A. Cohen articulates this observation as follows: “Removing someone’s legitimately acquired private property may not be as outrageous as removing his arm, but it is an outrage of the same kind.”\textsuperscript{26}

Though being of the same kind, the quote suggests that removing an arm is somehow more wrong than removing external property, e.g. stealing a bicycle or confiscating a part of one’s salary. In other words, Cohen’s remark shows that the self-ownership argument is open to interpretations. The strong interpretation says that individuals have absolute rights to some of their property (the property we have appropriated or received the right way), while the weak interpretation holds that the self-ownership argument merely manages to turn the burden of proof to anyone who claims that, besides yourself, you only have relative or \textit{prima facie} rights to what appears to be yours.\textsuperscript{27} We can conclude that anyone who tries to circumscribe the definition of self-ownership by restricting it to our physical being needs to show that he does not draw the demarcating line on an arbitrary basis.

\textsuperscript{25} Cf. Mill, John Stuart. \textit{Principles of Political Economy and Chapters on Socialism}, p. 28. Mill writes: “Nothing is implied in property but the right of each to his (or her) own faculties, to what he can produce by them, or to whatever he can get for them in a fair market; together with his right to give this to any other person if he chooses, and the right of that other to receive and enjoy it.”

\textsuperscript{26} Cohen, G.A. “Self-Ownership, World-Ownership, and Equality”, p. 249.

\textsuperscript{27} See Sundman, Per, \textit{Human Rights, Justification, and Christian Ethics}, p. 45, for a definition of the qualifier \textit{prima facie}. The text reads: “By \textit{prima facie} rights I mean actual rights which are not always decisive for the determination of what, all things considered, ought to be done.”
Initial Acquisition

Although *Anarchy, State, and Utopia* sometimes is interpreted as claiming the absoluteness of property rights, interpreting the book as viewing them as very strong but of mere relative or *prima facie* status does in fact accord better with parts of the text, and it makes the position more reasonable. I am particularly thinking about the suggested role of so called initial acquisition, i.e. a libertarian theory about how unowned things can become rightfully owned.\(^{28}\) Nozick builds his discussion around an interpretation of the classical liberal philosopher John Locke’s ideas, he writes: “Once it is known that someone’s ownership runs afoul of the Lockean proviso, there are stringent limits on what he may do with (what it is difficult any longer unreservedly to call) ‘his property.'”\(^ {29}\)

What it actually takes to *run afoul* of the Lockean proviso is a debated issue. The proviso only says that after having originally acquired something there must be “enough and as good left in common for others”.\(^ {30}\) Hence Locke’s proviso, just like e.g. Kant’s general principle of external acquisition, applies to acquisition of previously un-owned things, and focuses on the importance of what is left to others once one has acquired parts of the unowned.\(^ {31}\) This perspective differs a great deal from those designed for comparing shares of goods

\(^{28}\) It might be interesting to note that ideal typically different stances to the issues of initial acquisition lies behind a common distinction between *left-libertarianism* and *right-libertarianism*. *Left-libertarians* hold that natural resources belong equally to everyone before specific persons try to appropriate some of them. According to them, initial acquisition is just only if informed consent from co-owners is acquired or if equal shares of resources (or life chances) are left for others. *Right-libertarians* on the other hand hold either that there are no fair share constraints, what so ever, on initial acquisition or that initial acquisition is just only if “no one is made worse off” by the appropriation in question. Nozick’s text *Anarchy, State, and Utopia* is, according to this terminology, an elaborated (Locke inspired) version of *right-libertarianism*. However, in virtue of being in need of nuanced clarification, it is far from self-evident what is meant by “leftwing” or “rightwing” politics, I do not see the left - right dichotomy as a fruitful part of my language of interpretation and analysis.


\(^{31}\) Cf. Kant, Immanuel. *The Metaphysics of Morals*, p. 80 f. See also Roemer; John E. *Theories of Distributive Justice*, p. 234 f., for a critical discussion of Nozick assumption that before things were recognized as privately owned they were un-owned. Roemer asks: “Why not assume that pristine natural resources were jointly owned by all?”
in present societies. If it were not, it certainly is very difficult today to come by anything that has not previously been owned by anybody (person, groups of persons or an institution of some kind).

Nozick interprets the Lockean proviso to imply that it can only be held against present distributions if they leave some worse off than they would be if they had lived in the situation of initial acquisition. It is very difficult to determine how life would be in a time of hypothetical initial acquisition. Was everything really bad for most people? Or was it a non-competitive harmonious simple life, almost idyllic? We therefore cannot know if and when someone is worse off than what she would in an initial situation. Nevertheless, Nozick interprets this Lockean constraint on property rights to mean that property rights can be legitimately overridden in cases of catastrophe. In line with this he writes the following about water holes.

Thus a person may not appropriate the only water hole in a desert and charge what he will. Nor may he charge what he will if he possesses one, and unfortunately it happens that all the water holes in the desert dry up, except for his.

The fact that there are certain circumstances that may override property rights, i.e. making such infringements permissible, shows that property rights are not absolute. Furthermore, claiming that it takes a catastrophe to activate the Lockean proviso is debatable. Nozick argues that since the institution of private property helps to create efficient economies, no one will be worse off by others having strong property rights. Nozick writes: “Here enter the various familiar social considerations favoring private property: it increases the social product by putting means of production in the hands of those who can use them most efficiently (profitably); experimentation is encouraged, because with separate persons controlling resources, there is no one person or small group whom someone with a new idea must convince to try it out; […]. These considerations enter a Lockean theory to support the claim that appropriation of private property satisfies the intent behind the ‘enough and as good left over’ […].” Therefore, there are no good reasons to invoke the proviso. In spite of Nozick’s claim that the

32 Nozick, Robert. Anarchy, State, and Utopia, p. 180-1
34 Nozick, Robert. Anarchy, State, and Utopia, p.177.
previous considerations do not show that utilitarian or any other “end state” components do any substantial work in his conception of justice. However, the phrase “enough and as good left over” must mean that a comparison of the sizes of people’s holdings, does play an important and interestingly complementary role in this allegedly purely corrective or historical conception of social justice.

Thus, in order to validate the claims regarding the usefulness of strong property rights, one must show that the institution of property is crucial for an economic system favorable to “persons who are unable to appropriate”, but it must also be established that the most prosperous economic system only works if there are strong property rights.\(^{35}\) Another way of putting this is formulated by the philosopher Leif Wenar, who writes: “He must show that a system of strong property rights is more reasonable than a weaker system of private rights, or a system of non-private rights, or a mixed system, or no property at all.”\(^{36}\) This is difficult. One way of showing this would be to say that once a re-distributing welfare state has started to transgress private property rights, the whole institution of property will erode, causing the breakdown of market economy and relative prosperity. It is difficult, however, to find empirical support for such a claim.

Finally, this conception of initial acquisition would arguably be less incoherent if it did not allow room for “fair share constraints” on purportedly legitimate initial appropriation. This would not have made Libertarianism more reasonable though, since there obviously are other relevant aspects of just appropriation than the issue of determining “who got there first”.

Natural Assets and Holdings

Let us return to the link between self-ownership and ownership in general. In the following quote, which presents the allegedly “acceptable argument G”, the term natural assets denote (undeserved) personal abilities that make certain accomplishments possible (e.g. writing *The Ballad of Hollis Brown*). Nozick writes:

\(^{35}\) Nozick, Robert. *Anarchy, State, and Utopia*, p. 177.

1. People are entitled to their natural assets.
2. If people are entitled to something, they are entitled to whatever flows from it (via specified types of processes).
3. People’s holdings flow from their natural assets.

Therefore,

4. People are entitled to their holdings.
5. If people are entitled to something, then they ought to have it (and this overrides any presumption of equality there may be about holdings).37

The quote provides a good view on the purported relation between self-ownership, property in general and distributive justice. Let us therefore turn first to paragraph 1 and then to 2 and 3. Paragraph 1 says:

1. People are entitled to their natural assets.

This is a simple implication of the self-ownership argument. It follows from the assumptions that talents are natural assets and that talents are indivisible parts of us. To distribute them as if they were common assets, like e.g. state owned shares in a company, would arguably be a violation of all affected talented persons. In a reply to Rawls's argument for the difference principle, which basically approves of giving more to the talented to the extent that rewarding talent “work for the good of the least fortunate”, Nozick makes the following interesting remarks:38 “If people’s assets and talents couldn’t be harnessed to serve others, would something be done to remove these exceptional assets and talents, or to forbid them from being exercised for the person’s own benefit or that of someone else he chose, even though this limitation wouldn’t improve the absolute position of those somehow unable to harness the talents and abilities of others for their own benefit?”39 Nozick cannot find any guarantee against this in Rawls’s text.

and concludes that it opens up for treating individuals as mere means in the process of generating desirable distributive outcomes.

Nozick’s statement about entitlement to natural assets is also interesting when compared to the role that desert played in the previous chapter. There “natural assets” were spoken of as undeserved and the issue of whether one, independently of this, should be regarded as entitled to them was left unnoticed. This might be an important oversight, though. Just as the absence of desert prevents the fact of unevenly distributed talent from affecting the substance of the preferred conception of social justice, the presence of entitlement, in contrast, opens up space for taking talent into consideration. However, we cannot be certain of this until the statements of clauses 2 and 3 have been scrutinized.

2. If people are entitled to something, they are entitled to whatever flows from it (via specified types of processes). 40

Since the meaning and correctness of this formulation is not evident, let me start by offering an interpretation of the possible meaning of the statement that something flows from something (else). Allegedly, the most common examples of entitlement mediating flowing are; work, interest, profit, crop and (in general) growth. These are things that are often mentioned as being of importance for social justice. The mediating ability of all these cases rests upon an ownership relation, either between the owning subject and his or her own work, or things like money, a company or a piece of farm property. I find it hard to disagree, so far. Hence, if a group of e.g. Apaches, Sioux or Sami is indeed entitled to a piece of hunting ground, then the wrongfulness of harvesting their game without permission to do so is akin to the morally wrongful act of stealing the land. So similarly, if the state owns a company, it seems entitled to the produce of the company and indirectly to the fruits of its laborers’ work. Whereas when the employees own the company they work for, they would be entitled to its profits.

However, there is also an interesting obscurity in Nozick’s statement that calls for attention. I am thinking about the relative strength of various derived entitlements. It is by no means clear that the strength of my right to e.g. my body should be equal to the strength of

my right to the things that flows from my usage of my body. On the contrary, even if I am a cabinet-maker who has ownership of my own work, I would claim that stealing my arm is more serious than stealing my self-made furniture, which, in turn, would be more serious than regularly confiscating part of the profit I might make from selling what I have made.

According to this, the strength of our entitlements weakens with increasing distance to the entitled (self-owning) person. There are complex problems involved in determining how much the strength of entitlements is supposed to weaken given the changes in kinds and quantities of distance (perhaps quantity can accomplish distance also?). But perhaps exactness is not necessary. The most important difference is, as we already have seen, between absolute and mere relative or *prima facie* strength. A moral concern of absolute strength, e.g. a property right, ought to fully determine what ought to be done as soon as it should be involved in someone’s moral deliberations. I wrote “should be” since there is always a chance that someone deliberates on e.g. taking what is mine without noticing that it actually is mine. In other words, absolute rights are violated insofar as they do not fully determine what, all things considered, ought to be done. On the other hand, moral concerns of mere relative or *prima facie* strength, e.g. duties obligations and rights, are actual concerns that must not always (when applicable) fully determine what ought to be done. They can be legitimately overridden.

The general conclusion that strength weakens with distance might thus suffice for our purposes here. Absolute entitlements make almost any redistribution illegitimate, however distant the holdings may be. If entitlements have been shown to be only relatively strong and to weaken with increased distance to the owning subject the door to redistribution has been opened. As we have seen, when it comes to Locke’s theory of acquisition, Nozick concedes that property rights are only relatively strong. We need to keep this contention in mind.

Furthermore, I believe that the relevance of this insight for redistributive motifs is borne out further if we contemplate the difference that a change of confiscator identity would make. The fact that I would consider it a theft when a *Cosa Nostra*-organization collects part of my profit tells me that I believe that I have a right to the profit in question. However, the difference that a change of identity from Mafioso to tax department of a democratic state makes, tells me that
the entitlements to such derivative things as profit are not necessarily weightier than ordinary redistributive justice motifs. There are other moral considerations that can outweigh entitlements, at least distant derivative ones.

3. **People’s holdings flow from their natural assets.**

The last premise complements the two previous premises into a complete argument. If they are all correct they establish that people are entitled to their “holdings”. However, we have seen that the strength of entitlements to holdings is not settled by the argument and I have suggested an interpretation of direct relevance for deliberations on social justice.

It is now time to ask why one should think that holdings flow from natural assets. This general claim is open for an initial and perhaps obvious interpretative question. It can mean either that all holdings flow from people’s natural assets or that most of them do. However, if only a few of our holdings would flow from our natural assets the argument would not establish what needs to be established, namely that; “People are entitled to their holdings.” It therefore does not seem reasonable to see the stated premise as consistent with the claim that only some of our actual holdings have the stipulated origin. For that reason I have settled for the following interpretation, namely that; most of the time people’s holdings flow from their natural assets. This is important since the argument would be trivial if it only states that people are entitled to the holdings that flow from their natural assets. This formulation would be consistent with the contention that persons are not entitled to any of their holdings, if people’s holdings in general actually do not flow from their natural assets.

Let us therefore take a closer look at the empirical claim about the origin of people’s holdings. One initial objection is that some of our holdings (for some people they may be a lot, while for others not so much) are given to us. All holdings can for this reason hardly be seen as having flowed from the natural assets of those who presently own them. Yet, putting much weight on this observation might make a straw man out of the argument. In spite of the explicit meaning of its

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premises, statements in the near context of the argument suggests a more modest interpretation, namely, that; “[…] moral entitlements may arise from or be partially based upon such facts […]”, where the words moral entitlements are used synonymously with holdings and the words such facts refer to natural assets, i.e. various kinds of talent.\(^{43}\) Let me therefore suggest a revision of the third premise. It would be more reasonable to read it as such: most holdings that do not originate from gifts or voluntary purchase flow from people’s natural assets (the formulation fits Nozick’s ideas of just transfer of property).\(^{44}\)

Notwithstanding that, important objections remain. We have not yet considered how brute luck (good or bad) determines whether a particular talent can be easily transformed into property or not.\(^{45}\) Nursing talents, for example, are deemed to be less lucrative in most countries as compared to, say, entrepreneurial talents and other forms of technical expertise. This might be beside the point, though. It is the strength of each entitlement to whatever one can get from using one’s talent that is important, not how much one gets. A “cross-talent comparison” of different talent’s pay rate does purportedly not, so to speak, cut into the chain between the person’s talent (a part of who she is) and the holdings that might have flown from this.\(^{46}\) In other words the strength of our entitlement to whatever we have received from utilizing our talent, is not supposed to depend upon how much we receive, that is how much someone, e.g. an employer or a customer, pays us.

To illustrate the above point, consider the following example: Sylvia and Noel are contemporaries who live in Macon, Georgia. Let us assume that the skillful carpenter Sylvia receives $1500 for a chair that she makes in 50 hours of efficient and happy work, whereas the skillful ceramist Noel receives $2000 for a beautiful urn that he makes in 25 hours of roughly equally efficient and happy work. Thus, $1500 flows from Sylvia’s talent and $2000 from Noel’s. Essentially the argument implies that the strength of Sylvia’s entitlement to the

\(^{43}\) Nozick, Robert. Anarchy, State, and Utopia, p. 227.
\(^{45}\) Cf. Roemer; John E. Theories of Distributive Justice, p. 232 f.
\(^{46}\) Nozick, Robert. Anarchy, State, and Utopia, p. 160 f. On these pages Nozick presents the by now famous Wilt Chamberlain example.
extra $50 per hour that she earns, as compared to Noel, is equal to the strength of the entitlement to the first $30 per hour she earns.

Are there then reasons for us to agree? First one must notice that it is difficult to see the extra $50 per hour Noel earns as more distant to him than the first $30. Hence, an argument based on a presumed symmetry between increases in relative amounts and increases in distance vis-à-vis the owner does not seem to work here. This being said, it is important to keep in mind that the argument is based on intuition. Thus it is also for this reason relevant to ask whether there are contradicting intuitions. There happen to be one interesting general one. It can be summarized as follows:

It is worse to steal from the poor than from the rich.

Nozick’s conception of justice assumes the opposite, namely:

It is as wrong to steal from a rich person as it is to steal from a poor one.

But is it as wrong to take $1000 from the bank account of a billionaire as it is to take the last penny from a bag lady? There are several obvious reasons for not thinking so. The level of anticipated harm caused by the thefts is quite different. Whereas theft from the billionaire might pass unnoticed, losing the last penny might cause serious harm to the bag lady. Nozick’s conception of the right thus does not seem to take this kind of harm into account. And indifference to this can easily be articulated as an instance of cruelty.\(^47\)

Another way of formulating the wrong done is to say that stealing from the poor means taking from them something they need (one way of defining the state of being poor is as a state characterized by lack of opportunity to satisfy (basic) needs) whereas this is not the case with thefts from rich people. The notion of opportunity has, as we have seen, interpretations that are conceptually close to need which of course denote things that can be quite differently affected depending on whether the robbed person is rich or poor. Rich people can be robbed of whole houses without affecting their need for shelter, for example, and neither of the houses might be the house where they or

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their children grew up and hence the theft might have no effect on something they are particularly emotionally attached to. Thus, a pure version of corrective justice takes neither need nor opportunity into account, and both harm and need do seem to be ingredients that should be taken into account. At least, there are as strong common intuitions in favor of taking them into account as there are for taking self-ownership seriously, and there is no univocal support for interpreting social justice in terms of the implications of self-ownership only.

In other words, I believe this is a place where a pure commutative conception of justice does not sufficiently take actual moral complexity into account. It assumes that non-comparative commutative elements alone determine whether holdings are just. It also describes holdings as the only things of interest. This narrowness is something we shall return to more extensively in chapter 5 and 6.

As we have seen, I have not denied that self-ownership can be relevant in its own right. For instance, when very different holdings of extra-large bicep muscles flow from the same hours spent by different persons in the same gym, self-ownership rules out invasive muscle redistributive attempts. In virtue of becoming undeniable parts of herself, the undeservedly fortunate body builder is (almost) absolutely entitled to these extra holdings. Nevertheless, I also want to argue that the meaning of justice is far from exhausted by the implications of taking self-ownership seriously, there are other aspects that might be less, equally or sometimes more important. Clarifying the place and function of these is an important task. It is essential for the reconstruction of a both relatively comprehensive and integrated conception of justice. Thus far we have seen how distance can affect the strength of entitlements and how other considerations than self-ownership can be distributively relevant.

The Problem of Disentanglement

In the following I shall introduce a different critique of the link between ownership of oneself and the acquisition of rewards. The critique consists in the presumed difficulty of identifying the extent to which a person’s self-owned talent determines the size of her paycheck. The basic idea is that these identification possibilities vary
greatly between different examples, i.e. cases set in different organizational structures, and that the identification sometimes is impossible. If this is correct, it means that one allegedly important link between self-ownership and ownership of things other than oneself is weak. It is an important critique since if much of what citizens in complex “globalized late capitalist mixed economy” societies own does not come to them as rewards for their way of using their talent, then one major objection to equality of opportunity arguments falls. Nozick writes: “The major objection to speaking of everyone’s having a right to various things such as equality of opportunity, life, and so on, and enforcing this right, is that these ‘rights’ require a substructure of things and materials and actions; and other people may have rights over these.”

Given that Nozick also writes: “Things come into the world already attached to people having entitlements over them”, it is fairly easy to conclude that the mentioned substructure is considered illegitimate.

Now in order to evaluate the claim that it is actually possible “to disentangle people’s respective contributions”, even when people work together jointly to produce something, we need to take a closer look at how the argument runs. It says that we ought to believe that the mentioned “disentanglement” is possible since employers act (and e.g. John Rawls writes), as if it is possible. Supposedly, employers are trustworthy because they “[...] are not at all dolts who don’t know what they are doing, transferring holdings they value to others on an irrational basis”. Underlying this is the assumption that talented people make the biggest contributions, and that therefore more holdings are justly transferred to them than to the average guy. Thus, the interest of employers to provide economically efficient incentives is supposed to coincide with an ability to identify individual contributions (without such an ability employers would not know to whom incentives should be paid).

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50 Nozick, Robert. Anarchy, State, and Utopia, p. 187. Nozick describes the situation of joint cooperation as follows: “[…] owners of resources reaching separate agreements with entrepreneurs about the use of their resources, entrepreneurs reaching agreements with individual workers, or groups of workers first reaching some joint agreement and then presenting a package to an entrepreneur, and so forth.”
51 Nozick, Robert. Anarchy, State, and Utopia, p. 188.
However, there are reasons to believe that this idea is optimistic. Women, all over the world, experience that their salaries and career opportunities are lower and fewer than those of their male colleagues, in spite of the fact that they are no less talented. Unequal pay for equal work along the lines of e.g. sex is a simple statistical fact in most countries on mother earth. Hence, a relatively speaking higher salary can be a reward for being male (or white or the son of a friend) rather than or as well as an incentive for future use of talent. Thus, given that they are not consciously discriminating, employers do not have full control over the basis on which they spend their money after all, and if not, this part of the argument falls. Being a dolt and a being a tacit discriminator is not the same thing.

What about the reference to Rawls then? Basically it is an argument from authority, (which is rather interesting since Nozick tends to disagree with Rawls). The argument says: since Rawls assumes that the efficiency of incentives, whether they involve a net gain or a net loss, can be known, we, the readers, ought to believe that “separate contributions to joint products” are isolable. This claim, of course, is not self-justifying, and the validity of the previous objections to Nozick’s argument is, of course, not altered by the fact that same claims are also made by John Rawls.

Although there are various incentive systems instituted in most workplaces, there are good reasons to doubt the fairness of the procedural process by which individuals are being selected for the merit of their work. Other than tacit discrimination, there are other reasons, at least with respect to larger organizations, for thinking that it must be very difficult to identify individual contributions. In big firms, a particular business result is likely to be an effect of numerous individual contributions combined with external factors, such as shifts in consumer demand, which the individual corporation (not to mention the

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52 Cf. Unionen. Lönekartläggning lönar sig (Stockholm: Unionen, 2008), p. 15. The Swedish Union Unionen recently published a report where the following interesting facts are established: "En mätning av löneläget för kvinnor inom de avtalsområden som tidigare tillhörde SIF visar att kvinnornas medellöneläge för 2007 var 93,3 procent. Det vill säga att kvinnorna i snitt hade 93,3 procent av männens löner, då hänsyn är tagen till att kvinnor och män finns i olika befattningar, åldrar och regioner. I kronor motsvarar detta en genomsnittlig skillnad på 1 981 kronor. Motsvarande siffra för 2006 var 93,2 procent och 1 923 kronor.”

individual employee) has no or little control. In such cases of large scale collective action it can be clear that somehow the talents of individuals have been at work, many talented people participates in the design and technical construction of a new mobile telephone for example, at the same time as it can be genuinely difficult to determine what exact difference the exercise of a particular individual’s talent may make. In situations like these, most individual contributions turn out to be anonymous. They are impossible to separate both from each other and from unpredictable external causes. Here, an incentive system must be collective in kind. This does not cohere well with libertarianism.

The point, of course, is that what one has earned in complex societies of radical interdependence is not just an extension of oneself and therefore owned to the same degree as oneself is owned, but it is also an extension of many other persons and of circumstances beyond human control. Thus, even if it would be true that one should own the fruits of one’s own talent as strongly as one owns oneself, this does not imply that one has a strong entitlement against the state to all the money a corporation is willing to pay in salary. Indeed many other persons can have a stake in one’s salary too. Hence this argument cannot work as a general trump against social justice motifs redistributing parts of e.g. salaries by means of tax.

Choice as Justification of Entitlement

Let us now consider the strength of our various alleged entitlements from a different angle, not from the standpoint of the receiver and her possible talent but from the standpoint of choice. If it is hard to see various kinds of payments as flowing from someone’s talent, can one’s choice to reward individual talent serve as a source of entitlement?\textsuperscript{54} If someone chooses to pay me $100 for a work that I have done, surely that accounts for something. It is difficult to say exactly what and how much, though. It might mean that I and no one else

\textsuperscript{54} Nozick’s text oscillates between self-ownership and choice as sources of entitlement.
have the right to determine the fate of these particular $100. I believe that it is telling to interpret this understanding of property as a kind of inoculation of things to oneself. Self-ownership is essentially a right to “[…] decide what would become of himself and what he would do, and as having a right to reap the benefits of what he did”. The self apparently is demarcated here as a rational agent, and everything that has been voluntarily and rightfully given to her. It can be a big self, and a small one, depending on how much that is added.

The conception of self-ownership provides an explanation of the moral motivation behind the choice to pay someone for her work. One can say that the legitimate choice to pay someone $100 is a transfer of the right to determine the fate of these $100, and since the kind of opportunity money can offer is no different in kind from the opportunities bodily acquired skills provide, taking my money impedes on my “property in myself” just like taking my kidney does, hence my claim about a conception of an extended self. This is also why approving of taking 25% in tax from my salary, for any purpose other than to limit the violations of (property) rights, allegedly is an affirmation of multiple ownership of myself. Let me explain this claim with an illuminating quote from *Anarchy, State and Utopia*.

Seizing the results of someone’s labor is equivalent to seizing hours from him and directing him to carry on various activities. If people force you to do certain work, or unrewarded work, for a certain period of time, they decide what you are to do and what purposes your work is to serve apart from your decisions. This process whereby they take this decision from you makes them a part-owner of you; it gives them a property right in you. Just as having such partial control and power of decision, by right, over an animal or inanimate object would be to have a property right in it.

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55 Nozick, Robert. *Anarchy, State, and Utopia*, p. 171. Nozick writes: “The central core of the notion of a property right in X, relative to which other parts of the notion are to be explained, is the right to determine what shall be done with X; the right to choose which of the constrained set of options concerning X shall be realized or attempted. […] My property rights in my knife allow me to leave it where I will, but not in your chest. I may choose which of the acceptable options involving the knife is to be realized.”


Moreover, in modern redistributive welfare states those who must work extra hours in order to be happy or satisfied with their lives are allegedly forced to work more for the needy than those who are satisfied with less.\textsuperscript{58} Indeed, happily unemployed hippies might not be forced to work for the needy at all. It is assumed here that taxes are collected for the purpose of helping “needy” people, which implies that those who pay more taxes help more, and since those who work more often pay more taxes, they are forced to work more for others.

What should we say about this then? One remark is that the argument disregards two important aspects. The first is that low wages can be a reason to work more. Being \textit{forced} to work two jobs due to low wages, regardless of one’s expectations in life, is a reality in many countries. One can also say that those who do not earn enough money on one job to support themselves are forced to work more for the needy than those who do. Those who easily earn a lot will definitively contribute more to the needy than those who earn less. They will not work more for them, though. Thus there are various reasons for working extra hours. The second aspect is that those who have lowly paid jobs can be (double) working beneficiaries of welfare. Being needy and having a job, unfortunately, do not exclude each other. Thus some of those who are forced to work more for the needy are needy themselves. Furthermore, those who have expensive tastes have as good a reason to find a job that pays better as they have for working extra hours.

Another remark is that insofar as I do not consider the whole salary as mine in the first place, that is, recognizing that some of it belongs to the community of which I am a part, it would not be considered as theft when the state takes a \textit{fair} amount of it in tax. Implementing a fair proportion of income tax, therefore, seems to me like an important task for a democratic political process.

\textsuperscript{58} Nozick, Robert. \textit{Anarchy, State, and Utopia}, p. 169.
Conclusion

The most important thing to learn from this idea of pure commutative justice is that the idea of self-ownership gives an original articulation of something morally important. Granting respect to self-ownership means granting respect to individual persons. It offers important nuances to talk about equality of opportunity. However, if we wish to talk about self-ownership we would need a fine-grained understanding of how it might extend to property in general. It is not reasonable to consider property in more distant things to be as strong as “property in oneself”. There is an admittedly inexact slope of weakening entitlements and the weakening occurs in proportion to increased distance to the encumbered or concretely situated self.

Finally, the libertarian version of commutative justice does not offer a convincing critique of an egalitarian liberal understanding of social justice.
4. What Determines How?

In the previous chapters we have encountered different, and, *ceteris paribus*, intuitively attractive conceptions of social justice. Undoubtedly, this can lead to the suspicion that there is a plurality of different, sometimes competing and sometimes complementary, criteria of justice which are all attractive in their own right. However, if so we need to learn when and how which criterion is properly applied. Moreover, if many different principles of justice are to be applied at different times and places, how are we to determine that the general outcome of presumably many simultaneous local applications of different principles is, at least relatively, just?\(^1\) In this chapter I shall investigate an interesting attempt to solve this problem of criteria pluralism. It says that we can learn how goods, like for example health care, and office, ought to be distributed by grasping their meaning.

In the modern classic *Spheres of Justice*, Michael Walzer writes:

> But it is the meaning of goods that determines their movement. Distributive criteria and arrangements are intrinsic not to the good-in-itself but to the social good. If we understand what it is, what it means to those for whom it is a good, we understand how, by whom, and for what reason it ought to be distributed.\(^2\)

Think, for example, about health care. Many people in e.g. Sweden think that health care should, in virtue of having the function that it

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\(^1\) I use the word “local” here in the same general sense as Jon Elster when he writes that it refers “[…] to the fact that different institutional sectors use different substantive principles of allocation.” Elster, Jon. *Local Justice How Institutions Allocate Scarce Goods and Necessary Burdens* (New York: Russell Sage Foundation, 1992), p. 3.

I have not encountered anyone who believes that equality, in the sense of equal shares, should be applied to health care. It would simply be a waste to impose an equal share of health care, (medicines, surgery, medical doctor appointments and so on) on all healthy persons, since they would not need it.

However, if we ask about *access* to sufficiently good health care, then talk about e.g. a right to equal shares seems to be on its place. Hence, one should note here that we seem to have a simultaneous “every-day approval” of two different distributive principles, distribution of health care according to need, and according to equality of access.

Pilot jobs, on the other hand, are obviously not to be distributed to those who need them, at least not when she or he who needs the job is deemed to be unqualified, since that would put many lives at risk. In this case, the function and demands of the job itself plays an important role in deciding whether it should be equally distributed.

As we shall see, the conception of justice discussed here offers challenges to the ideas introduced in chapter two (and three). The challenges consist in the claim that the different versions of liberalism of previous chapters are simplistic due to specific conceptual inadequacies. In the absence of the concept of distributive spheres, they lack the conceptual tools that are necessary for articulating an important feature of general injustice, namely the dominance of one sphere over the other.

One way to address these challenges is to write a complete and convincing narrative about the functions of all social goods in a particular community, through which we may come to know what members of the community in question take for granted regarding just distributions of different goods. This is how *Spheres of Justice*, and with a more delimited descriptive purpose, Jon Elster’s *Local Justice*, pro-

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3 See for example SOU 1995:5, *Vårdens svåra val*, p. 32 f, where the authors write: “...health care should be offered people on equal terms and be distributed according to need.” (My translation) Cf. Walzer, Michael. *Spheres of Justice*, p. 29. Let me offer a quote from Walzer’s text which shows how my way of referring to an alleged common understanding follows Walzer’s own philosophical method or approach. He writes: “…for in matters of morality, argument simply is the appeal to common meanings.”
ceeds (the latter work is directly influenced by the former). However, instead of focusing on such detailed descriptions of actual goods in a particular nation-state or federation, this text moves onto a conceptual level and concentrates on three themes that are structurally significant for the idea of complex equality, i.e. the idea that social justice is upheld by a plurality of complementary distributive principles. The themes are: principled pluralism, blocked exchanges and the good liberal life.

**Principled Pluralism**

The structurally significant theme of principled pluralism has already been introduced. It says: each good ought to be distributed according to the distributive principle internal to its meaning. In *Spheres of Justice* this is formulated as follows: “No social good x should be distributed to men and women who possess some other good y merely because they possess y and without regard to the meaning of x.” Since the principles internal to diverse types of goods vary, there must be a pluralism of distributive principles, and since upholding this pluralism is, as we shall see, in line with an allegedly important principle, I find it fitting to name this idea: *principled pluralism*.

It is important to note that the word *social* is deliberated placed before the word *good*. This is intended to distance us from a Platonic understanding of the good-in-itself which would refer to something over and beyond that which is interpreted as good by concrete human beings. Furthermore, the word “social” is also used to imply a shared understanding. A social good is not constituted by the value that a particular individual ascribes to it. On the contrary, social goods are things that, in general, are considered to be good. Money, for example, is definitively a social good even if there are citizens who, as private persons, do not consider money to be a good itself.

In *Spheres of Justice* this is articulated as follows: “Goods in the world have shared meanings because conception and creation are social processes. For the same reason, goods have different meanings in

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4 See also Walzer, Michael. *Spheres of Justice*, p. vii-x.
5 Elster, Jon. *Local Justice*, p. 16.
6 Walzer, Michael. *Spheres of Justice*, p. 20.
different societies. The same ‘thing’ is valued for different reasons, or it is valued here and disvalued there.” 7 And also: “Even new inventions are not valued in accordance with the ideas of their inventors; they are subject to a wider process of conception and creation.” 8 Hence, just as there can be no such thing as a ‘private language’, the value of social goods are constituted by inter-subjective agreement.

An important point is made here. The distribution of private goods, if there are such things, would be uninteresting from the point of view of justice. But there is also an ambiguity. If there are really no private goods, we might just as well call all of them goods. Calling goods “social goods” might even be confusing. It does not seem farfetched to think: if there are social goods then there must be non-social goods too, private ones perhaps. This is a minor problem though. Let us therefore return to the explication of the major attraction of Principled Pluralism.

Distributive Principles and the Meanings of Goods

Let me try to unpack how the internal meaning of a good can be available by turning to a concrete good, namely, an automobile. What is it that warrants conclusions about how it ought to be distributed? The straightforward solution is that we can know how cars ought to be distributed since a car is a commodity. What is important here is that we do know what kind of good a car is. This leads to questions about the distinguishing features of commodities, and consequently, why one should assume that cars are commodities.

Answering these questions, however, does not fully settle the issue. An object is understood as a commodity in the terms of its belonging to the market sphere, in which distribution is carried out according to the principle of choice (to pay, to sell, to give, and to receive), i.e. in which this principle plays its proper role. Thus there must be a principle of dialectic at work between the internal meaning of a good and the internal distributive rules of the sphere to which it purportedly belongs. After all, distributive principles cannot be understood in isolation from the meaning of a good. Furthermore, the Libertarian dictum also seems to be directed to commodities in particular:

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From each according to what he chooses to do, to each according to what he makes for himself (perhaps with the contracted aid of others) and what others choose to do for him and choose to give him of what they’ve been given previously (under this maxim) and haven’t yet expended or transferred.\(^9\)

If applied to the “car case” it would read something like this: “Cars to each who chooses to buy one or to accept them as a gift, from each according to their choice to sell or give away”.

There are difficulties with trying to locate the distributive principle in either place, either in the meaning of the good or in its alleged sphere.\(^10\) In order to shed more light on this let us continue with the example. We need to say more about what commodities are and thereafter turn to whether e.g. cars should be classified as commodities. The Oxford English Dictionary provides valuable help. It defines a commodity as: “A kind of thing produced for use or sale, an article of commerce, an object of trade; […]”.\(^11\) This perhaps states the obvious, but it also shows something interesting. The quote points to an internal conceptual link between the concept of a commodity and the concept of the market. Talking about something in commodity terms seems to imply that the object in question is supposed to be allocated according to market principles.\(^12\) Thus “commodity talk” states something about moral status. It entails that it is permissible, perhaps even right, to treat that thing as something consumers can buy and sell, and not only referring to whatever that is actually bought and sold in a certain time and place.

Therefore, construing something as a commodity allows one to say things like: “Well, we are after all only quarreling about a commodity. It isn’t more important than that.” This is interesting since it then be-

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10 The denotation of the concept of a distributive sphere is much trickier to grasp than each of the various goods that, for example, *Spheres of Justice* discusses. This, of course, does not mean that there cannot be such a thing as distinctive spheres of justice. It just means that one might eventually need to answer difficult questions about what more precisely a sphere is, how it can be identified and about their relative degree of autonomy (many have thought about these things, so we would not be on undiscovered land).

11 OED, Commodity, 6A.

12 OED, Market, 1, 4A, 7A. 7A reads: “The arena in which commercial dealings in a particular commodity or product are conducted; the trade in a particular commodity or product.”
comes relevant to ask whether commodities might not, in some sense, cease to be commodities the moment it becomes vital to have them. If so, food would cease to be a commodity in situations of scarcity. This, again, points to an intricate intersection between normative and descriptive aspects of the social construction of commodities.

Let us think about what it would mean to say that something ceases to be a commodity when it becomes difficult to obtain it. Presumably the vast majority of fellow community members continue to treat food as a commodity, in spite of its scarcity. From a descriptive point of view, it therefore seems correct to say that in situations of scarcity, food is still an article of commerce, i.e. a commodity.

I can see at least two possible interpretations of this. The first is that the claim that food ceases to be a commodity means: “During these circumstances it is wrong to offer food only to the lucky few who can pay the rising market price (and only to the few who are selected by the local charity)”. According to this interpretation, food remains what it is, a commodity. Here, the statement about food ceasing to be a commodity is translated into a different statement: this commodity should in special circumstances be distributed according to a principle that normally does not apply to commodities.

The second interpretation says that the changing nature of things can, after all, go unrecognized. For example, the fact that the majority of people does not recognize a particular work of ceramics as a piece of art, but simply as a plate, does not determine the nature of the “plate”. And since at least moderate scarcity can obviously go unrecognized by the wealthy as well as the poor, an unrecognized shifting nature of food, from commodity to necessity, should perhaps not come as a surprise.

However, does then an allegedly shifting nature of a particular good entail anything of moral significance? I believe it must be accurate to say that changing the nature of a good does not create new distributive principles, perhaps never heard of before, but that it nevertheless can shift the applicability of given principles, say from distribution according to willingness to pay to distribution according to need. In short, change of the nature of goods is definitively likely to be morally significant. Moreover, this suggests that distributive principles are not so to speak situated in the social meaning of each good but the apparently shifting meaning and over all importance of a good
provides important though not comprehensive input to informed deliberations about which principle to apply.

Let me try to show this by continuing the food example. Sometimes food, particularly tasty and exclusive items, constitutes the first prize in a competition. As in cases of sudden scarcity, important parts of the nature of the food items, once bought by the organizational committee, remain the same. Salmon tastes roughly the same and contains the same mix of nutritional ingredients, for example. Still, once the salmon is caught, different layers of meaning may be added to it. In the context of a competition, the salmon is being viewed as a prize and a fish of a special kind. The thing is, of course, that this latter meaning (understood as a prize item) is often perceived as, at least ceteris paribus, determinative of the proper distributive criterion of the food item in question. Prizes should go to those who are deserving and this is settled by finding out who is the non-cheating winner of the contest. It is not on its place to argue that prizes should go either to those who need them or to those who can pay for them (what would such a soccer championship look like?). I wrote ceteris paribus since using food as a prize amidst a famine would hopefully be unthinkable. However, so would focusing one’s energy on a petty competition, of course.

In other words, depending on shifting circumstances, there can be different meanings attached to the same token of food, e.g. a fish. Spheres of Justice seems to be right as far as the relevance of investigating these circumstances goes. Still, the previous discussion does not show that applicable distributive principles are situated in the social meaning of each particular good; on the contrary, they seem to be external to them.

However, before we turn to the next theme (i.e. how to evaluate the general outcome of distributing goods according to relevant and different principles), let us return to the problem of identifying the relation between the meaning of a good and its proper distributive principle by turning to another concrete good, namely, office. In this case, the complex and interesting interrelation between description and normativity also reveals itself in interesting ways.

A quite obvious idea is that appointments of office should go to the person who is likely to fulfill certain roles and expectations better than other candidates. If so, office ought to be distributed according to the principle of merit (not to be confused with desert, as we saw in the
previous chapters). This distributive principle coheres well with how office is interpreted in *Spheres of Justice*. There it is stated: “[…] an office is any position in which the political community as a whole takes an interest, choosing the person who holds it or regulating the procedures by which he is chosen.”13 As an important complement offices also includes careers and that managing them, therefore, is to manage something “close to the core of individuality and personal integrity.”14

Moreover, whereas commodities are situated within the market sphere, offices are not. It is not easy to determine exactly which sphere they are supposed to belong to, though.15 Still it is safe to conclude that, offices are supposed to serve communal purposes and that they should do that in the best possible way.16 Here we find the idea of meritocracy that suggests that only relevant qualifications should matter. In other words, office ought to be offered to the best qualified candidate, and the criteria of qualification are determined in each specific case by what the office in question is expected to achieve.17 It is interesting to note though, that this strong evaluation of merit is determined by a specific interpretation of the communal purpose of office.

With this last observation in mind let us now turn to the above stated point about the intersecting levels of descriptive and normative aspects. Allegedly: “Offices cannot be appropriated by private persons, passed down in families, or sold on the market.”18 In the previous quote, it is the use of the word “cannot” that is intriguing. One can

13 Walzer, Michael. *Spheres of Justice*, p. 129.
15 Cf. Walzer, Michael. *Spheres of Justice*, p. 129. The headline of the first paragraph in the chapter about the proper distribution of office is somewhat confusing. It reads: “Simple Equality in the Sphere of Office”. It is confusing because the text treats office as a social good that is situated in a sphere. I find it plausible to ignore the headline and instead follow the lion’s share of the text and interpret office as a good to be distributed.
16 Walzer, Michael. *Spheres of Justice*, p. 145. Walzer writes: “Selection committees are committed to look for those qualities […] also out of a concern for all those who depend upon the service of qualified office holders.” “Those qualities” refers to qualities (in candidates) that are relevant for the practice or organization in question.
17 If for example A has a PHD and B does not, but B shares the actual search committee’s view about how the organization in question should develop whereas A does not. Then B, according to Walzer, might very well be the best qualified.
18 Walzer, Michael. *Spheres of Justice*, p. 129.
interpret it in several ways. First, it can be taken empirically to mean that however hard one tries she will never be able to buy an office. This is not a very plausible interpretation, since offices can be bought in places where corruption reigns. Rather, the statement ought to be reformulated as follows: “Offices ought not to be appropriated by private persons, passed down in families, or sold on the market.”

The second interpretation is conceptual. According to this, if positions at government agencies, for example, are bought and sold, then allegedly these jobs are no longer offices but a kind of commodity. Thus perhaps one can also say that as soon as someone manages to buy himself the job as e.g. judge in a court of law, the position is transformed, from being an office into a commodity. It is commodification in practice. If this is an accurate description of what happens when an office is bought then indeed offices cannot be appropriated.

There is something simultaneously correct and problematic about this. One thing appears to be right. When children are playing, let’s say that they are practicing hurdles in the garden, and that they are using chairs as hurdles. For the children at that moment, the chairs are hurdles. One could also say that the chairs have become hurdles. Similarly, it can be decided by the government that certain coins, presumably “small” ones, are not to be counted as money. In this case the coins, the pieces of metal remain intact, but they aren’t money any more. In other words, these pieces of metal have been effectively removed from “the practices of owning, buying, selling, earning, paying for services, paying for debts, etc.” The social construction has changed. This tells us interesting things. The first I had in mind repeats what I wrote above, which indicates that, as their social function changes, so does the nature of things. The second says that although social function is changeable, it takes more than an individual decision to change the nature of a thing. The things we call chairs will not cease to be chairs just because a few children one hot summer afternoon pretend that they are hurdles. Indeed, if questioned, the children will be able to acknowledge that they are using chairs as hurdles (don’t think anyone will honestly claim that she, from that hurdle day and on, is sitting on a hurdle while eating her breakfast). So although

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the nature of a thing is constructed rather than given, it takes more than individual choice or make-believe games to change it.

The latter fits our previous observation about the possible corruption of office and officers. An office does not cease to be an office even though an individual may manipulate, through bribes or threats, an agency to offer him a position. In ordinary language, we do, after all, speak of corrupt officials who are apparently (still) working in offices. Also, these functionaries continue to be office holders.

However, if a whole society regularly and officially treats positions at agencies as commodities, then it would be justified to believe that the institution of office does not exist, at least it is not present. The demarcation line is not sharp. It apparently is a rather slippery slope of increased and progressively accepted corruption that gradually is transformed into trade. Somewhere along this line, office disappears. This would not be a problem though, if it wasn’t for the fact that office is a good thing. If it weren’t for the fact that e.g. courts of law serve important communal purposes, then losing them would not necessarily be a bad thing. Thus corrupting an office is bad, not so much because it causes change but because it damages something valuable. And again their value, of course, can be determined along different lines. One could be that the upholding of a non-corrupt institution of office contributes to a just society. But, and this is important, the criteria for a just society cannot be comprehensively determined by whether office is distributed according to its internal distributive principles.

So what lessons can we draw from the contention that offices cannot be appropriated by private persons? One straightforward one is that the statement is empirically false. The other is that the statement does not easily lend itself to a plausible conceptual interpretation either. Even obviously socially constructed things can be mistreated and still remain what they are. It confirms, though, the idea that knowing what an office is includes knowledge about one of the principles by which this good ought to be distributed. It confirms that, everything else being equal, open positions should go to the one who is most likely to perform according to given expectations on the job, and that
if compared to e.g. the just distribution of health care, there is a clear consensus about this.\footnote{This is so for reasons that might be obvious by now. Health care is still health care even if distributed as a market commodity, whereas this, as we have seen, wouldn’t be the case with office.}

However, the previous investigation does not confirm that this distributive principle is internal to each concrete good, each office in this case. Knowing what an office is cannot be separated from, knowledge about the context in which it is supposed to function (its sphere in the terminology of \textit{Spheres of Justice}), which entails, of course, being aware of the social purpose that office supposedly has.

Furthermore, it does not establish that there are no relevant “office external” distributive principles. For example, in cases when applicants are equally deserving based on merit, distribution according to equality of opportunity does not conflict with the alleged internal distributive principle of the good in question.

Let me finish the section about principled pluralism by briefly commenting on another “commodity example”. The example I had in mind is as predictable as it is crucial. It concerns human beings. Almost everywhere in our globalized world, human beings, especially women, are bought and sold. Not so long ago, this was legal in the so-called “liberal west”. The point is, if it is a descriptive fact that human beings are bought and sold, that is, acted upon as commodities, should I conclude that some but not all human beings, in some contexts, are property? Cannot the nature of human beings, just like the nature food, change, from an end in itself (not a distributable good) to a commodity? It seems like it can be permissible, perhaps even right, to treat a human being as a commodity. Important aspects of this particular problem will be further addressed in the section entitled moral equality and in chapter six.

What are we coming to here? Basically, I am saying the seemingly obvious; it is problematic to draw normative conclusions about how “something” ought to be treated from facts about how that “thing” actually is treated, in a certain context. Human beings are after all constantly being treated, selectively along stereotypical racist lines, as property. In some contexts, slavery was once an open and legal practice. It would arguably be strange to say that we therefore are commit-
ted to hold that slavery can be right, since obviously human beings can be treated as commodities.

It will have to suffice to say that all the examples show that an actual meaning of a good might hint at how it ought not to be distributed (e.g., food that happens to constitute a prize should not be distributed according to the principle “willingness to pay”) but the examples also show that it can be notoriously difficult to draw definite positive conclusions. Nevertheless, at the least, we can learn that close attention to the various and changing layers of meanings should play an important role in decisions about which distributive principle to apply in a concrete situation. This, arguably, is something that should be acknowledged in a plausible and comprehensive account of social justice. Furthermore, distributing all goods in equal shares is nonsensical. Distributing e.g., office in equal shares among citizens would simply be strange.

Types of Relationships

After having noticed that there are several factors external to particular goods that are of relevance for determining their proper distribution, the time has come to test the idea that among those it is (primarily) the kind of social relationships in which the goods in question are situated that should determine their proper distribution. This idea is defended in two important monographs, *The Struggle for Recognition* and *Principles of Social Justice*, the first written by the well-known political philosopher Axel Honneth and the second by David Miller. Here one could also argue that “what determines how”. The basis for

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21 Honneth, Axel. “Redistribution as Recognition: A Response to Nancy Fraser” in Fraser, Nancy & Honneth, Axel. *Redistribution or Recognition A Political-Philosophical Exchange* (London: Verso, 2003), p. 142. Miller, David. *Principles of Social Justice*, p. 1, 25. On page one Miller writes the following about what he understands by social justice. “When we talk 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.” It is evident in this quote that Miller uses the words “social justice” to refer to distributive justice. And on page 25: “I propose a different kind of pluralism about justice, one that may allow us to see some of Walzer’s very illuminating examples in a new light.” See also Miller, David. “Introduction” and “Complex Equality” in *Pluralism Justice and Equality* ed. by Miller, David & Walzer, Michael (Oxford: Oxford University Press, 1996), p. 1, 197.
learning how something ought to be distributed among persons, is
namely to be found in the kind of relationship that dominates each
situation. Miller writes:

Rather than starting with social goods and their meanings, let us begin
with what I shall call ‘modes of human relationship.’ Human beings
can stand in different kinds of relationship to one another, and we can
best understand which demands of justice someone can make of us by
looking first at the particular nature of our relationship.

Many important points are articulated here. The claim of primary in-
terest, however, is that there are supposedly three basic types of rel-
tionship that are of general interest for understanding the meaning of
justice. There are, namely, three different distributive principles,
each of which is to be found within a distinctive type of relationship.
The principles are need, desert, and equality in the relationships of
“[… solidaristic community, instrumental association, and citizenship”
respectively.

Now, in order to evaluate this idea we need to learn what these
communities are and how the connections look like between each type
of relationship and a particular distributive principle. The idea is that:
“If what is involved is a relation shaped by an appeal to love, then the
neediness principle has priority; in relations shaped by law, the equal-
ity principle gets priority; and in cooperative relations, the merit prin-
ciple holds.” Supposedly we relate differently “[…] to one other in

22 Honneth, Axel. “Redistribution as Recognition: A Response to Nancy Fraser”, p. 181. Honneth writes: “As this formulation indicates, the content of what we call ‘just’ is measured here in each case by the different kinds of social relations among sub-
jects.”


24 Honneth, Axel. The Struggle for Recognition The Moral Grammar of Social Con-
zens of modern liberal societies, we need to consider three such basic modes, which I shall label solidaristic community, instrumental association, and citizenship.”


our communities (at the very least in our families), in instrumental associations, and as citizens.”

Within these different kinds of relations we find three sets of everyday roles that are all fairly easy to recognize. The first is constituted by special or close relations, such as with a parent, a spouse, a friend or a child. The second consists of roles given by non-domestic paid work, and by other general transactional activities. We might think about ourselves as nurses, cleaners, teachers and consumers, for example. And the third denotes the roles we can have as citizens. The recognition, as in positive acknowledgement, or misrecognition we might receive as holders of these kinds of roles, is evidently of importance for us.

However, since the issue here is to investigate whether it is tenable to connect each set of roles or kind of relations to primarily one distributive criterion, I shall turn directly to the claims of relevance for understanding whether this is so. Let us start with the first mode of relationship, the one Miller names “solidaristic community” and Honneth “intimate relationships”, and subsequently turn to the others. The question is: why should we think that a strong sense of mutual obligation expresses itself most naturally as distribution according to need? This is because among friends the size of the distributed share does not matter, since the question of desert or equality does not come into

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27 Miller, David. *Principles of Social Justice*, p. 32. Miller explains his idea as follows: “[…], when people share a common identity as members of a community, they see their lives and destinies as interwoven, and their sense of themselves as free-floating individuals is correspondingly weakened; their solidarity gives rise to a more or less powerful sense of mutual obligation, and this naturally expresses itself in a conception of justice as distribution according to need. In an ideal-typical instrumental association, by contrast, the participants are strangers to one another who collaborate for a particular purpose. Each recognizes the others as autonomous agents with whom he collaborates for mutual advantage alone, and the claim that is recognized is the claim of contribution—hence the appropriateness of desert criteria when the resources of the association are being allocated.”

28 Cf. Honneth, Axel. “Redistribution as Recognition: A Response to Nancy Fraser”, p. 181. Here, Honneth explicates the difference between his and David Miller’s conception of justice as follows: “[…] in contrast to David Miller, […] the tripartite division I propose arises neither from mere agreement with the empirical results of research on justice, nor from a social-ontological distinction between patterns of social relations, but rather from reflection on the historical conditions of personal identity formation.” The importance here is that whatever the (suggested) genesis of the proposed kinds of relations is, Miller and Honneth delineate the same ideal types of relations and they also claim that they are linked to the same distributive criteria.
play. This view of the ethos of close relations has affinities with communitarian thinking (as we shall see in chapter 7) as well as with ideas in Honneth’s tradition of critical theory. The family is seen as a paradigmatic example of this type of intimate relationship. By virtue of being structured around love relations it is allegedly free from the exploitation of the capitalist economy, or to put it in Jürgen Habermas’s terms, it is free from the media of money and power that leads to morally destructive strategic thinking (and to instrumental reason). What is being implicitly brought into focus here, according to Miller, is the grammar of justice articulated within families, that is, to safeguard that each gets what she or he need.

There are, however, many kinds of disturbing counterexamples. To begin with, “feminists have shown via empirical analyses of contemporary familial decision-making, handling of finances and wife-battering that families are thoroughly permeated with, in Habermas’s terms, the media of money and power. They are sites of egocentric, strategic and instrumental calculation as well as sites of usually exploitative exchanges of services, labor cash and sex, not to mention sites frequently of coercion and violence.” Hence, talk about fairness and unfairness is definitively likely to be on its place also in families.

Honneth and Miller might respond though by saying that this only shows that families tend not to be solidaristic communities, it does not

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29 Though critical theorists are inspired by Marx, Marx’s texts do not lend themselves to a univocally positive evaluation of the institution of the family, on the contrary. In “The German Ideology” (quote from The Marx–Engels Reader Second Edition, Ed. by Tucker, Robert C. (New York: W. W. Norton & company, 1978), p. 159), Marx writes the following about the source of all “bad” contradiction causing divisions of labour: “[…] the nucleus, the first form, of which lies in the family, where wife and children are the slaves of the husband.”

30 This idealizing image of the family is by no means novel. See for example Hume, David. An Inquiry Concerning the Principles of Morals (New York: The Liberal Arts Press, 1957), Sec III, Part I, p. 16 ff., where Hume writes: “In the present disposition of the human heart, it would perhaps be difficult to find complete instances of such enlarged affections; but still we may observe that the case of families approaches toward it; […]”. Between married persons, the cement of friendship is by the laws supposed so strong as to abolish all division of possessions, and has often, in reality, the force ascribed to it.


show that distribution according to other principles than need are at
home in relationships that really are solidaristic. Let us try to imagine
such a community. Whatever we might call it, say, true friendship, I
strongly suspect that e.g. hard work will be present there too. Occa-
sionally, it is necessary to clean the apartment. Many dislike doing
this and it is generally not considered to be socially valued skilled
work. It is easy to imagine distributions of e.g. cleaning obligations
among loving spouses, brothers and sisters that are unfair. Various
sorts of positive encouragement can also be consciously and subcon-
ciously distributed more or less fairly, among close friends. Last and
most importantly, the need to state that friends are not merely good
friends but also equals, in order to exclude at least some forms of in-
justice, shows that aspects of justice other than distribution according
to need are relevant. Thus, I conclude that solidaristic relationship,
even if we assume that there can be such a thing, is not connected
primarily to one distributive principle, e.g. distribution according to
need.

The same kind of conclusion is valid for other types of relation-
ships. It appears just as “natural” to connect the fair distribution of
market goods, goods exchanged in so-called instrumental relation-
ships, with a distributive principle of choice, i.e. demonstrated in a
willingness to pay sell or give away something, as it is to a principle
of desert. Also, there is nothing in the mode of instrumental relation-
ship that is not congruent with paying employees according to a
pragmatic business principle, that is, only as much as is needed in
order to “make them” stay, and to do a sufficiently good job. After all,
the character of their relationship is acknowledged to be instrumental.
An obligation to adjust salaries to desert is easily seen as a way of
respecting the agency aspect of each individual, which, of course, can
be articulated as an example of respecting them as persons and not
mere means (instruments). In other words, the notion of desert can
easily be seen as indicating a relationship of mutual respect rather than
an instrumental ditto.

The same thing goes for citizenship. Relationships among citizens
are not incongruent with distribution according to need. For example,

33 See Galston, William A. Liberal Purposes, p. 184-88 for an interesting interpreta-
tion of how and why the distributive principles of need, desert, and choice follow
from egalitarian liberal commitments.
in most countries there are undeservingly disadvantaged citizens, and I find it strange to think that the state is somehow prevented from attending to their needs because the relationship among citizens and between state and citizen is distant, compared to family relations. At the same time, civil rights are very good candidates for being distributed equally among citizens, provided that we accept them as distributable “things”. Thus, we can very quickly conclude that distribution according to need and equal distribution can be equally at home in talk about justice among citizens.

We have reached a conclusion: different conceptions of right distribution cuts across various kinds of relationship. Furthermore, and this is important, knowledge about when to apply which distributive principle comes from the ability to master different aspects of justice, and not primarily from understanding modes of relationship, although they are highly relevant as circumstances of justice. That is, knowing e.g. the concept of fairness entails knowing its point, the sense in which it articulates an aspect of justice of importance in its own right, and in the ability to see fairness and unfairness taking place. Modes of relationship are not determinative for this.

Finally, the justice of general outcomes of many different small distributions is not obvious. We need to ask also what conceptual tools are necessary for an overall evaluation. For example, as we have just seen in the previous chapter, there is a need to question whether distributing all commodities according to Nozick’s procedural principle leads to just outcomes. If so, the conceptual tools necessary for articulating the injustice of likely outcomes are, still, missing. We shall attend to this problem in the next section.

Blocked Dominance

The second structurally significant theme, which we will turn to now, concerns how the What determines how-idea relates to overall justice, i.e. what it is that justify the idea that a particular version of distributive pluralism leads to social justice for society as a whole. The idea is fairly straightforward. It says that application of distributive principles, away from their proper home sphere, constitutes what I have called overall injustice. Thus, social justice is realized not merely by the distribution of goods according to principles that operate in their
“home sphere” but also primarily by preventing the application of distributive principles in contexts where they do not belong.\textsuperscript{34} In \textit{Spheres of Justice} this is formulated in terms of the rightness of countering the dominance of one good over other goods.\textsuperscript{35} Michael Walzer writes: “I want to argue that we should focus on the reduction of dominance—not, or not primarily, on the break-up or the constraint of monopoly. We should consider what it might mean to narrow the range within which particular goods are convertible and to indicate the autonomy of distributive spheres.”\textsuperscript{36}

The concepts of dominance and monopoly are explained as follows: “I call a good dominant if the individuals who have it, because they have it, can command a wide range of other goods.”\textsuperscript{37} And on the next page: “Monopoly describes a way of owning or controlling social goods in order to exploit their dominance.”\textsuperscript{38} Put more concretely, the dominating influence of money, which is the prime example of a convertible good, becomes problematic if everything ranging from political power, office, education, and health care is for sale. Monopoly, on the other hand, appears to be less serious since only certain kinds of goods (e.g. matches or oil) are kept in control. Thus there can be monopoly on the sale of coffee or the release of computer software. There is a serious kind of monopoly, however, namely, monopoly over a really dominant good. This again is aptly expressed in \textit{Spheres of Justice} as follows:

“Physical strength, familial reputation religious or political office, landed wealth, capital, technical knowledge: each of these, in different historical periods, has been dominant; and each of them has been mo-

\textsuperscript{34} Cf. Swift, Adam. “The Sociology of Complex Equality” in \textit{Pluralism Justice and Equality} ed. by Miller, David & Walzer, Michael (Oxford: Oxford University Press, 1996), p. 257. “The way to prevent domination, and hence to achieve all the equality that is morally and politically important, is to prevent goods from converting illegitimately across spheres, where their social meanings indicate that they should be distributed autonomously, for different reasons.”

\textsuperscript{35} Incidentally, Jürgen Habermas’s idea about a colonization of “the life world”—by instrumental rationality—is often interpreted along similar lines (although the terms \textit{life world} and \textit{system} in this case are used in a more abstract sense to denote different aspects or faces of the same social world), i.e. ones that utilizes a conception of the integrity of different distributive spheres. Cf. Fraser, Nancy. “What’s Critical about Critical Theory? The Case of Habermas and Gender”, p. 97-131, p. 124 f.

\textsuperscript{36} Walzer, Michael. \textit{Spheres of Justice}, p. 10.

\textsuperscript{37} Walzer, Michael. \textit{Spheres of Justice}, p. 11.
nopolized by some group of men and women. And then all good things come to those who have the one best thing.”

Notwithstanding the differences between this idea of spherical justice and the libertarian conception of the previous chapter, both can be accurately described, at least in part, with the help of the “night watchman state” metaphor. Whereas the former hints at the necessity of watching the borders between different societal spheres, the latter interprets social justice in the terms of being a guardian over people’s rights. Evidently in Spheres of Justice, the idea of blocked exchanges articulates a point of probable relevance that cannot be accounted for within the Libertarian scheme of things.

The question is, is this idea of blocked exchange a plausible interpretation of overall justice? Are there good reasons for holding that blocking the exchanges between different distributive spheres will lead to justice, and by virtue of what can that be understood as just?

The question is, how should we go about evaluating this claim, about the alleged overall justice of keeping distributive principles to their allegedly proper sphere? There is an important evaluation problem that concerns a presupposition that is fundamental for the argument. I am thinking about the difficulty of identifying the relevant spheres and the difficulty of delineating the difference between a good and a sphere. This calls for attention.

Certain things are quite obvious. A smartphone, for example, looks a lot like a commodity, and as such it apparently belongs to the sphere of the market. But what is it that makes us sure about this? The answer, it seems to me, is due to the official market prices of the smart phones, and also because this fact appears morally uncontroversial to the consumer (who does not think about the conditions for the workers who actually make these phones). Furthermore, the actual buying and selling of smart phones is also uncontroversial. In this case the words “smart phone” and “commodity” are used to denote the same good but on different levels of abstraction, whereas “the market” denotes an abstract arena of trade (that used to be distinctive geographical spaces), in which commodities are bought and sold. The sphere thus indicates a domain in which goods of a certain kind are transferred according to principles that are distinctive of that domain.

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39 Walzer, Michael. Spheres of Justice, p. 11.
40 The Libertarian state is oftentimes characterized as “a night watchman state.”
Furthermore, if a certain distributive principle constitutes the defining characteristics of a sphere, then applying it in “foreign land” can be interpreted as an act of transformation, either cultural or societal, or both. Thus the application of market principles on health care can transform a communal necessity into a commodity.\(^4\) Thus, one effect of not importing market principles to the public sphere can be that the good healthcare continues to be a necessity, i.e. something people are entitled to by virtue of their needs. As we also noted in the previous section, the interesting thing is that removing healthcare from the sphere of the market can also change its nature (into a necessity). The question to remember is this: by what standards should the proper nature of e.g. healthcare be determined?

The difficulties with finding and drawing lines between actual goods and spheres are also exemplified by office. Office is namely used to denote both a particular societal sphere and it is the name for a type of good that works on the same level of abstraction as commodity does. There is office and there are concrete (office) positions. The sphere of office, on the other hand, indicates a domain in which positions are to be distributed according to “office principles”.\(^4\) Thus, the same word “office” is used to connote and denote different things.

However, there are also other kinds of problems with taking blocked exchanges as a norm for overall social justice. There can be abstract and important composite goods that do not belong to any particular sphere. Here I am thinking particularly about opportunity. It is as important to have an actual and equal opportunity to enroll at a good university as it is to have an equal chance to have access to healthcare and voting rights, for example. The thing is, a mere list of spheres and their typical distributive principles misses the apparent cross-spherical importance of this good.

Furthermore, some profound goods that belong to the so-called private sphere are impossible to address directly in the terms of distribu-

\(^4\) Walzer, Michael. *Spheres of Justice*, p. 84. Walzer writes the following about welfare: “[…] every political community must attend to the needs of its members as they collectively understand those needs; that the goods that are distributed must be distributed in proportion to need; and that the distribution must recognize and uphold the underlying equality of membership.”

\(^4\) Walzer, Michael. *Spheres of Justice*, p. 155, 163 f. In the chapter “The Sphere of Office” Walzer discusses how office ought to be distributed and why this is of importance.

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tive justice. Friendship, for example, cannot be distributed according to any recognizable principle of justice. Friendship and love happen if we are fortunate and it may end in cases of deceit, misfortune and routine. Interestingly enough, though, the indirect opportunity to nurture friendship, as well as the ability to enjoy it, can be distributed insofar as other goods such as education, free time etc. can be allocated.

I believe that these observations reveal several interesting things. First, although the blocking of spheres names an interesting way of achieving overall justice, distinct spherical goods do not exhaust the list of goods of importance from the perspective of social justice. Second, the place and relative importance of equality of opportunity, which is a good of general importance in egalitarian liberalism, are not settled by the blocking of spheres. Third, we can safely conclude that putting limits on at least one distributive domain, the domain of the market, does make a general societal difference. At the least, it allows other kinds of goods besides commodities as well as other spheres to exist. Of course, this goes in all directions. One can also imagine a society where no market exists. And surely this could have effects outside of current market sectors. Fourth, although it can be difficult to delineate all spheres, this does not entail that it is irrelevant to explicate the moral purpose behind blocking certain exchanges between any spheres. Still, the usefulness of blocking distributive exchanges between some spheres is quite limited since it is unclear whether or not there is a common moral point of blocking.

The last conclusion calls for further search and explication. Spheres of Justice has the following illuminating words to say about this:

> Given the right blocks, there is no such thing as a maldistribution of consumer goods. It just doesn’t matter, from the standpoint of complex equality, that you have a yacht and I don’t, or that the sound system of her hi-fi set is greatly superior to his, or that we buy our rugs from Sears Roebuck and they get theirs from the Orient. [...] So long as yachts and hi-fi sets and rugs have only use value and individual symbolic value, their unequal distribution doesn’t matter.43

Thus, as long as money buys only commodities, and not, say, legal immunity, a university professorship, or political influence, then the

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43 Walzer, Michael. Spheres of Justice, p. 107 f.
fact that I can buy more commodities than others, and that I am in no
way responsible for having this ability, does not matter from the point
of view of social justice.

But why is this so? Here comes an interesting suggestion: *Spheres
of Justice* says: “[…] the autonomy of the spheres will make for grea-
ter sharing of social goods than will any other conceivable arrange-
ment. It will spread the satisfaction of ruling more widely; and it will
establish what is always in question today—the compatibility of being
ruled and respecting oneself.”44 Here is, after all, a conception of gen-
eral social justice in terms of an explication of what it is about a prop-
er blocking that makes it just.

This explication has several interesting aspects. First, more sharing
of all different goods is portrayed as better than less sharing. Thus the
ideal of sharing, as opposed to more exclusive enjoyments of goods,
plays a role here, and since goods by definition are things that reason-
able people desire to have, this seems like a good idea. Greater shar-
ing must mean that more people get a piece of the good, and from an
egalitarian liberal point of view, this certainly seems to be heading in
the right direction.

This is not all, however. Secondly, it is claimed that a certain, per-
haps shifting, configuration of blocks will also enable a better ar-
range ment of ruling, i.e. it is predicted to improve the opportunities of
citizens to be self-directing. Thus, it coheres well with our egalitarian
liberal philosophical anthropology. Basically, the improvement of
these opportunities is supposed to be achieved by a combination of
removing certain obstacles for political power, primarily in the form
of strong property rights, and by enforcing obstacles for the use of
economic influence in the political sphere. This is so to the extent that;
“Blocked exchanges set limits on the dominance of money.”45 Exactly
how this is supposed to work is explained in the rather lengthy quote
below:

44 It is rather surprising to find that quite general ideas about wider sharing and condi-
tions for self-respect serve as explication of general societal justice. These criteria are
supposed to do a crucial evaluative job. And these criteria are supposed to do this
work in a justice conception that is an alleged contrast to conceptions of justice built
around ideas of so called simple equality. Talk about wider sharing is neither very
precise nor can it to do justice to complexity.
45 Walzer, Michael. *Spheres of Justice*, p. 100.
Might not the enormous capital investment represented by plants, furnaces, machines, and assembly lines be better regarded as a political than an economical good? To say this doesn’t mean that it can’t be shared among individuals in a variety of ways, but only that it shouldn’t carry the conventional entailments of ownership. Beyond a certain scale, the means of production are not properly called commodities, any more than the irrigation system of the ancient Egyptians, the roads of the Romans or the Incas, the cathedrals of medieval Europe, or the weapons of a modern army are called commodities, for they generate a kind of power that lifts them out of the economic sphere.\(^{46}\)

It is important to note that this restraint on power through restraining property is justified with the help of a specific touchstone, namely the conditions for self-respect.\(^{47}\) Herein lies an important point. The conditions for self-respect consist in an opportunity, i.e. the opportunity to act as a free and a responsible citizen.\(^{48}\) While individual self-direction is realistically set here in the framework of institutions, that affect both what we can do and who we think we are, e.g. a sister and daughter, the opportunity to act as a free and responsible citizen would be severely limited if participation in the decisions that shape the basic conditions for our identities was blocked or just impossible.\(^{49}\) Opportunity for political participation is therefore rightfully seen as a condition for individual autonomy.

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\(^{46}\) Walzer, Michael. *Spheres of Justice*, p. 122.

\(^{47}\) Walzer, Michael. *Spheres of Justice*, p. 278, 298. On page 278 Walzer writes the following about the importance of self-respect: “Self-respect can not be an idiosyncracy; it is not a matter of will. In any substantive sense, it is a function of membership, though always a complex function, and depends upon equal respect among the members. Once again, though now with intimations of cooperative rather than competitive activity: ‘they recognize themselves as mutually recognizing each other.” And on page 298 Walzer writes about property and “political currency”: “What democracy requires is that property should have no political currency, that it shouldn’t convert into anything like sovereignty, authoritative command, sustained control over men and women.”

\(^{48}\) Walzer, Michael. *Spheres of Justice*, p. 279. Walzer writes: “[…] the self-respecting citizen is an autonomous person. I don’t mean autonomous in the world; I don’t know what that would involve. He is autonomous in his community, a free and responsible agent, a participating member, I think of him as the ideal subject of the theory of justice.”

\(^{49}\) Of course, our identities appear to be shaped also by other things than political decisions. It is difficult to justify the claim that who and what we think we are is comprehensively determined by our government. Ethnic aspects of ourselves can indeed remain in spite of historic governmental actions taken against them (cf. the
By now the substantive criterion that explicates the rightness of blocked exchanges has reached the textual surface. As we have seen, the criterion is decidedly egalitarian liberal. Moreover, its content is most plausibly explicated in terms of equality of opportunity. Hence, an egalitarian liberal conception of distributive justice hovers like a golden compass of social justice above the workings of different distributive spheres.

Finally, when seen in comparison to the redistributive measures mentioned in the two previous chapters, the idea of safeguarding spherical distributive autonomy is indeed a different as well as a complementary way of achieving egalitarian liberal justice.

The Good Liberal Life

The third structurally significant theme concerns the role that a substantial conception of the good life can and should play in our evolving conception of social justice. Put bluntly, the choice of opportunity...
and desert as a combined information basis for a just state of affairs reveals that being able to direct one’s own life is considered to be not only good but very important. Hence, our egalitarian liberalism has from the start presupposed “[…] a non-neutral account of the human good.” It is non-neutral just because this conception of justice presupposes that one particular (thin) account is preferable to alternatives.

In line with this, after having concluded that social justice is about establishing conditions for self-respect, as much and as even as possible, *Spheres of Justice* states the following about the autonomous person: “[…] the self-respecting citizen is an autonomous person. I don’t mean autonomous in the world; I don’t know what that would involve. He is autonomous in his community, a free and responsible agent, a participating member, I think of him as the ideal subject of the theory of justice.”

This ideal is liberal, although the politics it legitimizes might not be recognized as such. Still, the idea is properly labelled liberal precisely because having the opportunity to pursue the good according to one’s own light is portrayed as preferable to an uncritical following of the wishes, or explicit dictates, of any external power. This means that whatever sets of conceptions of the good life that exist in a particular community, it is perceived as a vital good to have a chance to change, for example, by abandoning parts of the values with which one has come to identify.

It is here, in acknowledging that implementing egalitarian liberalism entails implementing a thin yet distinctive conception of the good that trouble appears. The first problem reads as follows: justice is supposedly about right relations among concrete persons and groups; it is not about enhancing their good. And the second: egalitarian liberal justice is about equality of opportunity to realize one’s own idea


Cf. OED It is interesting to note that, according to OED, the most common use of the word “inviolable” goes against its literal descriptive form. It connotes: “1. Not to be violated; not liable or allowed to suffer violence; to be kept sacretly free from profanation, infraction, or assault. a. Of laws, treaties, institutions, customs, principles, sacred or cherished feelings, etc.” Whereas the connotation I had in mind reflects an older (descriptive) use, namely: “2. That cannot be violated; that does not yield to force or violence; incapable of being broken, forced, or injured.”
about the good, it was not supposed to entail the implementation of a specific idea about the good life for or on other people, for whom this idea might be alien, and unwelcome.

Let me start with the first problem and rephrase it slightly. Is it possible to argue that egalitarian liberalism is nothing but a contemporary version of the ancient Platonic idea of an amalgam between the alleged right, i.e. the just or right ordering of the soul, and the (also allegedly true) good? After all, we have seen that opportunity and desert are important to the extent that being relatively self-directing is important. And being self-directed, rather than directed by external agents, presupposes the possibility and desirability of being a self-controlling self, i.e. it seems to presuppose the goodness of cultivating important aspects of what belongs to “our rational nature”. This indeed has the traits of perfectionism.

Now, besides the problem of disagreement about the good, to which I shall return later, I contend that eudaimonistic conceptions of justice, those in which ideas about what it means to live well are theoretically decisive, lack the conceptual resources needed to explain the obligatory nature of justice. The obligatory nature of justice is namely difficult if not straightforwardly impossible to explicate in the terms of the, sometimes supererogatory, goodness of helping others to realize their (common human) potential, which the Platonist interpretation would imply. On the contrary, the source of rightness resides in the perceived obligatoryness of treating others with respect. This sense of the obligatoryness or overridingness of moral demands is described by Wittgenstein in the following:

Supposing that I could play tennis and one of you saw me playing and said “Well, you play pretty badly” and suppose I answered “I know, I’m playing badly but I don’t want to play any better,” all the other man could say would be “Ah then that’s all right.” But suppose I had told one of you a preposterous lie and he came up to me and said “You’re behaving like a beast” and then I were to say “I know I behaved badly, but then I don’t want to behave any better,” could he then say “Ah, then that’s all right”? Certainly not; he would say “Well, you ought to want to behave better.”54


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And why ought he to want to behave better in the latter case, we might ask? Well, because, if you understand the concept of lying, you must also understand that lying is wrong in virtue of failing to treat the other as an important equal. Though some might argue that further evidence for the inter-subjective validity of this particular moral conviction, cannot be found, I nevertheless find it helpful for our purposes here to ponder briefly on what it is that makes lying wrong, generally speaking. Arguably to tell a lie is to present a false statement with the intention to deceive. Merely stating something false does not qualify as lying since it might merely indicate ignorance. No, a liar states something false in order to influence a fellow human being, or a group. Therefore, the wrongness of lying must be explicated in terms of the wrongness of manipulation. Lying, put in other words, is a devious attempt to assume control over someone else. It is an attempt to move others in directions they would not go, had they known the truth. It works by altering views about the lying subject, in a preferred direction, for instance.

Thus the upshot is that lying is disrespectful in the sense of assuming an entitlement to be the secret director of others. The source of the strength of the obligation not to tell lies therefore is the same as the source for the obligatoriness of justice. It resides in the contradictory relation between treating adults with respect and viewing them as proper objects of remote control. This, I take it, is also why doing justice is obligatory, not supererogatory, and why doing justice can be said to be done because it is right, not because of something normatively weaker, i.e. less urgent, like serving to perfect an allegedly common nature.

_Spheres of Justice_ develops this as follows:

In order to enjoy self-respect, we must believe ourselves capable of measuring up, and we must accept responsibility for the acts that constitute measuring up or not measuring up. Hence, self-respect depends upon a deeper value that I will call ‘self-possession,’ the ownership not of one’s body but of one’s character, qualities, and actions. Citizenship is one mode of self-possession.55

Self-possession in the above mentioned sense is evidently not that different from self-ownership. However, the similarity is not of primary importance, noticing the alleged importance of self-control is. In order to grasp this point one must see that the emphasis is more on a particular relation to oneself rather than on control in general. It is a specific kind of control. It is not about checking and regulating things. It is about exercising a certain power, namely the power to determine one’s movements, the bodily as well as intellectual ones. Phrases like “he cannot control himself” are often used to denote the opposite to this ability. However, being the subject of imperialistic power structures exemplifies infringements of this alleged power too.

The assumption is double: first, if you don’t try, perhaps even fight, to be in control of your destiny, then others will, and it is uncertain whether they will take your interests into consideration. And, second, she who has no control over herself cannot act. She cannot be responsible for anything, besides perhaps for wasting her opportunity to live as a conscious moral subject.

Taken together this is why the general criteria of equality of opportunity and desert are crucial and necessary. Without them the What determines How-idea would offer no guidance for judgments about general social justice. And this is why the implementation of this particularly liberal idea of the good life is not self-contradictory. It is not coercive. This is so because someone who contends that being self-directing is not important to her, nevertheless needs her power to be self-directing in order to take a stand for her preferred way of life, and taking a stand might be necessary while surroundings change. This

See Honneth, Axel. “Redistribution as Recognition: A Response to Nancy Fraser”, p. 184. Honneth writes: “With the development of the three separate spheres, I said, the opportunities increase for all members of the new type of society to achieve a higher degree of individuality, since they are able to experience more aspects of their own personalities along different models of recognition.” Honneth argues here that the application of different distributive principles in three separate spheres, made possible by the development of three different kinds of social relations, will lead to a relative increase in opportunity for individuation, i.e. individual self-determination. And, most importantly, this increase in opportunity constitutes the criterion of enhanced social justice.


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basically is how right relations and the good are integrated in egalitarian liberal justice, and why there need not be conflict between them.

This leads us to the previously announced problem of disagreement, i.e. to the problem that conceptions of the good life presumably differ more among various groups and individuals than ideas about fairness do, and that this supposed greater difference is accounted for by egalitarian liberal conceptions of social justice since they as I have indicated are about comparing opportunities and desert to ideal patterns, rather than about enhancing goodness, common and individual. However, this worry misses something important, namely that disagreements about the good varies depending on which good it is, and the point with thin goods are that their openness to being filled with a variety of more concrete meanings, say substantial ideas about self-realization, make them more shared and less divisive than e.g. full-fledged classical Platonic perfectionism is.

As we have seen, the goodness of being self-directing is less controversial than it might first appear. Let us imagine a person who has come of age and who considers it vital for her to be directed by God rather than to be self-directing, which she considers to be an ungodly sign of hubris. The thing is, this hypothetical pious person’s quarrel with the idea of self-direction is likely to miss the point. This is so because when she lives her life as a, say, pious orthodox Christian she is in effect directing her life along the path she has come to consider as her own, and which she prefers over what she considers to be inauthentic alternatives. Hence, my point is simply that having the opportunity to be self-directing is of vital importance, independently of whether you think that living self-directing life is an end worthy of cultivating for its own sake. Thus, and again, our preferred version of egalitarian liberalism not merely presupposes but contains a so-called thin conception of the good, and this need not be self-contradictory.

Finally, a comprehensive account of how we can know exactly when which principle, say equality of opportunity, desert or perhaps self-ownership, ought to determine the distribution of which good is still missing. It is difficult to imagine how a continued explication of the alleged good liberal life could be of help though. That, however, is something we should not be too worried about. Social reality is extremely complex as well as constantly changing. A conception of general societal justice, though being an abstract part of that very reality, cannot be complete in the sense of containing foreseeable interpreta-
tions of all implications in different concrete cases. Such work would have to be left to a more in-depth discussion on a case by case basis.

Conclusion

This chapter suggests a test for ideas about how a particular good might be properly distributed. First, it asks what social purpose this good has. Second, it attempts to determine which distributive principle fits that purpose the best, e.g. based on willingness to pay or on the needs of the individual. And thirdly, it investigates whether the general application of the preferred principle, e.g. merit for office, serves to uphold the principles of equality of opportunity, desert and self-ownership. If there is conflict, the abstract principles are trumps. This is so because they are direct interpretations of what it means for society to show equal respect for its inhabitants. This chapter has also shown how and under what conditions investigating connections between the meanings of goods and choice of distributive principles can help to advance social justice.
5. Injustice, Not Justice?

Previous chapters established that an egalitarian conception of social justice can be defended against both Libertarian and pluralist critiques, and also that it can take their major constructive ideas into account. This chapter wrestles with a different critique. It is a criticism of the very ambition to explicate a positive account of general social justice. The critique comes in two different forms. The first holds that it is theoretically or conceptually impossible to delineate a positive account of justice, whereas the second holds that privileged persons cannot understand what justice means. The author of this text happens to be privileged in numerous ways. Thus, for people like me, the meaning of justice can only be apprehended by listening to authentic stories about injustice. Let us start by investigating the first conceptual point.

The Notion of Distributive Injustice

The specific claim that justice can only be defined negatively, that justice consists in absence of injustice, is not new. In 1651 Thomas Hobbes wrote: “But when a covenant is made, then to break it is Unjust: And the definition of INJUSTICE, is no other than the not Performance of Covenant. And whatsoever is not Unjust, is Just.”¹ Let us call this a negative account of justice. 319 years later, the philosopher R. E. Ewin argues that; “…any satisfactory account of justice must be a negative account.”² Four years later, in his book Rättvisa (Justice),

¹ Hobbes, Thomas. Leviathan, p. 100.
the Swedish theologian and ethicist Jarl Hemberg adopted Ewin’s position.3 Objections to positive accounts keep reappearing.

While Hobbes’s negative account is an example of thinking about justice in commutative ways, Ewin clearly refers to distributive justice.4 Ewin’s argument proceeds from the assumption that talk about distributive justice makes sense only when somebody’s taking/getting or having goods deprives others of something they desire or need.5 Ewin writes:

So, with unlimited air, we are not faced with a case of injustice when one person takes more air than anybody else, simply because he feels like doing deep-breathing exercises. When one person takes more food than anybody else simply because he wants to experience the bloated feeling that follows a big meal, we may well be faced with a case of injustice.6

In the footsteps of David Hume, Ewin claims that unlimited plenitude makes the relative size of each person’s actual share uninteresting.7 Another way of formulating this is to say that when one classical circumstance of justice, scarcity, is not present, then talk about justice becomes irrelevant (I shall return more extensively to the circumstances of justice in chapter 7 and 8).8 Allegedly, distributive justice does not enter the moral scene as a general demand for equal shares, but it enters to articulate the wrongness done when someone unnecessarily is made worse off by a certain distribution of goods. I suppose that the premise behind this claim is

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7 See Hume, David. An Inquiry Concerning the Principles of Morals, p. 15. Hume writes: “Water and air, though the most necessary of all objects, are not challenged as the property of individuals; nor can any man commit injustice by the most lavish use and enjoyment of these blessings.”
8 Cf. Hume, David. A Treatise of Human Nature, p. 495. Hume writes: “This we may observe with regard to air and water, tho’ the most valuable of all external objects; and may easily conclude, that if men were supplied with every thing in the same abundance, or if every one had the same affection and tender regard for every one as for himself; justice and injustice would be equally unknown among mankind.” Cf. Rawls, John. A Theory of Justice, p. 126-30. Cf. Sandel, Michael J. Liberalism and the Limits of Justice (Cambridge: Cambridge University Press, 1995), p. 29.
that not having something worthless does not affect anybody in a morally relevant sense. This is why not having or getting something that has no value is of no interest from the point of view of social justice. Certainly, receiving something of positive value or being spared from getting something of negative value is, however, a different thing. The point is, to be made unnecessarily worse off can be interpreted as suffering from an injustice. Thus, justice allegedly enters the scene when someone unnecessarily receives less than others of something equally valuable to all; hence it enters when injustice occurs.

Is it then not the case, that we learn whether a particular (perhaps unequal) distribution of something is just by ascertaining that it is not unjust, that no one is unnecessarily deprived of something she desires or has good reasons to desire? If this is correct, positive distributive criteria appears relevant only in relation to an already identified injustice, and if they are only relevant in this sense, then they merely serve as means of rectification. The identification of injustice comes, so to speak, first.

In spite of the apparent plausibility of the previous preliminary conclusion, I would like to suggest, firstly, that the prevalence of an unlimited amount of a good is not sufficient for making comparisons between different shares redundant. The good in question must also be obtainable. In order to know that a particular distribution is fair, one has to know that access to, as in chances of getting, goods is equally distributed. Secondly, I shall subsequently try to show that, justice understood in an egalitarian sense can and should be given a positive interpretation, and that this is so since comparative equality can, alongside e.g. deprivation, be plausibly outlined as important in its own right.

Let me continue by making the following observation, namely, that if no one has access to food, for example, it would be to miss the point if someone points out that there is plenty of food. But certainly, this is not enough. It is not unreasonable to assume that the degree of access can vary. And when some have better access, their chance of getting a desirably big part of the good is greater, e.g. cancer medication. The situation can thus still be described as unfair. This is so because the

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9 Cf. Ewin, R. E. “On Justice and Injustice”, p. 203. My point, concerning the importance of the possibility to attain the good in question, is, however, realized by Ewin who writes that; “…the good must be obtainable in plenitude to every body”.

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relevance of an unlimited plenitude is conditional upon every person’s equal access to the abounding good in question.

However, it is too rash to conclude that at least access has to be distributed equally if an unequal distribution of other goods (than access) is not to be unjust. It is possible to object and ask: if there is unlimited access or if “…the good is obtainable in plenitude to everybody”, does it really matter if some have greater access than others?\(^{10}\) This, however, does not establish the priority of the negative account either. Let me explain, if I have less access than someone else, who presumably has unlimited access, then I who have less can hardly have unlimited access to the good in question, since if I had, our access would be equal. The point is, even when comparing Elsa (who has unlimited access) with Simone (who has extensive but not unlimited access), if Simone for arbitrary reasons has less access/chances of getting the good than Elsa has, this would be considered unfair.

But, if we, from the point of view of justice, consider the hypothetical (impossible) case where each person really has unlimited access to a good, does this not make the size of the share each person ends up with irrelevant? Yes, maybe, but the reason for this is not necessarily plenitude with respect to the good in question or one’s access to it. The reason can also be that when everybody’s access is unlimited, their access is in fact equal. In this case, the relative size of each person’s holding is dependent upon how they make use of their access, and nothing else. Furthermore, in cases where access is equal but not unlimited, differences between shares would not be due to a previous inequality.

In principle, these are arguments based on hypothetical examples. If instead we try to imagine what the most promising example of an actually unlimited and universal good would be, we shall find that it is hard to imagine any better example than fresh air. Nevertheless, not even air is obtainable in fair shares to all. The health and size of our lungs set decisive limits on the chances of obtaining this good, as do the living conditions one can afford. Thus it is intelligible to claim that when nothing is done to help e.g. asthma-patients to get air, access to air is unfairly distributed. This should tell us that in practice, regardless of the quantity of the good in question, not everyone can

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\(^{10}\) Ewin, R. E. “On Justice and Injustice”, p. 203.
have unlimited access to it, not to mention having the good justly distributed.

Still, the previous observation does not establish the primacy of the positive account of justice. It can be interpreted as merely lending support to the claim that there is scarcity of any kind of good. We should also note that there might be two quite different positive accounts of justice at work in the example of having access to air. The first interprets justice in terms of a suggested demarcation for having sufficient access to fresh air. It recommends us to compare people’s actual access to fresh air to this demarcation, and says that as long as any person has less than enough, there is injustice. The second is egalitarian and says that wherever there is undeserved inequality of access to fresh air, there is injustice. It is the latter version that will be defended here.

On a formal level, defending egalitarian liberalism is fairly easy. It is simply the case that when someone says that two shares are not equal I can understand the meaning of this because I know what it would be like if the shares were equal. Saying that the shares are not unequal simply does not carry any additional meaning besides stating that they are equal. I know that having equal shares mean that each person or group would have as many as or as much as the other of something. We can say: A has as much money as B, or B has as much opportunities as C, to send her child to an excellent university, for example.

According to this, we do not need a conception of inequality in order to understand the meaning of equality of distributive shares, for example. In other words, there is an asymmetry between the positive and the negative account of egalitarian social justice, and that it works to the advantage of a positive account. We can have a positive understanding of what it is like for something to be equally distributed, just as it is possible to outline positively the meaning of being deserving.

However, this does not establish that the distribution resulting from each person’s use of her access can only be considered just if each person has an equal chance of actually getting the good. This is so since even if the possibility of delineating a positive account of equality might have conceptual priority, which entails that it is needed for the explication of what inequality means, this does not establish that an equal distribution is relatively morally important. After all, from the point of view of the air consumer who is ill from asthma, is it

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not more important to have access to enough oxygen rather than to the amount others have? If, for example, others do not have enough, what is the use of having access to as much oxygen as they have? And if others have just about enough oxygen whereas I do not, wherein lies the rightness of achieving equality by redistributing the share of oxygen to the point that no one would have enough? Is it therefore not reasonable to follow Harry Frankfurt’s suggestion and say that, having enough is more important than having the same?\textsuperscript{11}

Obviously, having as much as our neighbor, when the neighbor does not have enough, is not attractive as a political ideal. Furthermore, having as much opportunity as e.g. Bill Gates has can also be interpreted as an unattractive, because firstly, it can be questioned whether his level of opportunity is compatible with others having enough, and secondly it seems strange to claim that those who are content with less, compared to the luxuries Bill Gates can enjoy (if he wants to), have adapted their aspirations to a problematically low level. The philosopher Christopher Lake formulates this general objection to the importance of equality as follows: “Redistributions undertaken in the name of compensation are egalitarian in effect rather than in intent: they are undertaken for the purpose of increasing the holdings of those whose luck has been bad rather than for the purpose of reducing the gap between them and those whose luck has been good.”\textsuperscript{12} Hence, comparative equality is allegedly not at work here as a measure of justice, but comparison to an absolute general yet individual standard might be.

So, if equal opportunity need not be a good thing but having enough almost always is, can the notion of equality be seen as doing any recognizable work here? Can it be identified as important in its own right? The answer, I contend, is still yes. The standard level of opportunity is supposed to be the same for every member of the com-

\textsuperscript{11} Frankfurt, Harry G. \textit{The Importance of What We Care About}, p. 134, 146. On page 134 Frankfurt writes: “With respect to the distribution of economic assets, what is important from the point of view of morality is not that everyone should have the same but that each should have enough.” And on page 146: “What I believe they find intuitively to be morally objectionable, in the types of situations characteristically cited as instances of economic inequality, is not the fact that some of the individuals in those situations have less money than others but the fact that those with less have too little.”

\textsuperscript{12} Lake, Christopher. \textit{Equality and Responsibility}, p. 103.
Once this threshold is established, we would be in a position to assess the situation as unfair when some people have far from enough while others have more than enough. Furthermore, the right to have enough is equal for every human being, and the standard level is not supposed to be determined by the conceptualizations of “enough” formulated by persons with very few opportunities in life, since that would be taking as normative the circumstances of those who are destitute. It is this conception that I have in mind when I refer simply to the idea of equality of opportunity.

However, besides this equal right to have enough, there is an important complementary reason for considering equality to be important in its own right. I believe it can be grasped with the help of the following example. Let us imagine a competition, say, a soccer tournament. It does not matter whether the aim of the competition is to win, to excel in the practice of playing, or both. The point is, in this contest some players have shoes that allow them to accelerate, stop and run really fast, on any surface, whereas others have only uncomfortable old-fashioned heavy leather shoes. Therefore, the chances of winning for teams with players wearing excellent shoes would be very different compared to the chances for teams with players who do not have the same sports equipment. The point, of course, is that such a soccer game would be unfair. And that this is so because the out-

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13 Cf. Lake, Christopher. *Equality and Responsibility*, p. 105. Lake writes: “Thus the comparative judgement egalitarians take to be decisive is one focused on whether the choices facing different individuals are equal.”

14 Cf. Frankfurt, Harry G. *The Importance of What We Care About*, p. 152, 156. I believe that the weak spot of Frankfurt’s argument is that his argument does not take the problem of preference adaptation seriously enough. Otherwise he could not have as easily settled for “the attitude a person actually has” as arbiter. He would have been forced to deal with much trickier contentions about “the attitude it would be reasonable for him to have”, which he neglects. The following quote, from footnote 26, is the only (weak) concession the reader gets: “It surely cannot be presumed that someone’s life is genuinely fulfilling, or that it is reasonable for the person to be satisfied with it, simply because he does not complain. On the other hand, it also cannot be presumed that when a person has accommodated his desires to his circumstances, this is itself evidence that something has gone wrong.” Obviously, no one makes the latter claim. It is not adaptation to any circumstances but adaptation to, in Frankfurt’s own terminology, circumstances where you do not have enough, that is considered problematic.

15 Cf. Rawls, John, “Justice as Fairness”, p. 144. Rawls writes: “[...] fundamental to justice, is the concept of fairness which relates to right dealing between persons who
come would be unjustifiably skewed by unequal circumstances that are external to the will and skill of the players. Hence, we can learn about this unfairness by way of comparing external factors such as shoes, and training facilities, for example. The point is that in this situation, worsening the situation of some players by, say, enforcing cheaper shoes would indeed seem to make the tournament a more just one, even though it may be preferable to safeguard supply of good shoes to any player who needs them. This establishes that besides the threshold-argument, leveling down, making everyone play in heavy shoes (or bare foot), can be morally preferable in virtue of achieving fairness. In other words, although leveling up is a preferable way of achieving fairness, leveling down can make a situation more just, and in situations where no one is harmed and when leveling up is impossible, there are good reasons to think of this as right.

Now, the important upshot, of course, is that talk about fairness is relevant in all contexts where there is competition. The game metaphor can serve as an adequate description of certain aspects of the lives of many persons all over the world. Many people compete for apartments, education, work appointments, publishing opportunities and salary increments. Indeed, the whole idea of living life well has components that resemble a serious game, in which achieving excel-

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16 Cf. Hansson, Sven Ove. “What are Opportunities and Why Should they be Equal?” in Efficiency, Justice, and Stability. Ethical Perspectives in Economic Analysis and Practice, Studies in Ethics and Economics 7, ed. by Grenholm Carl-Henric & Helgesson Gert (Uppsala: Department of Theology, 2000), p. 116. I believe that Hansson’s semi-formal definition of the notion of equal opportunity also holds for the way I have been talking about equal chances to something. Hansson writes: “if has at least as much opportunity to γ as j if and only if: it holds for each action-type X that if j has an opportunity to γ via X, then (1) i has an opportunity to γ via X, and (2) if i has less ability than j to perform X, then this difference is due to factors for which i should be held responsible. i and j have equal opportunities to γ if and only if i has at least as much opportunity to γ as j, and j has as much opportunity to γ as i.” It is fairly easy to imagine here that γ is about winning a race, i and j are two car drivers, and action X can be represented by the act of driving.

17 Cf. Parfit, Derek. “Equality or Priority” in The Ideal of Equality ed. by Clayton, Matthew and Williams, Andrew (London: MacMillan Press Ltd., 2000), p. 99. In this famous article where Derek Parfit explicates the so called leveling down objection to equality, the athor rightly concedes that: “Our objection must be that, if we achieve equality by leveling down, there is nothing good about what we have done. And we must claim that, if some natural disaster makes everyone equally badly off, that is not in any way good news.”
lence (not necessarily winning though) is vital. And, of course, the allotment of chances to excel must be fair, if life is to be fair at all. In other words, the strength of his argument depends on the fact that when lives are interconnected, the quantity and quality of opportunity that others have is important. Indeed, the very threshold of having enough can be seen as at least partly constituted by such a comparison.

The Injustice of Positive Accounts?

So far the discussion has focused on the possibility of explicating a positive account of justice in terms of a conception of equality. However, there might be other, perhaps more profound, reasons to assume that conceptions of injustice have some other kind of priority before positive accounts. After all, the previous argument only aspired to establish that equality can have a positive role to play and arguably, equality does not exhaust what social justice is about.

As we have seen in previous chapters, any account of justice that aspires to comprehensiveness is constituted by a complex web of interrelated conceptions (of important concepts). The content of single conceptions, of e.g. desert and opportunity, and the ways they are interrelated (regarding which ought to take precedence or is applicable in different complex circumstances), is allegedly determined with the help of a complex idea of coherence between everyday language use and morally substantial intuitions. These intuitions in their turn are conditioned by, among other things, the limited language abilities and imagination of the author. Thus there are many reasons to assume that positive accounts of justice are fallible.

A positive account is simply likely to be incomplete in several ways. It can, for example, hardly be the result of having taken all complex and relevant applications into consideration. It might not even have considered all relevant concepts. If this is so, how could we then know that a proposed conception of justice, insofar as it might overlook certain important factors, e.g. animals, global interdependencies or new institutional possibilities, is not in effect a conception of
injustice? And if so, would not insisting upon its implementation be unjust?

I find it hard to believe that we could be sufficiently sure about when, if ever, sufficient completeness is reached. Indeed, in the following chapter we shall see examples of how traditional conceptions of distributive justice can be criticized for having overlooked the impeding effects of lack of, or of seriously thwarted, recognition. It does seem arrogant (bordering to stupidity) to assume that the history of negligence and exclusions has come to an end. This need not be a devastating obstacle for attempts to, in spite of all difficulties, explicate a positive account of justice, though. Like natural languages, the complex and global contexts in which we talk about justice do indeed change over time. An attempt to offer a plausible account of social justice will therefore always take the form of a fallible contribution to an ongoing public dialogue. Aspirations to write the last word will continue to be futile. Still, given that recent conceptions of justice can be used in order to outline a historical development—a movement characterized by becoming aware of and attending to previous shortcomings—the quest for overcoming the failures of previous conceptions (which is something quite different from aspiring to write the last word) might be worthwhile after all.

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18 Cf. Hägglund, Martin. Radical Atheism. Derrida and the Time of Life (Stanford, California: Stanford University Press, 2008), p. 169. “Derrida’s argument is rather that any given decision or definition be called into question, since it is preceded and exceeded by innumerable finite others that it excludes.”

19 Cf. Hägglund, Martin. Radical Atheism, p. 170 “There is no call for justice that does not call for the exclusion of others, which means that every call for justice can be challenged and criticized.”

20 Cf. Hägglund, Martin. Radical Atheism, p. 170. Martin Hägglund outlines Jacques Derrida’s affirmation of “the struggle for justice” as follows: “The struggle for justice is thus not a struggle for peace, but a struggle for ‘lesser violence.’” I find it interesting to note that Hägglund’s interpretation of Derrida presupposes, besides an according to my opinion strange interpretation of the notion of violence, an ability to distinguish lesser from more violence. Cf. Wolterstorff, Nicholas. Justice. Rights and Wrongs, p. xi. Wolterstorff writes the following illuminating words about the philosophical enterprise: “Along the way, we do not merely accept or reject what our philosophical colleagues and predecessors say; we appropriate things from what they say for our own purposes. ‘Yes, there are some mistaken assumptions in his way of setting up the issue; but after one has made allowance for those, there remains a very interesting point.’”
However, and most importantly, this concession to unavoidable fallibility is not an argument for the priority of injustice. Conceptions of injustice are not more insulated from the risks of incoherencies than their positive siblings are. Therefore, the problem of fallibility is purportedly better understood as an argument for theoretical humility, rather than as a focus on injustice.

So far we have not encountered reasons for assuming that accounts of negative justice are preferable. As we shall see in the following section, however, there is yet another related argument for the priority of injustice. It is related since it too focuses on the fallibility of traditional positive accounts.

An Epistemological Privilege of the Oppressed?

It is time to introduce what I, in the beginning of this chapter, called the epistemological interpretation of the priority of injustice. Perhaps we should think that certain experiences and that a particular kind of situatedness (of inferiority or of subalternity) is necessary for understanding what justice entails. After all, it does not seem strange to assume that privileged persons are badly suited for understanding what it is like to suffer from multiple injustices, and that people like me might be therefore badly suited for the task of outlining a positive account of justice. Perhaps this is so if each form of oppression “…is a possible window to injustice and therefore to justice.” Should the privileged, therefore, be silent and just listen to the stories of those who suffer from various kinds of injustice? If this is the proper way of learning what justice is about, then it seems ethicists should start by paying attention to concrete injustices rather than to abstract theories.

Another way of formulating this contention is to describe it as a hermeneutics of suspicion. It presumes that dominating conceptions of justice, formulated by people in relative power, are most likely to end


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up serving their interests rather than the interests of others. At best, they may serve to maintain the status quo; at worst they function to increase the privileges of those who are already privileged.

In the following I shall use the texts of Karen Lebacqz to continue the analysis and evaluation of this critique. Lebacqz is a pioneering feminist ethicist and theologian. Indeed, among Christian ethicists, her work still stands out as the most comprehensive constructive articulations of a Feminist Christian Theological conception of justice. Towards the end of her major work *Justice in an Unjust World* Karen Lebacqz writes the following:

Justice is not ‘to each according to need’. Nor is it ‘benefit the least advantaged.’ Nor is it ‘the greatest good for the greatest number.’ Because justice emerges out of protest against injustice, justice is not so much a state of being as a struggle and a constant process. It is the process of correcting what is unjust. It is the process of providing new beginnings, not an ideal state of distribution.  

Clearly the view of justice, expressed in this quote, is at least partly at odds with the conceptions of social justice of previous chapters. The phrase “benefit the least advantaged” does echo Rawls’s difference principle, whereas the greatest good for the greatest number is a common utilitarian formulation. Justice, however, is supposed to be neither of this.

Furthermore it seems here as if injustice is supposed to have a kind of priority before justice. What justice is and demands can arguably best be understood by attending to actual protests against injustices. Furthermore, there is an interesting connection between Lebacqz’s text and the previous quote from Hobbes, which, as we saw, also inspired many others. Echoing Hobbes, Lebacqz writes: “In one sense, then, there is a single standard of justice that applies to both oppressed and oppressor. Injustice originates with violations of the responsibilities of covenant.”

Here the word *covenant* is used in an explicitly Christian sense. Alluding to Gen. 9:13 and God’s alleged covenant

25 Cf. Hobbes, Thomas. *Leviathan*, p. 101. Hobbes writes the following about the concept and justification of covenants: “Therefore where there is no Common-wealth, there nothing is unjust. So that the nature of Justice, consisteth in keeping of valid covenants: but the Validity of Covenants begins not but with the Constitution of a
with creation, Lebacqz writes: “The covenant of which the rainbow is a sign is a covenant of mutual responsibility and accountability.”

How do these ideas fit together then? Explications of responsibility and accountability cannot articulate everything at stake here. The nature of the connection between responsibility and social justice needs to be worked out. Previously one obvious connection was mentioned, namely, the responsibility for taking action against prevailing injustices. By doing this we can be interpreted as participating in God’s struggle against injustice. Nevertheless, if understood in this sense, talk about responsibility does not necessarily suggest an understanding of the meaning of justice that differs from an egalitarian liberal one. This is so simply because we are responsible for acting on the demands of justice. This pushes the problem further ahead.

We need to know how injustices are to be identified when positive criteria are abandoned. The short answer is that we are supposed to determine the moral meanings of injustice, from case to case, by listening to the oppressed. By listening to their stories, we, the privileged, can discern the changes that need to take place in order to correct prevailing injustices. Lebacqz writes: “It is the stories of injustice as experienced by the victims that count.” This focus on the narrated experience of those who are affected by injustice constitutes the core meaning of the so-called epistemological privilege of the oppressed.

Still, we need to know more about what this focus on the experiences of the oppressed entails. Moreover, once the meaning of having an epistemological privilege is made clear, we need to know whether it is helpful. Let us therefore take a closer look. As we have seen, one obvious interpretation of the concept is to understand it as a request to listen to, and to learn from those who claim that they suffer from in-

Civilill Power, sufficient to compell men to keep them:” I believe that this quote shows that Hobbes has a secular understanding of both the notion of covenant and the establishment of their validity. I mean by this that he did view neither of these points as being related to God and/or conformity with the will of God.

28 Lebacqz, Karen. *Justice in an Unjust World*, p. 152 ff. Lebacqz writes here that: “In order to understand the injustice, and to know where justice would lie in correcting it, attention must be paid to history.” Presumably the word “history” is used to connote the varying concrete cultural and social circumstances in which we live and have lived.
justice. This is so since knowledge about justice supposedly depends on having the right standpoint, or perspective. For example, someone who has never been to the summit of Mount Everest will not be able to share the same view as someone who has been there. Perhaps, in a similar way, undistorted knowledge about injustice and oppression can only be gained through the perspective of the oppressed themselves.\(^{31}\) I believe Sandra Harding articulates an important premise behind this argument. She writes: “…it is not plausible to imagine that racist and sexist interests and values would be identified within a community of scientists composed entirely of people who benefit—intentionally or not—from institutionalized racism and sexism.”\(^{32}\) In other words, a position of privilege is believed to corrupt one’s ability to see “things” as non-privileged people would see them.\(^{33}\)

These claims can be given at least two different interpretations. The first says that Harding’s (and Lebacqz’s \textit{et al.}) text presupposes a certain philosophical anthropology. According to this, human nature is, or is likely to be, by necessity corruptible through various forms of privilege. I assume here that in light of the heavy burden of proof generated by essentialist claims, it is more plausible to understand Harding’s view along the lines of the probable rather than the necessary. If so, perhaps an idea about general self-centeredness can elucidate these philosophical anthropological assumptions. If self-centeredness is common, then privileged persons might fall for the temptation of construing their privileges as (putatively) deserved, that is, they probably are not able to see them as such, and by extension


\(^{32}\) Harding, Sandra. “Rethinking Standpoint Epistemology”, p. 70.

\(^{33}\) Compare for example with Niebuhr, Reinhold. \textit{Moral Man and Immoral Society A Study in Ethics and Politics} (New York: Charles Scribner’s Sons, 1934), p. 266, who writes: “Egoistic impulses are so much more powerful than altruistic ones that if the latter are not given stronger than ordinary support, the justice which even good men design is partial to those who design it.” And also, Ateek, Naim Stifan. \textit{Justice and only Justice A Palestinian Theology of Liberation} (New York: Orbis Books, 1989), p. 124, who writes: “Power somehow intoxicates those who wield it and clouds their sense of right and wrong so that they can justify and rationalize their wicked actions.”

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their preferred conception of justice will be one that reinforces current privileges. One can also articulate this by saying that in virtue of serving actual power relations, a conception of justice formulated by the privileged can be rightfully suspected to have an “ideological” rather than a critical function.\textsuperscript{34} Another alternative, of course, would be to follow Nietzsche and assume that people in general share “a will to power”.\textsuperscript{35} The implication, however, would not be much different. It would also support an interpretation of some, if not all, liberal thinking as ideological, in the aforementioned sense.

The second interpretation of the allegedly distortive effects of privilege suggests that Harding makes an empirical claim. It says that privileged people tend to act in ways that serve their own interests. Here, certain actions are considered to be prevalent. Perhaps this empirical premise “can be sufficiently supported by examples from history of how power has distorted people’s capacity for empathy with the powerless”?\textsuperscript{36} Such examples, however, only show that distortion does occur, but they cannot establish that it obtains by necessity.

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\textsuperscript{34} Cf. Fraser, Nancy. “What’s Critical About Critical theory? The Case of Habermas and Gender”, p. 97-131. On page 97 Fraser writes the following illuminating words about the purpose of critical theory and offers, in the second sentence, an indirect definition of the notion ideological. “It would employ categories and explanatory models which revealed rather than occluded relations of male dominance and female subordination. And it would demystify as ideological rival approaches which obfuscated or rationalized those relations.” Cf. Thompson, John B. Ideology and Modern Culture: Critical Social theory in the Era of Mass Communication (Cambridge: Polity Press, 1990), p. 72-3. Compare with the following often utilized definition (of ideology): “The concept of ideology, according to the formulation proposed here, calls our attention to the ways in which meaning is mobilized in the service of dominant individuals and groups, that is, the ways in which the meaning constructed and conveyed by symbolic forms serves, in particular circumstances, to establish and sustain structured social relations from which some individuals and groups benefit more than others, and which some individuals and groups have an interest in preserving while others may seek to contest.” See also Namli, Elena. Human Rights as Ethics, Politics, and Law Acta Universitatis Upsaliensis, Uppsala Studies in Social Ethics 43 (Uppsala: Uppsala University Library, 2014), p. 201. Namli writes the following about liberation by means of human rights: “It has the potential to frame a broadly attractive vision of social justice that simultaneously runs the risk of being perpetuated and transformed in the material interests of powerful actors.”
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The meanings of the two types of interpretations converge. The first contains empirical claims about human nature, and the second empirical claims about the prevalence of human actions of a certain kind. The practical difference is small. Claims of the latter kind tend not to appeal to some essence or common nature but instead appeal to empirical investigations in assessing actual activities. One could perhaps say that it would resemble behaviorism without its unnecessary reductionist assumptions.

Let us return now to the question: must conceptions of justice articulated by privileged persons have an ideological function? Is there any way of answering this question without making an empirical investigation? One possibility is to look at concrete examples, say, John Stuart Mill, Jeremy Bentham and Karl Marx. They were men of great privilege as well as proponents of a normative theory that did not serve the interests of the privileged white male aristocrats of their day, nor the interests of e.g. all dedicated carnivores of this day. More examples could be given, for example, of privileged white male proponents of 20th century German critical theory. The point is, while suspicion might be justified, we are not permitted to make categorical conclusions. We are not entitled to conclude that we are encountering ideology production just because a conception of justice happens to be advanced by a privileged person.

Against this background we should remind ourselves that it is those who actually are competent at judging their situation, as just or unjust, who are supposedly worthy of being listened to. Still, the problem remains as to how holders of this kind of competence may be identified. How is the credibility of those who claim they suffer from injustices to be determined? Those who are able to speak for themselves are probably not worst off. And those who are considered to be worst off are identified as such by others whose eyes might be distorted by privileges.

Furthermore, inability to speak can be caused by many things, like malnutrition and illiteracy, for example. In the latter case, those who are oppressed might not realize their actual condition due to adaption to poor as well as unfair circumstances.37 For example, the chattel

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slaves, who, comparatively speaking, were being well treated, were satisfied with their degrading circumstances. As the South-African Liberation theologian Charles Villa-Vicencio formulates it, “as a result of generations of oppression, have come to allow their self-perceptions to be shaped by the oppressor’s imposition of the less than human categories of who they are.” Yet, some others who complain about having been unfairly treated might not have been so treated. It is easy to recollect memories of how privileged business-people or professional athletics complain about having been unfairly taxed, and therefore unfairly treated by society.

The problem of credibility is thus double. If one really takes into consideration only those who claim they are hit by injustice, then, according to certain modes of comparison by sociological standards, we are likely to include some of those who are quite well-off, while excluding some of those who, according to the same ways of measuring, are worst-off. The modes of comparison I have in mind are race/sex/ethnicity/age-related statistics such as e.g. employment rates, income levels/poverty rates, crime/drug rates, levels of education, participation rates in political elections, and so on. However, even if such statistics are not fully sufficient for describing a feminist ethical conception of oppression, I doubt that its categories can be ignored in any attempt to outline the substance of the notion of oppression. Therefore, even if we follow the request to listen to the cries of those who say they suffer from injustices, it is still possible that we end up listening to oppressors while proper attention is not paid to those who are silently oppressed. Obviously, this cannot be the way a feminist theological conception of justice is supposed to work.

Maybe this discussion improperly strains the feminist theological position though. Suppose the crux of the issue is not that we should listen to those who claim they are oppressed, but that we should identify and if possible listen to those who really are oppressed. If so, it is by writing: “The Psychological state of wanting to do a great many things that you cannot possibly achieve is very hard to live with.” The point or perhaps rather claim is that poor circumstances perceived as unchangeable can cause one to adapt one’s preferences to an unnecessary low level. Hence one would allegedly be silently satisfied in spite of being the victim of injustice.

39 See Wilson, William Julius. The Truly Disadvantaged, p. 6-8, 20-40, for a thorough discussion of, as I see it, striking statistics supporting Wilson’s use of the terms underclass and socially disadvantaged.
those who really are oppressed or who really suffer from injustices that supposedly are competent at determining the meaning of justice. I believe this latter interpretation of the notion of an epistemological privilege gains support by formulations like the following: “The way the world is perceived by the poor and oppressed is to be given preference over the way it is perceived by the oppressor.”\textsuperscript{40} The phrase “the poor and oppressed” is, after all, likely to refer to those who really are poor and oppressed and not to those who merely view themselves as oppressed. After all, the text does not read: “The way the world is perceived by those who say they are poor and oppressed.”

A successful delineation of an inter-subjectively valid notion of injustice should solve this problem. There are two major reasons for assuming this. First, on the basis of a valid conception of what really distinguishes oppression and injustice (the words are used synonymously here), those who falsely claim that they are oppressed can be judged wrong. In this case, the complaints of the businessman who amassed his wealth by means of, for him, invisible privileges would nevertheless not be considered as valid. Second, given the validity of this conception of oppression, some who claim that they are not oppressed could also be judged wrong. Thus, having a universally valid notion of oppression at hand is advantageous. Its criteria of demarcation would be crucial in distinguishing the extent to which persons may be counted as oppressed. After all, anyone who is about to listen to the oppressed must be able to identify the right voices.\textsuperscript{41}

How can this be achieved then? This is a complicated issue, especially when one must not fall back on using one’s own possibly misinformed conception of justice. Quoting, at length, the texts where allegedly oppressed persons name their predicament, obviously does not solve the problem either.\textsuperscript{42} There is still the problem of identifying which texts are truly representative. But this is not enough, for we also need to address the question of how these texts might be interpreted,

\textsuperscript{40} Lebacqz, Karen. \textit{Justice in an Unjust World}, p. 107.
\textsuperscript{41} Cf. Lebacqz, Karen. \textit{Justice in an Unjust World}, p. 107. Lebacqz writes about letting “oppressed people speak for themselves”, as a solution to the alleged problem of her own, due to being an oppressor, distorted perceptions of justice.
\textsuperscript{42} Lebacqz, Karen. \textit{Justice in an Unjust World}, p. 107. Lebacqz writes: “This book is riddled with quotes from oppressed peoples.” Further down she continues: “The quotes are there so that if I distort or misunderstand, perhaps you will nonetheless hear the tears”.

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even if, in principle, they may be taken to articulate the thoughts and feelings of oppressed persons.

The sometimes quoted poetic or biographical texts (cf. Lebacqz or e.g. Sharon Welch) do not say anything explicit about injustice, especially not in the relatively unambiguous style of explicit phrases of definition, such as; “by injustice I mean…” Of course, in the face of such texts one could choose to humbly accept or even affirm the many divergent interpretations of the readers. But since poems and biographical narratives can have many widely diverging reasonable interpretations, one can start to wonder how the use of such quotes can help us say anything distinctive and positive about social justice. One possible answer to these worries is that a life-story does not and cannot tell what injustice in general is, but perhaps it can reveal the content of the injustices afflicting the particular subject of the story. Perhaps this is what the following quote means:

This means that justice begins with stories of injustice. Justice takes a narrative form. Narratives are what give meaning to disparate events and relate them into patterns. Justice therefore is not so much a concept as a story. It is an invitation, not a program. Injustice is like a parable: a story that invites the question, ‘What’s wrong with this picture?’ Justice is the answer to the question.43

Yet, if we take a close look at Lebacqz’s text we learn that justice is not supposed to consist in an unsystematic collection of separate individual stories. The stories are also supposed to form several, if not only one, patterns. Still, on the face of it, justice is not supposed to be a concept but a story here. At this juncture a problem arises. How should the previous sentence be interpreted? What does it mean to say that justice is a story and not a concept? An immediate response is that, of course, justice is not a concept, but, as I suggested in chapter one, the word *justice* is used in various ways to refer to various actual relations between goods, individuals and groups. Such relations *themselves* are not to be understood conceptually. A concept is what we use to classify certain relations as just or unjust. The notion of justice contains a delineation of what is distinctive about justice, in comparison to other moral events or “artifacts”. The terms *connotation* and

*denotation* are sometimes used to label this distinction between identity-constituting properties or functionings and things that we tend to think are characterized by having these properties or by having certain uses. I believe, for example, that those who occasionally go to art-furniture shops are familiar with discussions about the distinguishing features of chairs, and whether an object is actually a functional and/or beautiful chair. The bottom line is that justice itself, like chairs, is not a concept; only concepts are concepts. We do not say that there are many concepts in a room just because there appear to be many different chairs in there. A concept of a chair is needed in order for us to be able to identify them as chairs, though. Similarly it must be possible to assert that there are different relations between goods, individuals, and groups that can be identified as just or unjust with the help of a concept of justice.

I may have strained a particular liberation theological idea by following the literal meaning of an isolated paragraph. Is there a missing point then? Perhaps the text seeks to position itself against a certain conception of justice. Perhaps it merely aims to state that it is unreasonable to think about justice in terms of various explicitly stated distributive criteria. This latter interpretation gets support in the following paragraph:

> Philosophy has long held that the formal principle of justice is ‘give to each what is due.’ The task of a substantive theory of justice, then, is determining what is ‘due.’ Many contenders seek the throne: need, effort, merit, contribution, equality, market demands, and so on. The approach here suggests a different beginning point, and with it a different understanding of justice. I begin with the realities of injustice.  

As we have noted before, the quotes offer several signals of distance toward traditional understandings of distributive justice. Trouble re-appears though. What alternative conception of justice should be used in order for it to be possible to delineate the realities of injustice? It cannot be one informed by the experiences of oppressed persons, since at least a general understanding of justice is needed in order to be able to perceive someone as oppressed. We cannot, in analogy, perceive an artifact as a chair without being at least tacitly familiar

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with the notion of a chair. Thus, as stated before, familiarity with the concept in question is (internally) linked to our perceptual ability.

But where can such a notion of justice come from? It can be neither informed by direct reports from the oppressed, since these are yet to take place, nor is it supposed to be modeled after traditional ways of understanding justice, since they may be distorted by the perspective of the oppressor. Karen Lebacqz has an interesting and highly relevant answer. She writes: “It is the fish in me, not the bird, who must determine which stories to use and how to use them.” In all probability, “the fish” refers to a particular layer of Lebacqz’s identity. Presumably it is neither of the following: white, US-citizen (Euro-American), Christian, acclaimed university professor at the University of California in Berkeley. Lebacqz wants to highlight the fact that despite having her identity shaped by different kinds of privilege, she does experience oppression as a woman. As a woman, Lebacqz can tap into and from the inside understand the costly experience of sexist structures. The possibility of combining the abilities of the trained ethicist with the ability to see things from the standpoint of the oppressed can be interesting in many ways.

The previous contention, however, does I am afraid not solve the problem. We still need to learn more explicitly what characterizes the perspective of the fish. Put in other words, we need to learn what conception of justice Lebacqz uses when she allegedly sees things from the point of view of the oppressed. What conceptions are available? Can anyone have separate oppressor conceptions of justice and other less contaminated conceptions of injustice? Also, is it somehow possible to move between them? Certainly, these things are more complicated than what a simple yes would imply. Let me therefore turn to the question about actually available conceptions.

It is problematic to vindicate the claim that the Western preconceptions of justice can be free from the influences of any traditional understanding of justice. This is so, for basically two reasons. First, as ignorant children, we cannot become acquainted with conceptions of justice except by gradually learning how they are articulated in com-

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45 Lebacqz, Karen. *Justice in an Unjust World*, p. 66. Later on when she actually is to choose stories, the reader is not offered any reasons for why the different stories are chosen. We just have to trust her regarding not letting the bird in her be involved in the choices.
common parlance. The point is that the ordinary language of most contexts is likely to be imprinted by traditional conceptions of social justice. For instance, learning to phrase legitimate complaints by saying “This is not fair” is allegedly common. Certainly this can mean, for example, “My chance of attaining this or that was far from equal.” This understanding is apparently not alien to the ideas of theoretically advanced theories of justice.

In order to offer at least some support for this claim, let me quote David Miller who writes, in his article “Distributive Justice: What the People Think”: “…there are three independent criteria that seem to be at work when people make judgments of justice, namely, desert, equality, and need.”46 When Miller himself makes these judgments about ordinary people’s thoughts, he claims to have taken into consideration variables such as both gender and class.47 Hence, given its credibility, Miller’s compilation and analysis of empirical investigations supports the claim that the ordinary language confronting persons in many different (western) contexts contains distributive criteria familiar to traditional political and/or moral philosophers. Indeed these are the very criteria that ethicists work with. This, in turn, can be taken as support for my claim that the conception of justice, put to use in the identification of those who suffer from injustices, is likely to be imprinted by traditional criteria of distributive justice. That is, they are the very kind of criteria that are to be avoided.

This fact seems to be acknowledged in the following quote: “We reflect on our experiences not out of a vacuum but out of convictions and presuppositions of how things ought to be. For me, as a Christian, a significant part of this reflection must be rooted in Scripture.”48 In this case, a particular Christian context is said to assist by providing an arguably correct understanding of justice. Furthermore, the conception of justice that can be deduced from the Bible is supposed to be different from philosophical alternatives. Alongside the importance of being a member of an oppressed group, the identity of being a Christian plays an important role here.

Three things remain to be shown. First, we still need to know what this conception of justice entails. Second, is it a plausible conception? And thirdly, is it really different from an egalitarian liberal one? Let us in order to answer these questions take a closer look at the content of the “implications for a theory of justice”. Lebacqz claims that justice is not supposed to “reside in” rights, but in “mutual responsibility”. Realizing this means realizing the Old Testament notion of *sedaqah* or righteousness. Injustice, on the other hand, is supposed to consist in “the breach of mutuality and responsibility”. This means that justice puts different demands on the oppressor and the oppressed. Finally, any attempt to restore human relations and social structures into just ones is considered incomplete and preliminary. That is, they are considered mere human and therefore fallible interpretations of the full positive content of the (true) Christian justice.

The final point resembles the relation between ideals and the practical limits of their realization. Many accounts of justice share this feature. As we saw in the first part of this chapter, no conception of justice takes an actual historical situation as an instance in which full and complete justice can be implemented. There is always a gap between actual circumstances or relations and just ones as ideally conceived.

However, the point about God’s perfect justice is probably more subtle. It is the humanly formulated ideal that is supposed to be imperfect when compared to God’s perfect justice. We will return to ideas about divine authority in chapter 7. For now it suffices to say that Lebacqz’s reminder, just like Derrida’s, speaks in favor of humility, of not absolutizing actual positive accounts of justice but to acknowledge their provisional nature. However, the reminder is no less relevant for theological accounts of justice, since explicitly theological ethicists run the same risk of absolutizing what they claim to be God’s view of justice. Consequently, it seems to me that we have to turn elsewhere if we wish to find something distinctive in this Christian theological account of justice.

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What about viewing justice in terms of responsibilities and duties rather than individual rights, then? First of all, one should note that not all traditional theories of justice hold that the respect of individual rights can fully or even articulate what justice is about. For example, John Rawls talks about the just distribution of rights, liberties, and social primary goods.\(^{53}\) Thus according to this conception, rights are among the things that ought to be distributed justly. Consequently justice is understood here as not only about the respect of already pre-existing rights.

Furthermore, I hope to have shown elsewhere that the formal features of the concept of a right is most plausibly defined in terms of a legitimate claim and related duties.\(^{54}\) To have a duty to do or not to do something, however, can also be expressed in terms of having an obligation to do or not to do this or that. It means to be morally obliged to something. It is, everything else being equal, morally obligatory, as opposed to merely supererogatory. Thus, there is nothing contradictory between fulfilling one’s obligation and acting in accordance with one’s responsibility. Clearly one must be morally responsible for doing or not doing one’s duty, provided there actually is one in the first place. Thus, if this is correct, moral rights contain obligations and are therefore not at all conceptually distinct and different from them.

Lebacqz’s account looks different, however, if it is interpreted not so much as a critique of the formal characteristics of the notion of a right, but as a critique of a particular morally substantive conception of them. A rights-conception, which conceives of rights in the negative sense only, cannot articulate any moral duties to positively assist and rescue those who never got a fair chance in life. A conception of rights that only speaks about rights from the perspective of the right-holders might be in the line of fire. It is, however, not necessary to think about rights in this narrow way; in fact I claim that this is not in agreement with how this notion is usually understood. Certainly, some of us sometimes claim our own rights, but what is more important here is that many also use the word *right* to articulate normative relations between strangers, e.g. moral obligations of foreign authorities to release political prisoners. The language of human rights can work this way.

My point is that the objection, while stating that a Christian liberal-tory understanding of justice cannot reside in rights might be accurate given a specific substantial conception of rights (e.g. a libertarian one), it does not discredit rights-language in general.\textsuperscript{55} It does not have any effect on more plausible formulations of rights-based moralities. Insofar as we all have human rights, we (including governments and organizations) have mutual obligations not to let things like race, sex, religious affiliation or ethnicity prevent anyone from living a good and meaningful life. Presumably this does not contradict the intentions of Christian feminist and/or liberation ethics.\textsuperscript{56}

Furthermore, an egalitarian liberal understanding of justice is not only about rights. As we saw in the introduction, the respect of rights does not exhaust what it means to implement distributive justice.

Finally, what does it mean to say that justice puts different demands on the oppressor compared to the oppressed? Does it mean something distinctively different from the traditional view of taking simple equality as a principle of distribution (such that certain resources ought to be redistributed from those who have more to those who have less)? One can say that if a norm of justice says that all shares ought to be distributed equally, than this norm will mean something different to those who have almost nothing compared to those who have plenty.

Now, the most general norm in Christian/feminist and liberation ethics is that the covenant of mutual responsibility between God and human beings ought not to be broken. However, could a breach of covenant not mean something different to the disadvantaged and the privileged just as a broken norm of equality could also mean different things depending on one’s situation? I believe that egalitarian liberal expectations on the privileged and those suffering from injustice differ in much the same way. Hence, the quote: “Thus I would concur with Major Jones that the answer to the question, ‘What ought I to do?’ will vary according to whether one is oppressed or oppressor” does not say anything distinctively different compared to what an egalitarian liberal conception of justice would say.

Once again, the thing in need of explanation and further articulation, namely, the notion of oppression, is again invoked as part of an explanation. It arguably boils down to asking what it means to claim that someone is oppressed. In this case, clarifying this would also reveal what a breach of the covenant with God really amounts to. Such an articulation is essentially what I have been looking for in this chapter.

In the end there is only one certainty. We know that violation of someone’s dignity is supposed to constitute a breach of covenant. This, however, is a conviction that is shared by the majority of liberal contemporary political philosophers. Without further articulation it is impossible to know what the violation of someone’s dignity entails, or how we are to interpret such a violation. Egalitarian liberalism does offer such an interpretation, and as I have tried to show, it does seem as if for example *Justice in and Unjust World* presupposes a notion of oppression that coheres with the egalitarian liberal delineation of unjust circumstances and the injustice of having been shaped by these. Put negatively, we lack reasons to assume that it does not.

**Conclusion**

It has been argued in this chapter that attempts to articulate positive accounts of justice, e.g. an egalitarian liberal one, can be defended against the proposition that injustice has conceptual and normative priority before justice. It has been shown that any account of social justice that aspire to say something about right relations in the actual world, which social justice arguably is about, is doomed to make use of a positive account, since this is what injustices are about, failures to achieve justice. It is also shown that it makes sense to formulate a positive egalitarian account of comparative justice that focuses on equality of opportunity. In the next chapter I shall turn to a critique of the distributive justice paradigm that has been formulated by Iris Marion Young, and others.

Finally, what can we learn from the discussion in this chapter? I believe that there are at least three important insights. I shall present them here in chronological order, i.e. in the order they were discussed in the previous text. First, the threshold concept of having “enough” appears important for the construal of a plausible understanding of
equality. Yet, determining the meaning of having enough might be evasively difficult. This remains to be investigated. Second, there is an important need for theoretical humility, especially in the form of carefully formulated validity claims. And finally, the liberation understanding of justice teaches those who are privileged to examine carefully which people might be really suffering from injustice, to ask whether there might be vulnerable or humiliated beings who are left out of the picture, and to ask what implications a particular conception of justice might have for the most vulnerable.
6. Recognition Not Redistribution?

So far, there is an important aspect of social justice that I have only been alluding to. I am referring to the role of recognition, or, in other words, the relevance of how recognition and misrecognition can affect relative status.¹ The primary idea behind viewing recognition as central for justice rests on the observation that recognition affects self-images in ways that influences one’s ability to be self-directing. For example, misrecognition can happen to those who suffer from cultural stigma. The Canadian philosopher Charles Taylor explicates the idea as follows: “The thesis is that our identity is partly shaped by recognition or its absence, often by the misrecognition of others, and so a person or group of people can suffer real damage, real distortion, if the people or society around them mirror back to them a confining or demeaning or contemptible picture of themselves. Non-recognition or misrecognition can inflict harm; can be a form of oppression, imprisoning someone in a false, distorted, and reduced mode of being.”² Hence, justice is not primarily about the right distribution of divisible assets, but it is concerned with the absence or prevalence of recognition with respect to a person or a member of an identity constituting group.

Thus, according to a recognition-based conception of social justice, injustice denotes various kinds of demeaning stereotypical depictions

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¹ See also Gutmann, Amy. “Introduction” in Multiculturalism Examining the Politics of Recognition ed. by Gutman, Amy (Princeton, New Jersey: Princeton University Press, 1994), p. 5. Gutman writes: “Questions concerning whether and how cultural groups should be recognized in politics are among the most salient and vexing on the political agenda of many democratic and democratizing societies today.”

that lower social status. Longstanding (e.g. Hollywood movie) images of Muslims as fanatics, Afro Americans as servile servants and of women as passive sex objects, illustrate common Western injustices of (mis)recognition. Arguably, since such injustices cannot be straightforwardly rectified through redistribution, injustice of recognition cannot be explicated in terms of wrongful distribution either.

However, before we continue, an important clarification must be made. It concerns the dissimilarity, which is often overlooked, between taking difference and taking recognition seriously. Let me illustrate the worry with the help of a quote from Nancy Fraser, who writes the following about the goal of integrating re-distributive and recognition-based aspects of social justice: “Theoretically, the task is to devise a two-dimensional conception of justice that can accommodate both defensible claims for social equality and defensible claims for recognition of difference. Practically, the task is to devise a programmatic political orientation that can integrate the best of the politics of redistribution with the best of the politics of recognition.” In virtue of explicating the politics of recognition as recognition of difference, this quote illustrates how recognition is conflated with affirmation of difference. The presupposition is that those who interpret justice in terms of right distribution tend to focus on basic human similarity and not just equality, while those who prefer to think about

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4 See Herrnstein, Richard J & Murray, Charles. The Bell Curve Intelligence and class Structure in American Life (New York: the Free Press, 1994), p. 458. Here Herrnstein and Murray presents cognitive ability test scores for “Asian/Pacific, Blacks and Latinos” and relate them to “the White Mean.” The upshot is that whites score higher than the rest. Cf. Taylor, Charles. “The Politics of Recognition”, p. 26. Again, Taylor writes: “An analogous point has been made in relation to blacks: that white society has for generations projected a demeaning image of them, which some of them have been unable to resist adopting. Their own self-depreciation, on this view, becomes one of the most potent instruments of their own oppression.”
justice in terms of patterns of recognition tend to associate recognition with recognition of difference.\(^7\) Thus, right distribution entails taking likeness seriously, and right recognition entails taking difference seriously. This assumption obscures the fact that both difference and similarity can be recognized, and misrecognized, just as distributive criteria, e.g. desert, can but need not take difference into account.\(^8\) If human beings, despite their differences, are fundamentally similar in certain essential respects, then, of course, neglecting this fact can constitute an instance of misrecognition.\(^9\) Thus, it is my contention that the implications of taking recognition seriously go deeper than mere public acknowledgement of group difference such as ethnic, religious and gender identities.

Against this introductory background I wish to introduce the three theses of this chapter. The first thesis states that an element of recognition relevant at two levels. First, it pertains to the level of the meaning of social justice, as well as the level of justification. The second level, which is more basic, consists (as we have seen in the introduction) in providing reasons that not only explain the genesis of but seek to establish the validity of one’s particular idea about justice.

The second thesis states that, on the level of meaning, elements of recognition and redistribution are intricately entwined, and that they have complementary functions. Both redistribution and measures against misrecognition are, as we shall see, of importance for promot-

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\(^7\) Cf. Bashir, Bashir. & Kymlicka, Will. "Introduction," p. 7. Bashir Bashir and Will Kymlicka writes here about recognition of distinct identity as typical for "a politics of difference", and positive recognition of difference is allegedly what the politics of difference consists in. See also Kymlicka, Will. Contemporary Political Philosophy, p. 327 f. who offers an insightful explanation of the contemporary “western” political philosophical focus on difference.

\(^8\) Incidentally, desert can illustrate how aspects of recognition and distribution are entwined. To distribute reward, or punishment, to someone according to what he or she deserves can definitively be seen as an instance of positive recognition. And neglecting desert can consequently be interpreted as a kind of misrecognition. It arguably is a sign of recognition of what he or she has done. Put in other words, taking desert seriously entails the recognition of persons as agents, albeit it does not entail recognition of our different concrete (multilayered) identities.

\(^9\) One obvious reason for connecting a “politics of recognition” with positive affirmation of difference is of course the conviction that human beings are fundamentally different, so that recognition of difference actually reflects our true human nature. This, however, is a kind of essentialism that rarely is articulated by proponents of a “politics of recognition.”

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recognizing the goal, as well as upholding the norm, of equality of opportunity. Since equality of chances is taken to be one fundamental criterion of general justice, and because opportunity can be spoken of in distributive terms, i.e. in comparative terms as to who has more and who has less and whether one deserves to have more (or less), I shall argue that the notion of distribution is relevant, at least on the level of meaning.

Finally, the third thesis states that the notion of recognition has a vital role to play on the level of justification.

The first thesis is reflected in the outline of the chapter and is addressed in various ways in two main parts. The first part is an investigation of the notion of recognition with respect to the aim of explicating the meaning of justice. The second thesis is defended in this section. And the second part, which is briefer, is devoted to probing the third thesis about justification.

**Recognition and Meaning: Oppression, Misrecognition, and Redistribution**

The explication of the complementarity thesis will be done in close dialogue with yet another contemporary political philosophical classic, namely Iris Marion Young’s *Justice and the Politics of Difference*. The choice of this text might strike the well-informed reader as odd. Why not select more recent texts written by, for example, Axel Honneth or Charles Taylor? In contrast to Young, they are known for having reintroduced the Hegelian notion of recognition (*Anerkennung* in German) to contemporary political philosophical debate. Honneth in particular has presented a complex theory of the place of recognition in “the moral grammar of social conflict”. There is a negative reason in favor of Young’s work though. I contend that no other text presents a recognition-based explication of the meaning of justice as clearly as Young’s does. Furthermore, there are positive reasons for using *Justice and the Politics of Difference*, in spite of its limited use of the word “recognition”. First of all, this book contains concrete sociological explications of different forms of misrecognition; second, it outlines these interpretations as explicit aspects of injustice; and third, this is done in dialogue with the “distributive paradigm” represented primarily by John Rawls’s theory of justice.
I believe Nancy Fraser is correct as she observes: “Young, to be sure, does not use the term ‘recognition’; nor does she acknowledge privileging cultural transformation. Nevertheless, I believe that the deep logic of her thought supports that characterization and interpretation.” As we shall see though, Young does indeed make use of both the term and the concept of recognition.

Let us continue now with the problem of meaning and take a closer look at the claim that (re-)distribution has only a marginal role to play when it comes to mitigating injustice. A quote from Justice and the Politics of Difference articulates the worry in an illuminating way. Young writes:

As doers and actors, we seek to promote many values of social justice in addition to fairness in the distribution of goods: learning and using satisfying expansive skills in socially recognized settings; participating in forming and running institutions, and receiving recognition for such participation, playing and communicating with others, and expressing our experience, feelings, and perspective of social life in contexts where others can listen. Certainly many distributive theorists of justice would recognize and affirm these values. The framework of distribution, however, leads to a de-emphasizing of these values and a failure to inquire about the institutional conditions that promote them (italics mine). This quote shows that the critique of distributive justice consists in an alleged lack of the conceptual tools needed for doing two things: first, for explicating a link between misrecognition and injustice, and second, for problematizing the major recognition-based causes of injustice. In addition, Young systematizes the mentioned values in an interesting way: “The values comprised in the good life can be reduced to two very general ones: (1) developing and exercising one’s capacities and expressing one’s experience, […] and (2) participating in determining one’s action and the conditions of one’s action […]”}

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11 Young, Iris Marion. Justice and the Politics of Difference, p. 33-8. Young writes: Theorizing about justice should explicitly limit the concept of distribution to material goods, like things, natural resources, or money.” See also Fraser, Nancy. “Social Justice in the Age of Identity Politics”, p. 2, where Nancy Fraser claims that many today think of distributive justice as belonging to a past “Fordist era”.
12 Young, Iris Marion. Justice and the Politics of Difference, p. 37
This relates directly to her negative interpretation of justice, namely, injustice is defined by two social conditions, oppression and domination. Young writes: “[...] two social conditions [...] define injustice: oppression, the institutional constraint on self-development, and domination, the institutional constraint on self-determination.”

For our purpose here it is of particular interest to take a closer look at how misrecognition is supposed to relate to constraints on self-development, i.e. what Young calls oppression. This important aspect of justice has not been thoroughly investigated in previous chapters. Before embarking on this, however, we should note that the meaning of domination that Young suggests coheres with egalitarian liberalism. Arbitrary constraints on individual self-direction are manifestly incompatible with equality of opportunity.

Oppression
To oppress someone can definitively cause harm. However, oppression is not only about causing pain. There is an important difference between suffering from random assault and to suffer from oppression. In ordinary use, to oppress is to harm someone by stifling and constricting them. This obviously can be done without causing anyone to be conscious of it. The idea of interpreting the wrongness of oppression in the terms of arbitrary constraints on self-development coheres with this observation.

Furthermore, to interpret oppression in terms of institutional constraints has come to be seen as providing a helpful structural view on oppression, one that does not presuppose a concrete stifling oppressor. Its suggested concept can help us see how oppression is often implemented in tacit behavior, and in numerous small decisions, the oppressive character of which their makers need not be aware.

The link between oppression and misrecognition, though, is not established by simply stating important advantages with this abstract core understanding. Still, there is a link, and Young’s famous “five faces of oppression” are helpful for establishing it. The “faces” are put forward as five (operative) criteria for determining whether actual

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people are oppressed.\textsuperscript{16} As we shall see, they also offer a conceptual link between recognition and social justice.

Exploitation

The first \textit{face} refers to an aspect of injustice that for many years has served as a thick social analytical tool, especially within critical theory, and also in social theory in general. I am referring to exploitation. It is a thick tool since \textit{exploitation} is simultaneously used to connote a description of certain states of affairs that are exploitative in character, and an explanation of why these affairs are morally wrong.\textsuperscript{17}

If we think about it, all kinds of efforts can be exploited. Pious work as seen in Christian love is one clear and ethically interesting example. This is so especially when love is used as a pawn in a strategic game. Consider a case in which a hospital dismisses its paid almoner staff and invites people from a local congregation, say, members of an order of nuns, to do parts of the previous employees’ job. This, I fear, is a realistic example in rich countries that do not prioritize giving enough money to public healthcare. The thing is, loving care work is appreciated here for the way it can be used, not for what it is. The example allegedly illustrates how a voluntary and apparently mutually advantageous engagement can be exploitative.

In what then does the wrongness of such exploitation consist? Is there exploitation if the nuns were simply fulfilling their self-perceived calling by serving at the hospital? In our example a medical care company took advantage of the work of some pious persons. If the work of the nuns had not been to the advantage of the hospital then asking them to provide their services could not have been exploitative. It might have been wrong for other reasons, of course. It is also

\textsuperscript{16} \textit{Justice and the Young}, Iris Marion \textit{Politics of Difference}, p. 64. Young writes: “They provide a means of refuting some people’s belief that their group is oppressed when it is not, as well as a means of persuading others that a group is oppressed when they doubt it.” See also MacKinnon, Catherine A. \textit{Toward a Feminist Theory of the State} (Cambridge, Massachusetts: Harvard University Press, 1989), p. 65 f. for an attempt to find a synthesis between Marxism, its conception of exploitation and feminism.

\textsuperscript{17} Cf. Anscombe, G. E. M. \textit{Ethics, Religion and Politics. The Collected Philosophical Papers of G. E. M. Anscombe} (Oxford: Basil Blackwell, 1981), p. 8 “[…] the notion of guilty performance, if any, is built into the description of the forbidden thing (as with stealing or murder, though not with adultery), […]”
clear that the lack of appreciation can be interpreted as an example of misrecognition. The previous employees were salaried workers, at least. I therefore conclude that it makes sense to claim that the hospital took “unfair advantage” of the nuns.\textsuperscript{18}

We need, however, to learn more about what the alleged unfairness of exploitation consists in, and if and how it possibly relates to misrecognition. Iris Marion Young suggests that *exploitation* signifies relationships where “some people exercise their capacities under the control, according to the purposes, and for the benefit of other people”.\textsuperscript{19} At the core of the wrongness done to the nuns there is the fact that their charity is not recognized as such, but merely as a voluntary effort without cost. The efforts of the nuns are not acknowledged as work of care that attends to the needs of severely ill patients. On the contrary, their service is treated as a cost-lowering opportunity. Hence, it bears the signs of misrecognition.

The hospital example might look like a special case though. The nuns probably hold that they get their most important recognition from God, not from the “world”, and that their Church confirms this. They might claim that they do not exercise their capacities for care under the control of the care company, but under the control of God. Still, if after a while, their Cardinal (D) reacts and criticizes the order of nuns for assisting the medical company’s ways of evading the payment of due salaries, then the nuns will stand alone, before God, perhaps. Possibly, in such circumstances even truly pious people could feel unjustly drained of positive energy.

Nevertheless, the above example (which reflects the common use of charities in the mending of holes in public welfare nets) might obscure a more fundamental kind of exploitation. In terms of wages, workers are exploited when they are not compensated in proportion to the actual value of their contribution, namely, the surplus value that company owners or powerful CEOs receive in the form of interest on invested capital. The point is, exploitation happens when wages fall below the level that matches the value of each employee’s contribution. This allows for transfer of value, in Young’s terminology energy,


\textsuperscript{19} Young, Iris Marion. *Justice and the Politics of Difference*, p. 49.
from the oppressed to the privileged. Besides, low wages constitute a kind of misrecognition in itself, denying people respect from those who earn significantly higher than them. In reality the exploitation is two-sided. Hard manual “unskilled” work is not only misrecognized for being poorly paid, it is also misrecognized for what it is, i.e. hard and physical work.

All these exploitative conditions result in the unequal accumulation of wealth and resources at the expense of others.\textsuperscript{20} And the primary thing supposed to be accumulated and emptied, is psychological and physical energy, that is a basic necessity for one’s ability and therefore also anyone’s opportunity to act and to realize oneself.\textsuperscript{21}

There is also, however, an important idea of causation at work here. As we have seen, a relation is exploitative only to the extent that it constitutes a transfer of energy. The mere fact that society shows its esteem for A and its contempt for B does not establish that the misrecognition of B should be interpreted in the terms exploitation. Draining is exploitative only when the draining of B directly benefits A so that positive energy is transferred from the exploited, the worker, to the exploiter, the medical company.

What lies at the heart of the matter is a distinctive reason for comparing opportunities for self-realization, which has to do with a misrecognition of effort that plays a role in a general pattern which transfers energy from the misrecognized to someone else. Thus the injustice can be partly explained in terms of failing to give people what they deserve. One could say that each person’s effort ought to be given due recognition. However, there is more to this. If the effort of person A is equal to the effort of person B, but B receives more recognition than A (even if both receive a good deal of recognition), then the distribution of recognition between A and B may be said to be unfair. Thus, there is an idea of equality of recognition at work here.

There are at least three important things to be inferred from this. First, one can talk about distribution of recognition since the word \textit{distribution} can also apply to intangible goods other than resources such as food or housing. Thus talk about distribution can have a role to play also in a conception of justice that articulates how injustice

\textsuperscript{20} Young, Iris Marion. \textit{Justice and the Politics of Difference}, p. 53.
\textsuperscript{21} Young, Iris Marion. \textit{Justice and the Politics of Difference}, p. 50.
relates to misrecognition. Secondly, the concept of exploitation seems particularly helpful in social theoretical studies of the causes of injustice. This admittedly is a perspective that sometimes is overlooked in traditional egalitarian liberal conceptions of justice. And third, although exploitation is often an overlooked fact, the unjust transfer of enabling energy is clearly not compatible with equality of opportunity.

Marginalization

The second face of oppression is called marginalization. As the name suggests, it denotes various processes of moving large or small groups of people to the margins of society. To exist on the margin is to be considered insignificant, perhaps even neglectable. Since marginalization is about ways of being excluded from most established forms of social recognition, one can easily imagine ways in which the unemployed, the disabled, and, not to mention, illegal immigrants are being cut off from social participation.

Justice and the Politics of Difference suggests that the injustice of marginalization consists in the blocking of “the opportunity to exercise capacities in socially defined and recognized ways”. Clearly, what is at stake here is the systemic effect on people’s opportunity to participate in society as equals. In other words, marginalization prevents equality of opportunity through a specific kind of misrecognition, i.e. through processes that make people with certain attributes socially invisible.

Marginalization can happen in numerous ways. For example, people who for various reasons depend on social welfare are frequently marginalized when they are being depicted by officials and the media as “lazy burdens” to society. Such stereotyping might lead to the loss of self-esteem, which makes it harder for them to even try to participate in society. The second aspect of injustice that affects “welfare

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22 Young, Iris Marion. Justice and the Politics of Difference, p. 54.
24 Cf. Fraser, Nancy. “Social Justice in the Age of Identity Politics”, p. 24. Fraser writes: “To build broad support for economic transformation today requires challeng-
depending people” is distributive in kind. Because welfare allowances tend to be minimal, welfare recipients find themselves unable to afford decent housing, which in itself can be a social stigma. In addition, they also lack access to contemporary means of communication as well as not being able to raise their children in a safe and conducive environment. From this we learn that it is necessary to change patterns of misrecognition as well as to increase redistribution of resources in order to address the injustice of marginalization.

This, however, does not entail that the goal of implementing equality of opportunity is irrelevant. On the contrary, equality of opportunity is the yardstick against which actions against marginalization are to be measured.

Powerlessness

When someone says, “I can’t do anything about my situation, I feel totally powerless,” she may be experiencing a certain problem, although it may not have to do with injustice. The words receive a distinctive meaning as uttered by someone who is suffering from terminal cancer. However, the same words might also be used by a person who is voicing her frustration over an experience of injustice. Suppose the speaker is a single mother. Then the same words can be used to refer to a situation of oppression that consists of at least two different kinds of obstacles. I am thinking about obstacles created by the negative stereotyping of women, and those created by an insufficient social welfare system (e.g. the lack of public daycare centers). Although this might seem obvious, powerlessness is a complex marker of oppression, which also happens to overlap with others.

Perhaps the first thing that one should note about the relation between powerlessness and injustice is that powerlessness does not only arise from the lack of tangible goods. Money, for example, cannot be equated with power. Nevertheless, money certainly can, through its function within various social and institutional networks, offer its possessor power by endowing one with the ability to satisfy her wants. Thus money can offer power. But money is not identical to the complex relationships that make it possible for one person to express in-
intentions that meet with the acquiescence of others. For power could also be mediated through different means (e.g. guns, muscles, education, looks, manners, rhetorical skillfulness and so on), none of which can be taken as identical to power itself. Hence, as I have suggested in chapter 2, it is more helpful to understand power in the more general terms of the ability to effect things.

Furthermore, just like Young claims, it must be plausible to think that our various (generic and other) abilities to effect things depend decisively on complex and intertwined practices of complying with communicated intentions. This does not necessarily imply a high degree of abstraction. The acquiescence of most to the norms that make up the meanings of concrete things like traffic lights form one small part of the conditions that constitute the power of a lawgiver; in this case, it is the ability of the lawgiver to effect a certain traffic behavior. The workings of traffic signal systems also illustrate how general failure or refusal to comply can undermine the authority in question that is also one of the sources of power in our society. No police force in the world can catch everyone, everywhere, all the time.

In accordance with this interpretation of power, Justice and the Politics of Difference claims that the powerless are “…those over whom power is exercised without their exercising it; the powerless are situated so that they must take orders and rarely have the right to give them.” Being rendered powerless, some are unjustly constrained from participating “in making decisions that affect the conditions of their lives and actions”. In other words, powerlessness entails a lack of ability to influence conditions that determine our actions and what we can be. This also suggests that for some people to a greater extent than for others, their lives are determined by others rather than by themselves. Consequently, these people need to exert themselves even more in order to become authentic, self-directing persons. The primary moral problem with powerlessness therefore appears to be its obvious and its tacit effects on opportunities to be self-directing.

This accords well with conclusions drawn by the British philosopher Peter Morriss, who in his in-depth investigation of the concept of

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27 Young, Iris Marion. Justice and the Politics of Difference, p. 56.
28 Young, Iris Marion. Justice and the Politics of Difference, p. 56.
power writes: “Frequently we value power simply because it enables us to do things we want to do: to have more control over our own lives.”

Besides general ideas about emancipation this also fits the ambition to present “an enabling conception of justice.”

The idea is that “…powerlessness is the situation of having little or no authority or autonomy in most aspects of one’s life…” Allegedly we are put in this position of powerlessness through “inhibition in the development of one’s capacities, lack of decision-making power in one’s working life, and exposure to disrespectful treatment because of the status one occupies.”

Still, is it really tenable to portray this aspect of oppression as being about a comparative lack of opportunity to be self-directing? The answer is both yes and no. No, because talking about exploitation is arguably not just another, unnecessarily complicated, way of talking about equality of opportunity. The concept of equality of opportunity does not simply contain interpretations of every socio-psychological and purely sociological event (out of all different kinds of events that can matter) that have enabling or impeding functions. One can also say that in virtue of not containing any specific interpretations of the things that are supposed to constitute opportunities, equality of opportunity is a thin moral concept. As we saw previously, the notion of exploitation offers an important tool for revealing impediments of a specific kind and serves a distinctive complementary function. In this respect, the concept of equality of opportunity has an important role to play in any plausible explication of the injustice of exploitation, although it is not the only concept by which we come to understand the nature of exploitation, which, in this case, is understood as the conscious transfer of basically life and vitality from one group to another.

However, the relation between the relative wrongness of powerlessness and equality of opportunity might not be as obvious. After all, self-development designates a capacity to change in a certain valued direction and not just the ability to be self-directing. We should also keep in mind that the focus here is on random inhibitions on self-development. Development and direction are connected though, and I shall try to show that the latter is basic.

31 Young, Iris Marion. *Justice and the Politics of Difference*, p. 57.
Let us first note that both self-development and self-direction designate enduring capacities of a subject. In other words, they name certain powers of the subject. And, secondly, abilities are not exercised by necessity but by the will of the agent. Peter Morriss formulates this crucial point as follows:

Then, when we say that someone has the power to do something, we mean that she can do it if she wants to. If she wants to; not if someone comes along and threatens to blow her head off unless she does it pretty smartish. Someone’s power to do things when coerced by someone else (and only when so coerced) is not the sort of power I imagine you, as the reader of this book, will have at the front of your mind, unless, of course, you happen to have an important post in an organisation like the CIA.32

This entails that self-development can hardly be seen as something that sometimes should be directed from the outside, at least not when the ability to be self-directing is valued also. External control of one’s individual development coheres better with classical authoritarian conceptions of a differentiated realization of an allegedly human essence.33 These conceptions, however, obviously do not cohere well with an egalitarian conception of oppression. On the contrary, for egalitarian liberals, self-development must be a possibility that the individual can choose to realize, if and when she is released from constraining surroundings. This is why self-direction is a necessary condition in the interpretation of self-development, that is, in understanding what it means to respect individuals as equals. We are unable to fully develop our potential, unless we are able to determine our own path of development. In other words, we must be able to exercise judgment with respect to the possibilities of self-development, and how it should be carried out. Self-direction therefore is primary.

Nevertheless, talk about self-development has a distinctive function. It highlights the importance of asking whether there are any genuine possibilities for the cultivation of self. Thus this admittedly abstract aspect of oppression can be formulated as the arbitrary scarcity

32 Morriss, Peter. Power A philosophical analysis, p. 79.
Cf. MacIntyre, Alasdair. Whose Justice? Which Rationality?, p. 194. MacIntyre here writes about how, according to Aquinas, knowledge of our true fulfilling end to a substantial degree is dependent on education.
of possibilities to develop oneself, in the direction of one’s own choosing.

Let us now turn to how powerlessness relates to misrecognition, especially in the form of disrespectful treatment. Relating this to infringement of opportunity to be self-directing might appear as ambiguous. The moral significance of being treated with disrespect is often interpreted in terms of the suffering it might cause, rather than as the inhibition on one’s ability to be self-directing. The path of suffering is arguably not one that we should take. Iris Marion Young writes the following illuminating words about the meaning of treating people with respect: “To treat people with respect is to be prepared to listen to what they have to say or to do what they request because they have some authority, expertise, or influence”. Conversely, to be treated with disrespect is not to have one’s words or opinion taken seriously. To be treated with respect means is that nobody listens, thinks you are worthy of being listened to or, in general, takes your opinion into consideration. Of course, suffering is likely to be involved in this, but the point here is not so much about the infliction of pain but it is to show that disrespect is a way of construing the other as being inferior. As a result, this can make it difficult for one to direct one’s own life. Seeking a loan or a job, or buying a house, can turn out to be more difficult for some due to the various incarnations of disrespect that they may experience.

The other side of this coin is that disrespect consumes personal power. Both the ability to effect as well as to influence things simply diminishes for those who are exposed to various forms of humiliation. I emphasize the word effect simply because: “To affect something (or somebody) but not effect (accomplish) anything seems, then, not to be an exercise of power.” As we saw above, the connecting point to self-direction is that “abilities are things we can do when we want”.

Let me summarize the discussion about powerlessness as a marker of oppression. Powerlessness is about lacking the possibility to effect important states of affairs, and both scarcity of goods and misrecognition can cause powerlessness. The moral substance remains the same.

34 Young, Iris Marion. Justice and the Politics of Difference, p. 57.
36 Morriss, Peter. Power A philosophical analysis, p. 27.
The injustice of powerlessness consists in a comparative shortage of opportunities to be self-directing.

**Cultural Imperialism**

The fourth face of oppression is well known. It connotes the core wrong identified by many post-colonial theorists, for example, by Edward Said’s classic work *Orientalism*. Here it is called *cultural imperialism*. I shall argue that the label *cultural imperialism* offers a tool for the identification of a particular kind of domination. Cultural imperialism is namely thought to be at hand when some group or groups dominate the public manifestations and reinventions of certain distinctive ideas about customs and social behavior in general. This analytical tool presupposes the plausibility and general helpfulness of talking about culture as well as identity formative groups. The label *group* denotes a social whole that forms one part, often an important one, of individual people’s stories about who they are. Thus talk about a group must denote something that actually makes a difference to individual human beings. It must refer to something typical for certain persons that affect how they are treated by individual members of other groups, and by society as a whole, through its various agencies.

The worry here is that the tacit influence of a dominating group can and does in fact often render the perspective of others invisible, or visible but stigmatized.

This variant of oppression is obviously linked to a specific kind of misrecognition.

Today, these are not controversial sociological ideas. In Northern Europe, for example, it is clear that people with relatively pale skin color has benefited from a long-standing dominance. Iris Marion Young mentions the following as obvious and common examples of stigmatizing culturally imperialistic misrecognitions: “…everyone knows that Indians are alcoholics…”

The morally relevant effect of making invisible and of stigmatizing is basically the same. It is unjust to the extent that “the oppressed group’s own experience and interpretation of social life finds little

expression that touches the dominant culture, while that same culture imposes on the oppressed group its experience and interpretation of social life."40 Presumably, when having little or no chance to express oneself, one’s chances to affect the larger institutional structures of society are slim. In practice this means that persons suffering from cultural imperialism have undeservedly fewer chances to be self-realizing and self-directing agents.

I believe this is understandable especially if we, in a Parsonian manner, understand institutions as “patterns of social activity that give shape to collective and individual experience.”41 This means that institutions are taken to consist in sets of coordinated roles by which actors can fulfill institution-specific purposes.42 For example, judges and lawyers carry out the purpose of a court of law through their duties. Social institutions like the judiciary or the family form our identities as well as shape expectations of how we ought to live.

The point is that when the experiences and identities of dominant groups come to determine the way institutions, e.g. the family, are structured, then the opportunity of others to develop an independent (as in non-dominated) self-understanding is far from equal. Think about different groups of gay or transgender people, for example. It would be strange if they did not feel out of place within the dominant institutionalization of the heterosexual family and heterosexuality in general. In light of a situation like this, cultural imperialism therefore marginalizes certain groups of people by depriving them of an equality of opportunity. The morally relevant effect of cultural imperialism is that it places an impediment on the opportunity for self-realization.

We have seen how the equality of opportunity criterion serves to explain the injustice of cultural imperialism. The awareness of such a form of misrecognition arising out of cultural imperialism is necessary for the realization of social justice.

40 Young, Iris Marion. Justice and the Politics of Difference, p. 60.
Violence

The oppressive character of our last image of oppression, violence, might seem overly conspicuous. Violence against those who do not deserve it must be wrong. However, the point here is not to question the murky link between suffering from violence and deserving punishment. Again, Young writes:

The oppression of violence consists not only in direct victimization, but also in the daily knowledge shared by all members of oppressed groups that they are liable to violation, solely on account of their group identity. Just living under such a threat of attack on oneself or family or friends deprives the oppressed of freedom and dignity, and needlessly expends their energy.43

Direct victimization consists in injurious, primarily physical, action of various kinds, as, for example, when someone is beaten. The injustice of this need not be obvious, however. To say that random assault might not be unjust does not, of course, entail that violence is right; it only suggests that acts of violence can also be interpreted in the terms of random individual violations. The language of human rights arguably serves to articulate this particular kind of wrongness better than justice.

However, facing the menace of violence in one’s daily life necessitates the development of various defense strategies, one of which would be the formation of one’s identity. Because actual as well as potential victims of violence are treated with disrespect, victimization and recognition of respectability are deemed to be incompatible. There simply is nothing socially respectable about being victimized. Having to face an unnecessary fear of violence is therefore also an example of general societal misrecognition.

The language of distributive justice could be used to articulate this injustice. It would have to be stretched though, to something like the following: the injuries in question are unjustly distributed since this “bad” is arbitrarily, not justly, distributed. This misses the main point though, which is that the injustice of threats of violence we are referring to here are due to misrecognition of particular groups. I therefore contend that these threats more adequately described as examples of misrecognition related injustice rather than distribution related.

This way of talking about violence is one important explication of how the opportunity to develop one’s capacities can be stifled or encouraged on the basis of group membership. Thus, the threat of violence places members of some groups in a comparative disadvantage regarding their capacity for self-development. It is the unjust curtailment of the individual’s capacity to realize oneself which constitutes the morally disturbing meaning of violence.

Finally, I conclude that all the previous five faces of oppression highlight how different kinds of systemic misrecognition can circumscribe the abilities and hence the opportunities of certain groups of people, placing them at an undeserved comparative disadvantage. It is evident from this that attending to these various kinds of misrecognition is vital if societies are to come closer to the realization of social justice. However, the implications for the relation between recognition and redistribution have not been sufficiently spelled out yet. This will be attended to in the next section.

Oppression and Redistribution

Is it reasonable then to say that oppressed people suffer from distributive injustice? I have argued so far that oppression is about being comparatively disadvantaged when it comes to (important) life-chances, which entails that oppression is an instance of comparative injustice. This would mean that “we must make two sorts of comparisons to ascertain it—namely, comparisons of Doe’s claims with those of others, and comparison of this treatment of Doe with various treatments of others”. Thus it is necessary to compare each group member’s opportunity with that of a self-directing person.

However, even if the aforementioned argument is valid, we have yet to establish the extent to which equality of opportunity should be articulated in terms of recognition, or whether redistribution, after all, has a distinctive role to play. The problem for defenders of the redistributive paradigm is that chances are not divisible assets that can be distributed by e.g. a governmental agency in any concrete manner.

Concerning this Iris Marion Young writes: “Opportunity is a concept of enablement rather than possession; it refers to doing more than having.” Does talk about the distribution of chances therefore “not recognize the limits to the application of a logic of distribution”? Perhaps it is correct to state: “It makes no sense to speak of opportunities as themselves things possessed. Evaluating social justice according to whether persons have opportunities, therefore, must involve evaluating not a distributive outcome but the social structures that enable or constrain the individuals in relevant situations.” There seems to be something correct about these remarks. The distribution of food, housing or money is more tangible than the distribution of chances.

I find it illuminating to pause here and reflect on the fact that the same distinction between (re)distribution and recognition as we have encountered here is used by one of our benchmark egalitarian liberals Ronald Dworkin. Dworkin distinguishes between what he calls “political equality” and “distributional equality.” The former concerns issues of participation in larger institutional frameworks and hence the varying degrees and ways these structures enable or constrain individuals in their attempts to be self-directing. Political equality, interestingly enough, necessitates the eradication of arbitrary institutional constraints on the possibilities of some to be self-directing. Thus, it has to do with the elimination of various sorts of misrecognitions.

Distributional equality, on the other hand, is, according to Dworkin, about comparing divisible shares of resources. If we for a moment adopt this terminology, we will note that there can be distributional justice in spite of political injustice. A dictator can distribute available resources in equal shares, if he chooses to. In other words, one could think that there is a common sense background for this ter-

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50 Cf. Young, Iris Marion. Justice and the Politics of Difference, p. 37. Young’s way of describing what “social justice” is about fits Dworkin’s definition of political justice quite well. She writes: “Rather, social justice concerns the degree to which a society contains and supports the institutional conditions necessary for the realization of these values.” And “these values” refer to “(1) developing and exercising one’s capacities and expressing one’s experience, and (2) participating in determining one’s action and the conditions of one’s action.”
minology, and also for upholding the distinction between redistribution and recognition in the way that terminology suggests.

However, this conclusion is too rash. True, there is a difference between distributing a particular resource (e.g. food) and altering patterns of misrecognition. Nevertheless, I shall argue that the difference refers to complementary means for achieving justice, rather than to a distinction between a distinctive sphere for distributive matters and a different one for politics. Upon closer scrutiny we find that the political is intrinsic to the very things that we in ordinary parlance refer to as resources.

Let me explain by taking a closer look at a typical conflict between distributive and political justice. It is a conflict between a norm of equality of resources and a norm that demands the removal of unnecessary institutional obstacles. The conflict appears when the resources to be redistributed happen to be private property. In one way or another, many classical ways of redistributing resources tend to involve the reallocation of property.

The problem is that property is an institution. Diamonds are not institutions, for sure. They are a particular kind of mineral. But the issue of redistribution arises when minerals are being turned into property. It becomes redundant if property is abolished. This simple observation shows that redistributions of resources will in effect not be neutral towards political justice. In other words, any redistribution of property will make a “non-neutral” difference vis-à-vis how institutions have a bearing on individual self-direction. Besides diminishing institutional obstacles, it will also destroy, to varying degrees, the ways in which this particular institutional item enables its holders to be directors of their own lives. This, however, is a problem only if the redistribution of resources in question does not open up more opportunities than it destroys and, importantly, if the redistribution in question does not come too close to the persons involved.

The only possible way for keeping political justice separate from distributional justice is to preserve talk about distributive justice for non-mediated distributions of clearly non-institutional things, like pure energy. However, electricity is not, generally speaking, energy for human beings. Of course, it can be transformed to energy (by helping to cool the air on a really hot day, for example). But that is a different story. The point is, reducing the scope of the application of distributive justice to divisible assets that are not institutions, makes
distributive justice not just pointless in the domain of recognition but completely redundant. I therefore conclude that it is impossible to uphold the suggested distinction between political and distributive justice.

Furthermore, as we saw already in chapters 2, 3, and 4, it is unclear why equal distributions of concrete divisible goods are urgent from the point of view of social justice. As we have seen, an equal distribution of concrete divisible resources is more likely to be unjust than just. This is so because being a necessary condition for a particular chance and actually being a chance are different things. Food, for example, may be necessary for performing certain actions but it does not constitute a chance in itself. And, in accordance with the discussion of power in chapter 1 and previously in this chapter, an opportunity should be understood in terms of the ability to effect something. Having a chance therefore means to be in control of a “reliable mechanism” through which it is possible to achieve a foreseeable outcome. Food can be part of a reliable mechanism that helps to realize the goal of calming hunger.

If I have an opportunity to receive college education, I would be able to acquire certain skills, and I also know that I would not be excluded, neither formally nor practically, from consideration solely due to group membership by virtue of my identity (e.g. black, female, lesbian, etc.). Thus, an admissions procedure can be an example of a “reliable mechanism” hence a chance, but it can, of course, also be something totally unreliable if it is randomly biased, by family relations, bribery, racism or sexism, for example. Such a mechanism cannot be distributed in any way similar to how divisible goods like food and money can be. Nonetheless, it can be manipulated in order to achieve a more just distribution of the concrete advantage, in this case college education that is administered by it.

Would having unequal opportunity therefore constitute a comparative injustice rather than a distributive one? This, however, is not a necessary conclusion. It is my contention that the removal of, say, a racist bias in an admissions procedure, which is an example of elimination of misrecognition rather than redistribution, can also be plausibly articulated as an example of acting to distribute chances more

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equally. This is so because an action done in order to cause comparative equality of chances through reforming the workings of institutions does not differ in intentional content from actions aiming at distributing food more equally. And intentional content, of course, cannot be separated from action. For example, think of the difference between murder and manslaughter. The difference here does not lie in the outward action itself but in the presence or absence of premeditation, i.e. the intention or lack of intention to kill.

My conclusion is that to say that only those goods that are divisible and distributable can be the objects of distributive justice is to assume an unreasonable narrow understanding of both social justice and of action. Such an understanding of agency neglects the important fact that it is the intended outcome, not a physicalist description of behavior, that determines the kind of action that a certain activity is, as, for example, seen in the equalization of life chances.

Concluding Remarks

What then are we to conclude concerning the question of the meaning of social justice and recognition? The most important lesson is that injustice can be caused by maldistribution as well as various forms of tacit and straightforward misrecognitions. At the same time, it is by appealing to the comparative norm of equality of opportunity that we can identify instances of misrecognition as examples social injustice. This is so because the injustice caused by misrecognition can present undeserved obstacles for some. While misrecognition may also lead to physical harm, victims of misrecognition may sometimes not sense any harm at all, although their opportunities can be affected in an unjust way. Therefore, on the level of possible causes of injustice, the conception of justice put forward here is two-dimensional. Both distribution and recognition are relevant. It is not two dimensional, however, when it comes to explicating the meaning of the conception we need in order to identify a certain order of misrecognition or distribution as unjust. The effects of both are compared to the standard of

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52 Cf. Fraser, Nancy. “Social Justice in the Age of Identity Politics”, p. 35. Fraser refers here to a broader overarching framework that holds the dimensions of recognition and distribution together, and that framework is that distribution and recognition
equality of opportunity. The investigation therefore continues to confirm the utility of the conceptual kernel of egalitarian liberalism.

Recognition and Justification

As we have seen, one interpretation of social justice can be preferable to others. Justification then seems, ironically enough, to be on its place as soon as someone puts forward a particular conception of justice as being more reasonable than its competing alternatives. But, if that is the case, how then should one understand justification on the level of moral epistemology? One common interpretation is that the issue of moral epistemology refers to the problem of determining whether a general belief in the importance of furthering justice or, put negatively, in the importance of removing injustice, can be validated. If so, it is not about which substantial conception of justice that is preferable. What exactly we mean by justice is left aside in favor of pondering whether believing that justice ought to be done can be justified. There is a difference in focus. The first is on determining meaning, and the other on how to support moral convictions in general.

Even so, the issue of meaning reappears on the epistemological level. Let me explain. In order to properly address the question of whether the conviction that injustice is morally wrong can be justified, we need an idea about what it is that is supposedly in need of justification. We need to know what this talk about injustice means, and hence, we need to know something about which out of many alternative conceptions of justice this conviction is really about. This, I believe, applies to more general questions too. For example, the question whether moral convictions can be justified cannot be handled if we have no idea about what a moral conviction is, what its distinctive traits are.

In line with this I have argued that the justification of moral convictions, and of convictions about justice in particular, is best under-

should further the norm of participatory parity (an explication of the societal aspects of equality of opportunity). Fraser however does not investigate (here) whether the broader overarching framework of justice (participatory parity) is two dimensional or if not, which dimension that is relevant for understanding the moral meaning of participatory parity.

53 The question: “Can convictions be justified” is, of course, impossible.
stood in self-referential terms. It arguably is the moral meaning of an idea that carries the convincing force, not the alleged rationality of holding on to it, basically since the occasional irrationality of doing the right thing is in fact irrelevant for its rightness. This entails that the reasons for believing in the rightness of an act depend upon the concept we use to describe the characteristics of that very act, for example, a murder or a “preposterous lie”. The fact that it is fitting to call certain relations unjust is, according to this, not merely the only but the best reason there can be for believing that such relations are morally wrong.

However, the validity of believing that egalitarian liberalism offers the best possible lens through which injustices can be identified is apparently far from self-evident. Thus it is relevant to ask why anyone should believe that furthering egalitarian liberal justice is right.

As we have seen, convictions about justice are political interpretations of what equal respect entails, which is not conditional upon preferential relations (e.g. family, friends, etc.). Rather, the importance of egalitarian liberal justice is dependent on the importance of establishing an inclusive sphere in which all human beings are recognized as sentient and self-directing beings. In a society where people recognize only themselves as important, issues of justice will not arise. There will be the usual struggles for power, though. Perhaps, “Strive for power!” will be the only apprehensible imperative.

This might ring untrue though if we think about the fact that there are conceptions of social justice that are well at home in thoroughly hierarchical conceptions of society. Each resident of a community can receive or fail to receive their due, whether they are equals or not. The proper due of all inferiors is simply smaller compared to the dues fit for their superiors. The correct size of a “due” is in such cases determined by a different moral standing and among equals by e.g. desert. According to this classical Platonist conception, the legitimate quality and extent of e.g. male philosophers’ opportunities cannot be properly compared to the shares of servants, not to mention those of slaves.

From this we can conclude that in order to be someone towards which injustice can be done, the individual must first be recognized for who he or she is. I believe Judith Butler articulates this in the fol-

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lowing quote: “[…] we come to exist, as it were, in the moment of being addressed, and something about our existence proves precarious when that address fails.” In order to exist with some continuity in a strictly hierarchical society one must inhabit a publicly recognized role through which she or he can be recognized; recognition cannot be accorded to someone who is viewed as a person or a human being in the abstract. Unequal moral standing is therefore not incompatible with any idea about justice, and not with recognition either. However, and this is as crucial as it is plain, it is incompatible with any egalitarian liberal conception, and I contend it is incompatible with any emancipatory or critical idea about justice. Egalitarian social justice requires that all human beings be recognized as equals. The same I fear non-trivial observation can be stated as follows: one must be an equal in order to be someone towards which liberal egalitarian justice can be done. One must be someone whose life matters equally to that of others. In this sense, it appears as if recognition comes first, those who are not recognizable as equals do not count, at least not as much as equals do.

It is important to remember here that recognition is not realized by the action of solitary individuals, that is, by individual affirmative

57 Cf. Butler, Judith. Precarious Life, p. 147. Butler writes here about the need to “[…] to establish modes of public seeing and hearing that might well respond to the cry of the human within the sphere of appearance […].”
58 Cf. Kymlicka, Will. Contemporary Political Philosophy, p. 4. Kymlicka writes: “But if a theory claimed that some people were not entitled to equal consideration from the government, if it claimed that certain kinds of people just do not matter as much as others, then most people in the modern world would reject that theory immediately.”
59 Cf. Walzer, Michael. Spheres of Justice, p. 274, 277. On page 274 Walzer writes: “Under conditions of complex equality, the pattern of relationships will be loosened and freed from the dominance of rank and wealth; the special joys of aristocracy will be abolished; snobbery on one basis or another will be universally available.” And on page 277: “The experience of citizenship requires the prior acknowledgment that everyone is a citizen—a public form of simple recognition. This is probably what is meant by the phrase ‘equal respect.’”
60 Cf. Gutman, Amy. “Introduction” in Multiculturalism examining the Politics of Recognition, p. 6. Gutman writes: “Only with the collapse of stable social hierarchies does the demand for public recognition become commonplace, along with the idea of the dignity of individuals. Everyone is an equal—a Mr., Miss, Mrs., or Ms.—and we all expect to be recognized as such.”
action or by an appreciative attitude. On the contrary, it is subject to collectively invented social institutions that structure human interaction according to certain norms that can impede or further equality of opportunity.\(^{61}\) This can be done in numerous ways, of course, through stereotypical construals of masculinity as centered on domination and power, and of femininity as passivity, et cetera.

On the most fundamental level, however, recognition takes place in language. This means that recognition is dependent on articulations of concepts that makes it possible for us to identify (Erkennen) particular beings and things as someone or something, and to acknowledge them (Anerkennen) as beings that matter. Hence, this is why an act of misrecognition is not a purely individualistic matter, since language shapes the way we act and think in relation to the world. Judith Butler writes: “The norms by which I seek to make myself recognizable are not fully mine. They are not born with me; the temporality of their emergence does not coincide with the temporality of my own life. So, in living my life as a recognizable human being, I live a vector of temporality, one of which has my death as terminus, but another of which consists in the social and historical temporality of the norms by which my recognizability is established and maintained. These norms are, as it were, indifferent to me, to my life and my death.”\(^{62}\)

One crucial norm through which we become recognizable subjects is articulated in explications of the notion of moral equality. We can

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\(^{61}\) Fraser, Nancy. “Social Justice in the Age of Identity Politics”, p. 29. Fraser writes: “To view recognition as a matter of justice is to treat it as an issue of social status. This means examining institutionalized patterns of cultural value for their effects on the relative standing of social actors. If and when patterns constitute actors as peers, capable of participating on a par with one another in social life, then we can speak of reciprocal recognition and status equality. When, in contrast, institutionalized patterns of cultural value constitute some actors as inferior, excluded, wholly other, or simply invisible, hence as less than full partners in social interaction, then we should speak of misrecognition and status subordination.” And a bit further down on the same page: “To be misrecognized, accordingly, is not to suffer distorted identity or impaired subjectivity as a result of being depreciated by others. It is rather to be constituted by institutionalized patterns of cultural value in ways that prevent one from participating as a peer in social life. On the status model, then, misrecognition is relayed not through deprecatory attitudes or free-standing discourses, but rather through social institutions. It arises, more precisely, when institutions structure interaction according to cultural norms that impede parity of participation.” See also page 32 where Fraser writes about parity of participation and equality of opportunity.

see the importance of this if we briefly ponder on the prerequisites of humiliation. Humiliation occur vis-à-vis someone’s relative status. It can hurt, of course. But pain cannot be its defining trait. Many things can cause pain. Entities that have zero status, whose position in the status order cannot be lowered, cannot be humiliated. The claim has three sides:

- First, once we have learnt to master the concept of moral equality, we are able to identify other human beings, in all their possible sameness and probable difference, as our equals.

- Second, “the equal” is an inter-subjective construction that, though it has both descriptive and normative components, works basically the same way as the construction of money does. John Searle writes: “In order that we can recognize bits of paper as money, for example, we must have some linguistic or symbolic way of representing the newly created facts about functions, because they cannot be read off from the physics of the objects themselves.”63 Arguably, the language of human dignity or moral equality presents all human beings as equal in spite of the fact this is not always recognized in actuality.

- And third, inventing moral equality can readily be outlined as moral progress. It achieves a combination of greater degree of inclusivity and dissolution than previous conceptualizations of morality did, which allegedly were all either more exclusive or hierarchical.

While existing independently of individuals, language cannot be altered by individuals at will. Language can change though. Depreciative as well as appreciative labels can change just as they certainly can be reinforced. It takes a tacit general agreement. And consequently, individuals can also be responsible for failing to assist in, protest against or for failing to be an initiator of change.

Yet, there are good reasons to worry about this approach to justification. Perhaps it is counterintuitive to allow for the possibility that moral equality can disappear like e.g. money can. What if moral equality is based on human dignity? If so, one could claim that equal

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moral status is not constructed but discovered. If so, its existence would serve as the fundamental as well as overriding reason for recognizing the other as the equal she in a more robust ontological sense actually is. Moreover, one might ask, if there is no pre-existing reality of dignity to recognize, before the equal is construed in language, how then can the question concerning moral equality be answered in the first place?

Immanuel Kant wrote: “The respect that I have for others or that another can require from me (observantia aliis praestanda) is therefore recognition of a dignity (dignitas) in other men, that is, of a worth that has no price, no equivalent for which the object evaluated (aestimii) could be exchanged.”\(^{64}\) This sentence, one of the most influential in modern moral philosophy, leans on a claim. The intrinsic worth that we have as human beings is stated, it is not established.

Kant’s idea can be interpreted either as an ontological claim about a purported inherent quality that all human beings share, or it can be interpreted as referring to a threshold level of morally relevant capacities in virtue of which all capacity holding beings have this dignity. Either of this is what I as a rational agent is on pain of being irrational bound to see in others. The point is, of course, that my perspective is the perspective of anyone, or of any rational person.

The problems with this argument are many and well known: first, not all human beings have the potential for morally relevant capacities. This entails that not all human beings have human dignity, and second, the meaning of talk about an alleged inherent quality, possibly a noumenal aspect of the self, that is not supposed to supervene on any concrete capacity or ability, is esoteric.\(^{65}\) The only possible mean-


\(^{65}\) Cf. Taylor, Charles. “The Politics of Recognition”, p. 41. Taylor writes: “The politics of equal dignity is based on the idea that all humans are equally worthy of respect. It is underpinned by a notion of what in human beings command respect, however we may try to shy away from this ‘metaphysical’ background. For Kant, whose use of the term dignity was one of the earliest influential evocations of this idea, what commanded respect in us was our status as rational agents, capable of directing our lives through principles. Something like this has been the basis for our intuitions of equal dignity ever since, though the detailed definition of it may have changed. Thus what is picked out as of worth here is a *universal human potential*, a capacity that all humans share. This potential, rather than anything a person may have made of it, is what ensures that each person deserves respect. Indeed, our sense of the importance of potentiality reaches so far that we extend this protection even to people who through some circumstance that has befallen them are incapable of realizing their potential in
ing of the latter idea that I can imagine refers to a conception of an “extra bodily”, separate soul, although it would be impossible either to affirm or to refute such a belief in the existence of the soul, there is no way of determining who has and who has not got this soul. This is so since there cannot be any recognizable capacities in virtue of which beings can be said to have a soul. Therefore, claiming that there is such a soul, or a “timeless essence of man”, cannot do any argumentative work.

The upshot is, the idea of an objectively given human dignity does not take us beyond our original position. On the contrary, an unsupported ontological claim offers less than talk about moral equality as progress does, especially when the latter is complemented by detailed comparisons to concrete historical alternatives.

One possible escape is to turn to a master narrative, an overarching story that narrates the proper place of all human beings in a supposedly meaningful creation. The Christian, Muslim and Jewish myths of creation are three somewhat similar examples of such grand narratives. According to many theological interpretations, all human beings are viewed as equally having an intrinsic worth, since our worth is recognized by God. Thus with the help of such a narrative we could say that justice is not only possible but it is a fundamentally important idea, because all human beings are set in a (equal) special relation to God.

While human worth is dependent upon recognition, neverthe-

the normal way—handicapped people, or those in a come, for instance.” However, the problem is, no potential is in fact shared by all human beings, unless, of course, we assume the reality of an extra bodily soul. Besides, the (vast) majority who has a potential do not by any means have an equal potential, and nothing in the argument can explain why not having more or less of something valuable should count and consequently make our worth unequal.

Cf. Gustafson, James M. *Ethics from a Theocentric Perspective*, p. 56. Gustafson goes a step further and acknowledges a “[…] recognition that there is no timeless essence of man.”

Cf. Honeth, Axel. “Redistribution as Recognition” in *Redistribution or Recognition? A Political-Philosophical Exchange*, p. 187. Honeth writes here about the necessity of a criterion of moral progress in order to be able to “[…] pick out morally justified particularities from the multitude of those typically asserted in social struggles for recognition […].” And the criterion is “rise in the moral level of social integration.” He writes: “For only demands that potentially contribute to the expansion of social relations of recognition can be considered normatively grounded, since they point in the direction of a rise in the moral level of social integration.”

Cf. Wolterstorff, Nicholas. *Justice Rights and Wrongs*, p. 360. Wolterstorff writes: “[…] if God loves, in the mode of attachment, each and every human being equally
less, it is something that ultimately is there in virtue of being created by God’s choice to be specially related to each and every human being. After all, who are we to question the will of a supreme moral authority?

There are nevertheless two fundamental problems with this last escape. First, the credibility of realistic interpretations of a humanistic God, or of grand theistic narratives, is relatively uncertain. This idea might simply not offer support that is less contested than the idea of moral equality is, if seen by itself.

Second, in the following chapter I shall show that the structure of theonomous arguments is incoherent (sometimes even self-contradictory). One tension as we shall see is that such arguments serve to save the bulwark of liberalism, the allegedly high moral standing of individuals, with the help of a non-liberal argument.

Conclusion

In this chapter we have seen that alongside redistribution, the concept of recognition is a helpful conceptual tool for the explication of the meaning of social justice. Attention to the detrimental effects of the various specters of misrecognition, say, racism and sexism, is necessary in order for society to strive towards equality of opportunity. It has been shown how Iris Marion Young’s influential recognition-based understanding of oppression relates to equality of opportunity. The latter helps to show how Young’s faces of oppression instances of injustice, and not of something else. In other words, it is the crucial aspect that they have in common. Furthermore, it has also been shown that recognition plays an important role on the level of justification. The moral status of equals is best understood as constituted by the notions through which it is recognized.

and permanently, then natural rights inhere in the worth bestowed on human beings by that love. Natural human rights are what respect for that worth requires.”

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7. Save Us from Liberalism

Though liberalism is part of the air that we westerners breathe, there is no agreement on whether this is because the air is polluted or because liberalism is another word for oxygen. As we have seen in previous chapters, one need not look far to encounter critiques of liberalism. However, one can also say that Christian religion is part of the air we breathe too, although we live in a multi-religious age. Its stories, characters, and concepts permeate across different cultures, indeed even our way of counting time. It is therefore quite interesting to note that influential interpreters of Christian ethics are and have been critical of Liberalism.

Though the focus here will be on Christianity, the desire to be “saved from liberalism” is definitively not unique to it, and the argumentative structure, that “men of faith” should obey God rather than “man”, is not unique either.¹

The purpose here is to continue the assessment of an egalitarian liberal conception of social justice through an evaluation of the interesting claim that authentic Christian ethics contradicts and is superior to any form of liberalism. This chapter therefore contains an investigation of what I shall call a Christian communitarian critique of some fundamental liberal ideas.² The label “Christian communitarian”, one should note, refers to a distinctive mode of Christian political thinking. Its representatives, among which Stanley Hauerwas and John Milbank are perhaps the most well-known, dissociate themselves not

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² See Grenholm, Carl-Henric. Bortom Humanismen En studie i kristen etik (Stockholm: Verbum, 2003), p. 98-119. for an investigation with a slightly different focus than the present one but that utilizes partly the same material, i.e. texts written by the Texas ethicist Stanley Hauerwas.
only from egalitarian liberalism but from the way liberalism has been positively received by so called Christian Realism and its interpreters, such as e.g. Reinhold Niebuhr. However, since the purpose here is to investigate critiques of egalitarian liberalism, I have chosen to focus on an influential extreme position, rather than traditional Christian liberal political points of view.

In the previous chapters it was shown how crucial components of egalitarian liberalism are at work in influential negative as well as in recognition-based accounts of justice. As we saw, these components are what distinguish egalitarian liberalism from other political ideas. Let me recap with the help of a few particularly telling quotes. Liberalism allegedly is distinguished by the “[…] insistence on the separateness of one life from another, and the equal importance of each life, seen on its own terms rather than as part of a larger organic or corporate whole.” The phrase “Seen on its own terms” refers to a faith in the general ability of people to “pursue flourishing according to their own lights.” The same core idea can be further explicated as follows: “Liberals leave room in their theory for acts of paternalism—for example, in our relations with children, the demented, and the otherwise temporarily incapacitated. But liberals insist that every competent adult be provided with a sphere of self-determination which must be respected by others.”

As we have seen, to be regarded as an adult, competent of knowing her own good and also of governing herself, is an important condition

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3 Milbank, John. *The Word Made Strange Theology, Language, Culture* (Oxford: Blackwell Publishers, 1997), p. 233-54. In this chapter, with its telling name “The Poverty of Niebuhrianism”, John Milbank argues that an allegedly true Christian Realism is quite different from the Niebuhrian legacy. One of these differences concern, as we shall see, the circumstances of justice.

4 As we shall see, this stance towards religion also fits quite well David E. Klemm’s and William Schweiker’s delineation of a (worrisome) kind of religiosity they see as prevalent everywhere in the world of today. They define hypertheism as follows: “Hypertheism” is the term we use for the conviction of a community or tradition that its faith and interpretation of God are one and the same with the divine, obviously true and ultimately real.” Klemm, David E. and Schweiker, William. *Religion and the Human Future An essay on Theological Humanism* (Oxford: Blackwell Press, 2008), p. 15.

5 Nussbaum Martha C. *Sex & Social Justice*, p. 10.

6 Nussbaum Martha C. *Sex & Social Justice*, p. 9.

7 Kymlicka, Will. *Contemporary Political Philosophy*, p. 213.
of emancipation. The well-known feminist theologian, Daphne Hampson, offers a refreshingly clear interpretation of how these ideas are connected: “Feminists believe in autonomy. Women are those, last but not least, who are able to claim their maturity and think for themselves. It is this in which feminism consists: women coming into their own and not having to bow to authority.” Echoing Kant she calls a life marked by subordination to authority a heteronomous life.

For present purposes, however, the interesting point lies in Hampson’s additional claim, namely: “[…] through its very nature, Christianity is heteronomous.” Allegedly one cannot adhere to both Christianity and Egalitarian Liberalism. This is so since “Christians can never simply say that it is unethical to discriminate against persons and that that is the end of it.” In conforming to the will, intention or purpose of God, Christians must justify what they already knew was right or wrong. Therefore, Christianity has to be abandoned. Allegedly, we are better off without it.

This chapter is not an investigation of Daphne Hampson’s critique of Christianity, but of a type of Christian ethics that affirms some of Hampson’s claims, but which arrives at the opposite conclusion, namely, that liberalism should be abandoned by Christians.

Before the investigation commences, I need to say a few words about the outline of this chapter. The chapter is divided in two parts. The first part investigates and evaluates the Christian communitarian...

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8 Frankfurt, Harry G. Necessity, Volition, and Love, p. 131. Frankfurt writes: “The idea of autonomy is the idea of self-government. An autonomous political entity is one that is independent of external control; it manages its own affairs. Similarly, individuals are autonomous to the extent that they govern themselves.”


critique of the value of autonomy. This is related directly, as we shall see, to where the previous chapter ended. It is about a different non-liberal, theistic way of showing why we should care about justice.

The second part contains an investigation of a different aspect of the alleged craze for autonomy. It consists in the conviction that (Christian) love is a reality that contradicts talk about according equal respect to all, and in the idea that each life must be seen as part of a greater whole rather than on its own terms. As we shall see, this boils down to an alternative understanding of the circumstances of justice. Now, finally, let us return to whether and why God ought to be obeyed.

Should Christians Obey God?

The claim that God ought to be obeyed, even when God demands the sacrifice of a beloved son, is the focal point of controversy. The influential Christian ethicists Stanley Hauerwas and Charles Pinches write: “Indeed, the Christian can never conceive of herself as having moved beyond obedience, since she, like Christ, does not will independence but rather radical dependence, by which her own purposes meld with God’s as she comes to share God’s mind.” This results in a conflict about the perceived role and value of autonomy. Harry G. Frankfurt explicates the meaning of self-government by stating that individuals “are in fact governing themselves to the extent that the commands that they obey, whether based upon rules or not, are their own commands.” Thus, to the extent that Christians think that they should obey God rather than themselves, they appear to be thinking that they should not even try to become autonomous.

A word of caution concerning the different shapes obedience can take is called for. Obedience to God, of course, need not be conceived

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15 Cf. Milbank, John. *The Word Made Strange*, p. 223. Milbank writes the following significant lines about sacrifice: “Just as sacrifice alone sustains a totality, so, also, we can see that sacrifice is never of one for another, but always a matter of self-sacrifice for one’s higher self and of part for whole, for even the individual who dies for his friend dies rather for the idea of his being being contained within the greater whole which is the circle of friendship.”


in terms of following straightforward directives. Obeying God can also, as Christian communitarians tend to do, be thought of in terms of attempts to adhere to God’s intentions, will or purposes. I do not think that this really makes much difference with respect to the issue of the role and value of autonomy, though. In any case, there is a difference between the adjustment of oneself to intentions or purposes that are one’s own, and to those that are not.

God as Moral Authority

The most common way of attempting to show why God ought to be obeyed is by using the analogy of obedience to authority. According to daily parlance, the general meaning of authority is to have power or right to control the actions of others. In line with this, the well-known ethicist Jean Bethke Elshtain claims: “Authority and obedience or faithfulness are twins.” Therefore, references to authority seem to be a promising way of making obedience to God intelligible. There are, however, many different kinds of authority. Let us turn to an explication of them in order to further unpack this notion, and subsequently, to investigate its role in Christian communitarian ethics.

Power

First, there is a type of authority that refers to an extensive ability to effect things, that is, power. We should note that talk about authority in these terms is not strange. The Christian God has often been char-

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18 Hauerwas, Stanley & Pinches, Charles. *Christians among the Virtues*, p. 133. While comparing obedience to courage the authors write: “With respect to obedience, our concern will be all the greater, for we think obedience offered to the wrong person is not virtuous in the least and may even be vicious.” Subsequently it is made clear that the right, as opposed to the wrong person, is someone with some kind of legitimate authority. Cf. Niebuhr, H. Richard. *Christ and Culture* (London: Faber and Faber Ltd, 1952), p. 28 f. Niebuhr writes: “However great the variations among Christians in experiencing and describing the authority Jesus Christ has over them, they have this in common: that Jesus Christ is their authority, and that the one who exercises these various kinds of authority is the same Christ.”

characterized as a Sovereign with unlimited power. Sometimes it has also been assumed that the nature of such a being cannot be constrained to something as fallible and evidently changing as humanly defined goodness. And one of the attributes of the Deity that does not come under any constraint is power, or, as it is sometimes called, omnipotence.

Furthermore, understanding authority as power is also reflected in common linguistic usage in which the word *authorities* plays a significant role. This word, *authorities*, is commonly used to denote things like e.g. governmental institutions, independently of whether their officials are democratically elected or not, i.e. independently of whether they have some kind of procedural moral legitimacy or not. The phrase “to be in authority” is also consistently used to connote a position of power, or the possession of power over others.

However, the primary reason one could have for conforming one’s life to power is the fear of the undesirable consequences of disobedience. Authority as power, therefore, can never be legitimate. Power might, of course, demand what you happen to prefer. Still, that would only constitute a secondary reason for “obedience”. Such a kind of “obedience”, so to speak, looks more like mere strategic or prudent adjustment of one’s behavior than genuine obedience, which also includes thinking that you are doing the right thing. This is also why authority as power does not fit the Christian communitarian conception of authority. Stanley Hauerwas writes: “[...] by its very nature, then, authority seems to involve people’s willingness to accept the judgments of another as superior to their own on the basis of that per-

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21 Cf. Elshtain, Jean Bethke. *Sovereignty. God, State, and Self* (New York: Basic Books, 2008), p. 20 f. Here, Elshtain asks whether the sovereignty of God is of the following sort: “If God is sovereign, it seems reasonable to assume that he is all-powerful; and if he is all powerful, he can do what he will.”
22 OED, *authority*, 1b. There are also ordinary uses of the word “authority” that connote impersonal power. See for example Eriksen, Maud M. L. *Moral Voices and Ethical Dialogue A Study of Literary Character and Moral Authority* (Oslo: The Norwegian Lutheran School of Theology, 2005), p. 24 f., 33. On page 33 Eriksen writes: “What power, or authority, do words, or concepts, such as ‘good’ and ‘evil’ have concerning out attempts to live good lives in a moral sense?”
son’s office and assumed skills.” The point is, if God is a legitimate moral authority we would obey Her for good reasons, because God would be in the right.

Supposedly this is not strange to many people who think of themselves as Christians. Presumably they would not imagine God simply as morally arbitrary power. The accuracy of this contention is important since it establishes that the point made in the following quote, taken from a secular political philosophical context, is applicable: “Authority is legitimate just in case there is good reason for the subordinates to comply with authoritative directives.” Therefore, and since fear cannot count as a good reason, power can neither be an adequate description of the alleged moral authority of God, nor be part of a plausible justification of convictions about justice.

Democracy
In working towards more promising candidates we should note that democratic authority does not offer a solution either, in spite of the fact that it does have a kind of procedural moral legitimacy. The problem is that the purposes, decisions or commands of God are rarely seen as determined by the collective wishes of mankind. Indeed, a mere overlap between God’s alleged will and human desires can make positive ideas about the “nature of God, and her will” look suspicious-
ly similar to Freud’s and Feuerbach’s contention that talk about God only serves to project the personal desires of the believer, not to mention that God is never regarded as elected by human beings.

The Expert

Our third alternative, expert authority, is more promising. An expert, whether divine or not, is neither democratically elected, nor made up of sheer power. This type of authority is, on the contrary, “based on relatively greater expertise in a given area.”

29 Such a relatively greater insight, knowledge or know-how, can arguably justify the conviction that the “say-so” of the authority in question ought to be obeyed.

30 For example, we obey a certain authority when we know that a person, say, a doctor, knows more about how to regain our bodily health than we do. We can choose to let her directive regarding e.g. medication preempt our own belief, that for example warm milk, honey and fresh garlic could do the trick just as well. The good reasons we have for obeying in a case like this are due to the experience and trustworthiness of doctors in general. We simply know that trusting doctors has largely proven to be beneficial to both others and ourselves.

Moreover, we place our trust in different experts every day. Indeed our lives would be quite impractical if we did not do so. Insofar as obedience is justified when there are good reasons for us to allow the authority’s directives to preempt our judgment of what any directive independent reasons require, there need not be a conflict between autonomy and obedience.

31 For the sake of clarity, when someone else’s directive or suggestion preempts my own judgment, it constitutes a reason for acting that excludes other reasons in the sense that these other reasons do not at all participate in determining how we should act.

32 What a directive-independent reason is should be clear. It refers to all the reasons we may have or think we have for acting besides the directive from the authority in question.

29 McMahon, Christopher. Authority and Democracy, p. 85.
31 Cf. McMahon, Christopher. Authority and Democracy, p. 32.
32 McMahon, Christopher. Authority and Democracy, p. 33.
That there are experts is quite obvious. That the authority of e.g. doctors should be interpreted as a kind of expert authority is sometimes questioned though. This, however, often boils down to an argument about what kind of experts doctors are, rather than the kind of authority they have, not to mention if they are authorities at all. The fear is that the label expert authority carries a reductive connotation in virtue of portraying e.g. medical expertise in mere technical disease curing terms.\(^{33}\) Allegedly, the spheres of biochemistry, drugs, radiation, and surgical techniques, do not exhaust the areas in which a good doctor should be expert.\(^{34}\) The point is, although there might be more to being a doctor than this, she can still be considered to be an expert in her field, if more adequately described.

Be that as it may, expert authority might even so perhaps not capture what is at stake with, so-called subordinating authority. That is, the kind of authority Christians would consider applicable to God.\(^{35}\) Maybe it is fair to say that obedience to God somehow transcends the mere adjustment of one’s beliefs to the advice of an expert, albeit an extremely good one? If so we need to understand what that transcendence or difference really consists in. It so happens, that expert authority in an important sense is subordinating. Any obedience of non-coercive authority, expert authority included, presupposes the voluntarily shaping of one’s will to someone else’s directive, hence a kind of subordination.\(^{36}\) In this, there obviously is no categorical difference between what I called subordinating authority and expert authority.

Nevertheless, if this shows no real difference, characterizing God as a great and even infallible moral expert might seem overly narrow and anthropomorphic. Expertise is commonly thought of as based on experience and training. Thinking about God as an infinitely experienced person raises some difficult questions. For example, where in

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\(^{33}\) Hauerwas, Stanley. *Suffering Presence*, p. 41. Hauerwas writes: “Authority attributed to medicine (an attribution made all the more compelling by medicine’s often exaggerated claims of being a science) is based on false and self-deceiving presuppositions of the power of medicine to cure.”

\(^{34}\) Hauerwas, Stanley. *Suffering Presence*, p. 46. On this page Hauerwas explicitly writes: “The authority of the doctor is not that of the “expert,” at least not in the sense in which that term is currently used.” It is important to notice the last clause. It leaves the door open for viewing the authority of doctors as being of “expert-kind”, only different in content from how *expertise* normally is understood.


\(^{36}\) Cf. McMahon, Christopher. *Authority and Democracy*, p. 31.
time and space do we locate such an entity, and how can we talk about
God given that She is understood as a transcendent mystery? Though
these are real problems, I shall turn to a different one, namely the one
raised by the fact that expertise is evaluated by human standards.
Talking about God as an expert implies that the only way to measure
the moral expertise is by human standards, which are finite and falli-
ble. Hence, it appears that in this sense God is perceived as subordi-
nated to human standards. And thinking that God’s moral expertise
must be judged good by human standards is not coherent with the
alleged sovereignty of God. The question is, since God supposedly is
not supposed to be a coercive authority, what alternative kinds of au-
thority are there?

The Parent

There is a fourth alternative, which might better fit a Christian con-
ception of the authority of God. I am, of course, thinking about paren-
tal authority. After all, in Christianity, God is often spoken of in pa-
rental terms, mostly as father, but occasionally also as mother. Acc-
cording to this, God would stand in a relation of authority to human
beings that resembles how parents can be in a position of authority to
their children.

It is fairly easy to understand the child-parent relation as an image
of the God-human relation. Small children tend to trust their parents,
at least about some things. Many children take for granted that their
parent(s) wish them well and that parental power is supreme. Certain-
ly this can include trusting the parent’s judgments about right and
wrong, in spite of not knowing exactly what the parent means. The
parental notion of moral goodness might simply transcend the child’s
comprehension.37 Indeed the analogy seems promising; who can be a
better judge of what is in the child’s best interest other than her par-
ent?

and the strangeness of Jesus’ love of God does not appear in his love of cosmic love,
but in his loyalty to the transcendent power that to all men of little faith seems any-
thing but fatherlike. The word ‘Father’ on the lips of Jesus is a greater, more faithful,
and more heroic word than is evident when fatherhood and deity are identified.”
There is an obvious problem though. A child might think that she should obey her parent even if he is abusive, and, even if it would contradict her best interest. The point is, the conviction of such a child, that she ought to obey, would indeed be unjustified, even though she might not be able to see this for the time being. Just like Abraham who obeyed God despite not being able to understand how the divine command to sacrifice Isaac could square with the promise of God, a child might also unconditionally place her faith in her father. The thing is, although Abraham’s faith was immune from critical questioning by his moral intuition, it can be interpreted as justified because God never really intended the death of Isaac. However, it was justified not because of its childlike blindness, but because, in the end, God proved to be trustworthy. Real parents, however, can prove to be bad.

So, how can “God’s children” learn about the Christian God’s alleged trustworthiness? There is a straightforward answer. According to the Christian communitarian, one needs to be formed in an intimate relation with God in order to experience why it is that God is worthy of our obedience. 38 Stanley Hauerwas writes: “The church, moreover, precedes the world not only epistemologically but also axiologically. […] Christians, therefore, must subordinate or even reject those desires and loves that make it impossible for them to be disciples of Jesus.” 39 Thus, if applied to our discussion about the moral authority of God, it all boils down to this: Good reasons for obeying God are available to Christians, and to them only, unless, of course, the Church is perceived as present anywhere people are brought up to care

39 Hauerwas, Stanley. *With the Grain of the Universe The Church’s Witness and Natural Theology* (Grand Rapids, Michigan: Brazos Press, 2001), p. 220. See also Milbank, John. "Knowledge. The theological critique of philosophy in Hamann and Jacobi", p. 30. John Milbank writes: “This suggests, indeed, that our only solid anthropological resource may now be Christological: that is to say that we can construe some faint human integrity only from the point where we glimpse an absolute integrity.” It is important to note that this quote comes from a context where Milbank discusses the contribution of a special theological epistemology. It is theological not because it focuses directly on God but because it proposes that faith, in the Christian God, is necessary for the possibility of any knowledge. Thus, it is not far fetched to interpret Milbank as saying that through the way the Christian tradition has mediated the nature of Christ, one can also learn what a true human being is like. In the concrete case we are supposed to learn what the having of integrity really means, what integrity truly is.
about and for each other, which, of course, is not the case here. Therefore, one also needs to be a Christian (definitively not a secular liberal, nor Muslim or a Jew, although people of non-Christian faiths might make similar claims about their reasons for obeying) in order to understand the validity of the reasons for obeying.

Here the problem of assessing the validity of moral convictions becomes the problem of assessing claims about religious authenticity. When “God’s children” differ in their interpretations on what obeying God entails, the problem of assessment becomes, in effect, an argument about the authenticity of their claims. Worse still, the problem of assessing validity turns into a power struggle in asserting oneself. It is a striving to let my own identity rule the way, for no other reasons than that it happens to be mine.

However, a power struggle is presumably not what (most) Christians have in mind when they speak positively about obeying God. Perhaps it is fair to say that Christian obedience can allow for occasional blindness in some concrete situations, but not categorical blindness. The Christian can, for example, say that: “Christians are bound to obey God the Father not because He created them, but because He created them in love, and has continued to strengthen and sustain them.” In other words, Christians might have certain grounds for obeying God that seem reasonable to the outsider, insofar as they are able to articulate in common everyday language that God actually is a perfectly good parent. In that case, their obedience would not be categorically blind. It might be justified through an inter-religious and inter-cultural human ability to assess God as good. Consider the following lines: “As a place to begin knowing God, the parental role, even as imperfectly filled by human parents, is one of love and care. This care is perfected in the love offered us by God the Father, as emphasized by Jesus in the Sermon on the Mount.” These words confirm the idea of there being justifying character traits of God and of a shared human ability to recognize the true love and care of God when experienced, if not immediately, at least after some training.

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But, and this is important, the need for training must presuppose that there be a first untutored positive experience to start from, otherwise, one could not tell the difference between training and manipulation. The point is that the criteria for what constitutes parental goodness (which is an analogy of God’s goodness) must be possessed and evaluated by human beings. As far as “being created in love” does any work in the argument, as opposed to simply being created, this love must also be intelligible to those who stand outside the Christian community. Otherwise, if the love of God could mean anything, or if its meaning is supposed to be understandable only by persons whose convictions are completely contingent upon the correct Christian education, then it becomes impossible for us to tell whether God’s parental goodness is any different from ordinary projections of human parental goodness or badness.

Furthermore, consider once again: without an ability to assess—at least provisionally—one’s reasons for action, there can be no difference between obedience and mere conformism. Therefore, talk about obeying God would become nonsensical insofar as there is no basis external to a particular Christian faith for evaluating the validity of the reasons for obeying.  

We have seen that first, Christians are committed to following (what they perceive as) God’s purposes to the extent that it forms a part of their religious identity to do so. Hence they appear to strive to make God’s purposes their own. Second, given that there are good reasons for following God’s ways, the Christian, when acting in ways that she holds to be in accordance with the will of God, is in fact moved to act for reasons that she herself approves of. In other words, the “command” she follows is, in the most important sense, her own.

I therefore conclude that thinking of the issuer of authoritative commands or purposes as God does not establish an antagonism between Christianity and the autonomy vis-à-vis authority that is valued by liberals. Liberalism must not be abandoned by Christians, not for this particular reason anyway. Furthermore, the quarrel with autonomy must either be due to having adopted a literal interpretation of

\[\text{Hauerwas, Stanley \\& Pinches, Charles. Christians among the Virtues, p. 134. The authors write: “When a person obeys for a reason he adds an ingredient that is absent from the obedience of dogs: consent.”}\]
autonomy that excludes the possibility of obedience, while not taking relative autonomy as presupposition of obedience into account, or it must be because assessing the moral qualities of God is held to be humanly impossible. If the latter were really the case, there would, of course, be no good reasons whatsoever to obey.

Put in other words, theists must explain the moral attractions of their God in which we are supposed to trust. To simply state that theirs is the most authentic Christian conception of God would be to miss the point. It remains to be shown that that particular conception of God not only is authentically Christian but that it also is a God that deserves our obedience, e.g. in virtue of her just nature. However, there are other reasons for the Christian communitarian to think that liberalism ought to be abandoned. Discussing those will be the task in the next section.

The Circumstances of Justice

It is time to turn our attention to the second major objection to egalitarian liberalism. It consists in the claim that the substance as well as conceptual structure of liberalism is too determined by an impoverished and wanting vision of our moral landscape. Instead of considering the reality of God’s love and abundant gifts, it is confined to a fragmented image of respect due to equals situated in relative scarcity.

As a matter of fact, Christian ethicists of a “communitarian persuasion” rarely invoke pledges for treating people as equals. For exam-

\[\text{45} \quad \text{Cf. Cavanaugh, William T. Theopolitical Imagination Discovering the Liturgy as a Political Act in an Age of global Consumerism (London: T&T Clark Ltd, 2007), p. 86. “As John Paul II says in his ‘Letter to Families’ the family through the Church opens up to a wider ‘public’ space, the widest imaginable; the family is the ‘fundamental ‘cell’ of society’ whose task is to extend its own ‘communion of persons’ to the creation of a ‘civilization of love.’”}\]

\[\text{46} \quad \text{Cf. Porter, Jean. Natural & Divine Law Reclaiming the Tradition for Christian Ethics (Grand Rapids, Michigan: William B. Eerdmans Publishing Company, 1999), p. 284. When writing about the widespread acceptance among Christian ethicist of value of equality Porter notes: “Beginning in the 1970s, however, this view began to be challenged by a number of theologians, including John Yoder, Stanley Hauerwas, and more recently John Milbank, who argue that the foundational Christian value is not equality but non-violence.”}\]
ple Stanley Hauerwas, writes the following: “The problem with slavery is not that it violates the ‘inherent dignity of our humanity’, but that as a people we have found that we cannot worship together at the table of the Lord if one claims an ownership over others that only God has the right to claim.” The quote is open for different interpretations, of course, for example, one saying that the violation of someone’s human dignity is not all that important and another saying that there really is no inherent human dignity there to violate in the first place. In any case, the importance of the moral consideration often expressed by the phrase human dignity, i.e. an idea of moral equality, seems to be downplayed here.

However, a crucial point in this articulation of Christian ethics lies in the inclusive use of the phrase “we as a people”. It is, after all, a desirable thing to celebrate the Eucharist together, blacks and whites, side by side, especially when this was not the case in e.g. many (southern) Methodist churches due to racial segregation, as black people were not deemed as equals to their white counterparts. The same thing, of course, has been said about women with respect to men.

Presumably, Hauerwas would not think that white people are in a better standing than black people before God, for he would say that we all equally belong to God. This is an important observation because, as we have seen, the fact that God owns someone determines how they should be treated, for example whether one should be included among those who are (equally) welcome to the altar. It is therefore easy to believe that there is a link between being equally owned by God and something outsiders can recognize as an entitlement to be treated as an equal. It is indeed difficult to explicate any morally substantive differences between saying that God owns us equally and saying that we are all moral equals. The first suggestion certainly appears to be more theological, since God is given an explicit role here. However, the issue here has to do with a presumed difference in moral content, and not references to God. And, to say that everyone is being equally owned by God is in effect to say that we are all moral equals, unless of course, slavery as a practice would be morally permissible if it does not include restrictions on the celebration of the Eucharist. However, given the fact that the Eucharist is taken as paradigmatic

example of a loving and peaceful community, it would be strange to think that Christian communitarians would actually be neutral towards slavery proclaim that everyone is welcome to the altar.

So far we might seem to have encountered few things of relevance for ideas about the circumstances of justice. This, however, is not so. The aforementioned objection to equality namely pertains directly to the circumstances of justice. In spite of the fact that all human beings are presupposed to be equals, explicit talk about equality can be seen as concealing or even to work against the full Christian ideal of love and mutuality. John Milbank writes the following, about the kind of allegedly non-Christian morality which among other things demands that liberal justice should be done: “In morality there is no love for the other nor opening to the other, but always and everywhere a principle of self-government, whether of the soul or of the city.”

In a true Christian community, talk about treating persons as equals is supposedly unnecessary, and, at times, even destructive. Allegedly, in such communities, relationships are structured by other-regarding love rather than by attempts to handle conflict, which principles of justice supposedly are about.

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50 See Hume, David. *An Inquiry Concerning the Principles of Morals*, p. 15. Hume writes that “[...] the jealous virtue of justice would never once have been dreamed of [...]” in a situation of “[...] profuse abundance of all external conveniences.” In those circumstances, however, “[...] every other social virtue would flourish and receive tenfold increase.” Cf. Kymlicka, Will. *Contemporary Political Philosophy*, p. 171. Kymlicka writes the following about the circumstance of justice: “These circumstances are usually said to be of two main kinds: conflicting goals and limited resources. If people disagree over goals, and are faced with scarce resources, then they will inevitably make conflicting claims.” Cf. Niebuhr, Reinhold. *Love and Justice Selections from the Shorter Writings of Reinhold Niebuhr*, Robertson D. B. Editor (Louisville, Kentucky: Westminster/John Knox Press, 1957), p. 49. Niebuhr writes: “It is only because life is in conflict with life, because of sinful self-interest, that we are required carefully to define schemes of justice which prevent one life from taking advantage of another.” It is furthermore worth noticing here that this Christian Communitarian criticism of egalitarian liberalism has striking similarities with some Marxist critiques. See e.g. Engels, Friedrich “On Morality” in *The Marx-Engels Reader*, Second Edition, Tucker Robert C. ed. (New York: W. W. Norton & Company, 1978), p. 726 f. Engels writes: “But we have not yet passed beyond class morality. A really human morality which stands above class antagonisms and above any recollection of them becomes possible only at a stage of society which has not only overcome class antagonisms but has even forgotten them in practical life.” Cf. Kymlicka, Will. *Contemporary Political Philosophy*, p. 171. Kymlicka formulates the Marxist critique as fol-
Basically the same point is articulated by the “secular” communitarian Michael Sandel, who writes: “Since the exercise of justice in inappropriate conditions will have brought about an overall decline in the moral character of the association, justice in this case will have been not a virtue but a vice.” In addition, according to the (Christian) communitarian, some circumstances of justice, often taken for granted by liberal political philosophers, are not believed to be real.

In order to understand the point of these critiques one must realize that the insistence on proper ways of handling conflicts, where there are really none, is both misplaced and counter-productive. Thus, it is important that we should get things right about the circumstances of justice.

However, in order to get a better grasp of this fundamental critique of egalitarian liberalism we need to learn more about how political philosophers use the terms “circumstances of justice”. Inspired by David Hume’s A Treatise on Human Nature, it is often distinguished between objective and subjective circumstances of justice. The objective circumstances denote certain external societal economical facts, particularly the often presumed fact of moderate, or more or less acute, scarcity of resources, whereas talk about the subjective circumstances refers to assumptions about the allegedly common psychological make up of human beings, for example, about the direction and relative strength of our desires.

The straightforward adoption of this typology can, however, be somewhat misleading. The differences between kinds of circumstances lie elsewhere than in being more or less objective (or subjective).

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51 Sandel, Michael J. Liberalism and the Limits of Justice, p. 35. See also. Niebuhr, Reinhold. Moral Man and Immoral Society, p. 266. Niebuhr writes: “Where lives are closely intertwined, happiness is destroyed if it is not shared. Justice by assertion and counter-assertion therefore becomes impossible.”

52 Cf. Sandel, Michael J. Liberalism and the Limits of Justice, p. 29.


54 Cf. Lovin, Robin W. Reinhold Niebuhr and Christian Realism, p. 204. Robin Lovin writes: “The subjective circumstances include the basic fact that we do care whether our wants are satisfied or not, and the fact that, for the most part, any interest we have in the well-being of others is tempered by a more immediate concern for our own.”
This is so since all statements about a circumstance of justice, not just statements about objective ones, are, of course, supposed to be accurate. In other words, statements about subjective circumstances of justice need not aspire any less to objectivity than assumptions about the so called objective ones do. On the contrary, it is the truth that the philosopher is primarily concerned with, regardless of whether she appeals to empirical, psychiatric, sociological or other findings. Thus, a difference in aspiration for correctness does not distinguish them from each other. So if liberals make specific assumptions on either type of circumstances, be it institutional or anthropological, there ought to be possible divergences with Christian communitarian ethics on each point.

Nevertheless, one type of circumstances refers to states of affairs external to the subject while the other refers to the psychological interior of human beings (in general). In other words, the latter are philosophical anthropological claims. Thus, the difference is about content and direction, within the agent or external to her or him in the form of certain similarities in the contexts of agents. For the sake of simplicity I therefore choose to call the first cluster of circumstances external and the latter internal ones.

External Circumstances of Justice

Let us then take a closer look at the egalitarian liberal assumptions about the external circumstances of justice. As we saw above, these are often described in terms of a situation of relative scarcity of goods. However, we also have to pay attention to the different methods by which such goods may be distributed. A “common good” like money, for example, can be distributed by market transactions (by

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55 Although human nature and social institutions are interrelated, they both affect and are affected by each other, it strikes me as possible to distinguish between them. A contemporary enquiry about human nature would look for different things than an investigation of institutions.

56 Cf. Hume, David. *A Treatise of Human Nature*, Book III., Part II., Sec II., p. 495. Hume writes: “Here, then is a proposition, which, I think, may be regarded as certain, that ‘tis only from the selfishness and confin’d generosity of men, along with the scanty provision nature has made for his wants, that justice derives its origin.” Hume claims that the alleged scanty provision nature has made for the wants of “man” constitutes the objective circumstance of justice. Cf. Rawls, John. *Political Liberalism*, p. 66.
offering better pay to those who have skills that are much demanded by “the market”, for example), through private gifts, through culture reproducing agents such as various media, or by the state. The point is that various means of distributing goods can also constitute a circumstance of justice.

To this a third external circumstance needs to be added, which is the difference between distributing and creating goods. Not only the distribution but also various ways, obstacles as well as possibilities, of creating goods must be of importance for thoughts about justice. This circumstance namely has a direct impact on the supply of goods, and hence on the prevalence of relative scarcity. It is, furthermore, common to assume that an actual distributive pattern of material resources and the creation of goods are interrelated. Some inequality is often supposed to assist the creation of goods, because people with demanded talents allegedly work harder if diligent use of their talent is allowed to have a positive economical turn out.

There are, in other words, different and intersecting ideas about which means for the creation of goods are preferable. Healthcare, for example, can be “produced” by a state monopoly and by competing private enterprises. Food can be produced in one’s own garden, in state-owned farms, or by private farmers. The point is that certain means of production might be deemed as more efficient than others in the sense of over time producing relatively speaking more of a certain say high quality ecological “fair-trade”, or low quality non-ecological “low cost”, good. Of course, if non-ecological “low cost” production needs less or an equal quantity of resources to produce more scarce goods than an ecological fair trade production does, then the former definitively is more efficient than the other at the same time as its relative moral preferability remains unsettled.

Furthermore, besides different effects on the environment, producing less food of higher quality might be in some sense better than producing more, depending on how bad the food would otherwise be, and depending on whether the high quality food would be attainable to all or not, for example.

This should not be confused with different ways of measuring economic growth. Producing a relatively small amount of food may, depending on its price, lead to greater economic growth than what a higher production can achieve. Thus, having all things considered,
most economically efficient means of food production can, but need not be the most efficient means for producing food.

I find it interesting to note here that the libertarian addresses all kinds of external circumstances of justice. First, scarcity is not perceived to be a problem unless people suffer from really serious deprivation, such as when they are being deterred from accessing the only source of water in the desert. In ordinary life, scarcity is not really a problem. It is merely a consequence of the fact that people do not arrive simultaneously at an already laid table. Someone might have arrived there first, and someone prepared the food that others had already cultivated (or killed), and so on. The fact that some arrive at a time when others already have entitlements is something that ought to be respected rather than be seen as a problem.

Secondly, Libertarianism also offers a principle of distribution which coheres well with its analysis of the non-availability of distributive goods, i.e. goods that can justly be redistributed by the state. As we saw in chapter two, goods ought to be distributed primarily through voluntary buy and sell, as well as giving and receiving, transactions.

And thirdly, from the point of view of the state, a non-interference strategy toward the market is, besides guaranteeing that persons are not violated, also supposed to be the best way to safeguard that the largest possible amount of goods is produced. Allegedly, such an environment makes human creativity and “entrepreneurship” flourish, safeguarding economic growth and therefore a great surplus of demanded goods that can be distributed through a myriad of micro choices at “the market”.

Egalitarian Liberals, however, rarely aspire to offer a similarly comprehensive solution. Some simply do not deal with the question of how to allot goods. The discussion in those cases is general and strictly hypothetical: given a specified set of circumstances, what outcome would best approximate an ideal of treating people as equals?57 The

57 Cf. Dworkin, Ronald. Sovereign Virtue The Theory and Practice of Equality, p. 11. Dworkin writes: “Someone who argues that people should be more equal in income claims that a community that achieves equality of income is one that really treats people as equals. Someone who urges that people should instead be equally happy offers a different and competing theory about what society deserves that title.”
“mechanism question” pertaining to the means by which goods should be created and moved is not up for discussion.

Nevertheless, Liberals who explicitly deal with the institutional context, often refer to some kind of tax system as a means for transforming an existing pattern of distribution into a more just one. According to them, letting market transactions live an undisturbed life does not safeguard the fairest possible distribution of opportunity, i.e. one that among other things is unbiased by membership in either privileged or oppressed groups.

Finally, the egalitarian liberal does not primarily ask for the quantitatively largest sum of goods. Rather, she asks whether the amount and quality of available goods offer different individuals an equal chance to flourish “according to their own lights”, and whether political institutions, schools, and various media serve to further misrecognitions. As we have seen, the latter can undermine the chances of social participation for various groups, and by extension their ability to be relatively self-directing. Presumably, this means that the state sometimes and in particular ways should interfere with both the market and with the ways institutions (e.g. the family) are set up. At least this is so in all those cases where non-interference would entail doing nothing about how “the entire society systematically favours men in the defining of jobs, merit, etc.”

Internal Circumstances of Justice

It is time now to turn to the internal circumstances of justice. Traditionally, the external and the internal fit each other well. The received assumption is that outside of a more or less narrow circle of (positive) personal bonds, people have a severely limited propensity to share the various goods of life and to desire the well-being of others. And that the more we desire the well-being of all others, the more likely it is

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58 It is important to note that taxes can be used to redistribute opportunity in many ways, not only through reallocating money from those who have plenty to those who have little, but also through financing high quality public day care, schools and hospitals which will increase “[… the ex ante endowments people bring to the market.” Kymlicka, Will. Contemporary Political Philosophy, p. 90.
60 Kymlicka, Will. Contemporary Political Philosophy, p. 382.
that the goods we commonly desire are actually shared. This makes an obvious difference because if goods are shared, redistribution then becomes unnecessary. If goods really are shared, then no one could have possessed them in the first place, which indeed seems to render talk about redistribution redundant. If, on the other hand, goods are not shared but are claimed as private property, then the question of what constitutes just distribution becomes relevant. The ground should now be prepared for interpreting a particular Christian idea of fundamental social reality.

Christian Circumstances of Justice?
The interesting thing is that according to the Christian Communitarian, there are really no circumstances of justice. There are circumstances of political or social life though, and these can be most clearly discerned within the traditions and historical contexts of Christianity, the carrier of “a treasure in earthen vessels”, in which God chooses to reveal herself. According to this, Christian ethics should not try to find a political ethic that fits the contemporary pluralistic and globalized societies. A truly Christian should not adjust to the circum-

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62 Cf. See Hume, David. *An Inquiry Concerning the Principles of Morals*, Sec III, Part I, p. 16. Hume writes: “Again: suppose that, though the necessities of the human race continue the same as at present, yet the mind is so enlarged and so replete with friendship and generosity that every man has the utmost tenderness for every man, and feels no more concern for his own interest than for that of his fellows: It seems evident that the use of Justice would, in this case, be suspended by such an extensive benevolence […]”. Cf. Hume, David. *A Treatise of Human Nature*, Book III., Part II., Sec II., p. 496. “But 'tis evident, that the only cause, why the extensive generosity of man, and the perfect abundance of every thing, wou'd destroy the idea of justice, is because they render it useless; […]”


64 Cf. Cavanaugh, William T. *Theopolitical Imagination*, p. 110. “While Globalization markets the traditions of the local culture, the people who inhabit the latter space
stances of the fallen world. Instead, following the words of H. Richard Niebuhr, the task of the Christian community should be to define and take its position against the “fallen” world.65

Besides being typically Christian communitarian, this also seems to be in line with some interpretations of contemporary Roman Catholic teachings. For example, the theologian David Fergusson writes the following about the Roman Catholic view of the foundation of Christian morality: “This is not a matter of merely heeding his ethical teachings. It means holding fast to his very person, being conformed to him, and becoming a member of his Body, the Church, by the grace of the Holy Spirit”.66 The word “his”, of course, refers to Jesus interpreted as “the Christ”.

What then does this emphasis on and interpretation of the church imply for a Christian understanding of Justice? In order to answer this question, let us take a closer look at how the word “community” is used here and the function it is assumed to have. I believe that the emphasis on community has its background in a worry about fragmentation, i.e. a worry about how modern urbanized life is (badly) divided in separate compartments, and about how this might impact our capacity to be and act as whole moral agents.67 Put simply, the thesis is that a fragmented society creates fragmented selves, i.e. fragmented

65 Cf. Hauerwas, Stanley. After Christendom? How the Church is to behave if freedom, justice, and a Christian nation are bad ideas (Nashville: Abingdon Press, 1991), p. 68. Hauerwas writes: “We forget that the first thing as Christians we have to hold before any society is not justice but God.”


moral agents. Unable to know who we are, we are in effect unable to govern ourselves. Thus an emphasis on self-government that does not pay attention to fragmented circumstances is in a sense seen as self-destructive.

Fragmentation, however, is also about the radical separation between different spheres of life. The idea is that the identity of individuals in the contemporary urbanized world is formed by different and often conflicting stories about how we ought to live in different contexts such as at home, in the workplace, or, say, in the athletic association. In an age like this, it allegedly has become increasingly difficult to find an overarching story that could help bring coherence and unity to the different roles we find ourselves in.\(^{68}\)

Christian communitarian ethicists therefore cannot think of the good Christian life as possible to fulfill in one, e.g. a spiritual regiment, only, which would denote a realm we sometimes participate in and sometimes not.\(^{69}\) One is not supposed to live a different, self-regarding consumption oriented life, within the realm of work, for example. This means that the Christian community, called the church, cannot fulfill its purpose if it is restricted to spatiotemporal parts of a private sphere, entered by some, on Sundays only.\(^{70}\)

Therefore we are justified in asking: what does the social reality depicted by the Church look like, and what can it be like? We are looking for an institutional setting. Nothing less will do. Life cannot be lived abstractly. There needs to be food on the table, clothes on our bodies, healthcare for the sick, and shelter from the storm. This is confirmed by the following lines: “The needed incentive not just to entertain but to live Christian convictions requires the display of a habitable world exemplified in the life of the Christian community.”\(^{71}\)


\(^{69}\) Hauerwas, Stanley & Pinches, Charles. *Christians among the Virtues*, p. 56. When commenting on the aptness of Socrates’s famous question ‘How should one live?’ Hauerwas and Pinches write: “The breadth of this question illustrates that ethics so understood cannot be assigned to a special realm into which we sometimes step.”

\(^{70}\) Hauerwas, Stanley. *After Christendom?*, p. 95. Hauerwas writes: “the church is very good at providing the kinds of services necessary to sustain people through the crisis in their personal lives, but this simply reflects the fact that the church has become the privatized area of our culture.” It goes without saying that Hauerwas is not satisfied with this.

\(^{71}\) Hauerwas, Stanley. *With the Grain of the Universe*, p. 214.
Furthermore, it is in this setting that an integrated Christian life can become possible.

Against the background of these preconditions it is relevant to note that there are places where people live in a relatively secluded community under religious vows. Such institutions are called monasteries. After all, few institutions other than monasteries, or monastery-like communities such as the Amish community, can be “places” where people actually spend their whole life for the sole purpose of living a faithful distinctively Christian life.

Of course, Christian monasteries differ based on different orders, as well as between times and places, and I can only provide a rudimentary sketch here. The primary characteristics I have in mind, though, should be possible to grasp in spite of the plurality of orders and internal rules. Thus, when I henceforth talk about monasteries, the primary aspect I refer to is them being places where an explicitly Christian way of life is supposed to permeate the design of all its constitu-

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72 See Rawls, John, “Justice as Fairness”, p. 142, for a classical and different way of imagining circumstances in which issues of justice will purportedly not arise. Rawls writes: “Amongst an association of saints, if such a community could really exist, the disputes about justice could hardly occur; for they would all work selflessly together for one end, the glory of God as defined by their common religion, and reference to this end would settle every question of right.”

73 According to the famous Troeltschian distinction between churches and sects, the Christian social artefact I have in mind fits Troeltsch’s usage of the word sect better than his definition of the notion of a church. However, since the word “sect” for many brings with it negative connotations although this was not intended in Troeltsch’s technical use, I here choose to use the word “church” in an indiscriminate way. That is, it is in troeltschian terms used to connote both churches and sects. See Troeltsch, Ernst. Die Sozialehren der christlichen Kirchen und Gruppen (Tübingen: Verlag von J. C. B. Mohr (Paul Siebeck), 1912), p. 376, where he writes the following about the sect: “Der radikale Individualismus und Liebesgedanke kommt nur in ihr zu seiner vollen Geltung, nur sie konstruiert instinktiv die Gemeinschaft von ihm aus und erreicht gerade durch ihn eine ungeheure Festigkeit der subjektiv-innerlichen Verbindung an Stelle der bloßen äußeren Anstaltzugehörigkeit. Sie hält eben damit auch am ursprünglichen Radikalismus des Ideals und seinem Weltgegensatz fest und bleibt bei der Grunderforderung persönlicher Leistung, die ja auch sie als Werk der Gnade empfinden kann: aber sie betont and der Gnade die subjektive verwirklichung und Auswirkung und nich die objektive Versichertheit und Gegenwart. Sie lebt nich von dem Wunder der Vergangenheit und nich von dem Wundercharakter der Anstalt, sondern von dem immer neuen Gegenwartswunder und der subjektiven Wirklichkeit der persönlichen Lebensleistung.”
ent roles. These are social contexts where the Sermon on the Mount not only has the function of offering “sin-awareness” and “Christ- and forgiveness-neediness”, but where it also is something members, through penance, repentance and sanctification, should live up to. This is one way in which we can understand the meaning of the statement that “the primary social ethical task of the church is to be the church”. In that case, this phrase refers to the in many ways difficult task of living a quite radical interpretation of the Christian narrative and message.

Here, the external and the internal circumstances of justice become entwined. Members of the order is presumed to love their “neighbor” as much as they love themselves, indeed even enemies are to be loved (if there for peculiar reasons are any). The whole institutional setting is designed, through rituals and rules, so as to make possible a life reflecting God’s true positive nature.

To this one must ask firstly, are discussions about the proper distribution of goods and remedies for misrecognition at home in a situation where people act out of unselfish love? Or, has the issue of justice indeed become awkward here? This is presumably so to the extent that where loving relations prevail, in (good) monasteries like in good families, available goods are voluntarily shared, making questions

74 See Niebuhr, H. Richard. *Christ and Culture*, p. 83, for an outline of how the monastery in the history of Christianity has served as an institutional device serving the purpose of maintaining a specific Christian way of life.


76 Troeltsch, Ernst. *Die Sozialehren der christlichen Kirchen und Gruppen*, p. 72. While stating that Paulus can be interpreted both in a social conservative manner and along politically radical lines Troeltsch writes: “Es scheinen in der Tat zweierlei soziale Konsequenzen in ihm zu liegen, entweder der idealistische Anarchismus und der Liebeskommunismus, die mit radikaler Gleichgültigkeit oder mit Abneigung gegen die sonstigen Ordnungen der Welt im Kleinen Kreise die Liebesidee verwirren,...” For our purposes here the idea of a “Liebeskommunismus” or “lovecommunism” is of particular interest. Troeltsch furthermore saw it as “livable” in relatively small and closed communities only.

77 Milbank, John. *Theology & Social Theory*, p. 403. According to my interpretation, Milbank in this section offers his own view of things in the form of an interpretation of Augustine. He writes: “The Church itself, as the realized heavenly city, is the telos of the salvific process.”
about their proper distribution seem out of place. Michael Sandel writes: “If out of a misplaced sense of justice, a close friend of long-standing repeatedly insists on calculating and paying his precise share of every common expenditure, or refuses to accept any favor or hospitality except at the greatest protest and embarrassment, not only will I feel compelled to be reciprocally scrupulous but at some point may begin to wonder whether I have not misunderstood our relationship... justice in this case will have been not a virtue but a vice.” The assumption is that families, friendships and monasteries illustrate basically the same deviation from the Egalitarian liberal internal circumstances of justice.

In spite of its rhetorical force, this objection to the application of justice among friends, does in fact misconstrue the function of talk about justice. This becomes clear if we consider that in daily parlance the word “justice” is not used to articulate a point about how we ought to live which is to be insisted upon even in circumstances where it obviously and from its own point of view, is unnecessary. On the contrary, positive criteria of justice are put forward in order to identify injustice, not in order to destroy friendly relations, or family life (if it is just). A notion of justice is needed in order to determine whether actual family relations are unjust or not. Put in other words, insisting that justice must be done in institutional settings where there is no injustice would simply be quite odd.

Furthermore, when goods are scarce, having both strong and good intentions might help to make decisions about who should enjoy them easier to effectuate. However, and this is important, a wish to share does not by itself establish that one knows the right way to share. In other words, an intense urge to give to the most deserving cannot by itself determine who the most deserving are, i.e. which the relevant and/or correct criteria of desert are. Unfortunately the latter is needed.

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78 Cf. Milbank, John. Theology & Social Theory, p. 403. On this page Milbank also uses the word household to name the Christian community.
79 Sandel, Michael. Liberalism and the Limits of Justice, p. 35.
80 Cf. Niebuhr, Reinhold. Love and Justice, p. 26. Ahead of his time as it might seem Niebuhr writes: “Even in the family, in which the spirit of love may prevail more than in any other human institution, the careful calculation of rights is an important element in the harmony of the whole, though it must be observed that rights are so complexly intertwined in intimate relations that the calculations of justice lead to friction if love is not constantly infused into them.”
in order to safeguard that injustice does not prevail in spite of “the best of intentions”. Thus even if a kind of inclusive altruism would prevail, which as I said is not very likely, then when there still is some kind of scarcity, discussions about proper criteria for distribution would still be needed.

Let us now turn to our second comment. Presumably the mentioned “Christian deviation” from Egalitarian Liberal internal circumstances of justice also spills over to the external ones. Perhaps the thesis of moderate scarcity is not applicable either? Since, according to e.g. John Milbank, the life lived by a “true” Christian is supposed to reflect God’s positive nature rather than being a mere reaction against evils, such as e.g. scarcity.\footnote{Milbank, John. The Word Made Strange, p. 226.} The point is that reactions against the negative, or the wrongful, will always be shaped at least partly by that toward which it is a reaction, hence failing to express God’s true nature, which allegedly is complete in itself.

Furthermore, to the extent that the monastery is economically self-sufficient, goods are not allocated through anything similar to market mechanisms, nor are they produced based on consumer demand. As “the body of Christ”, so to speak, the monastery is a community where the ideal and the real is to be fused together.

Now, I hope it has become clearer how the circumstances of justice are interrelated here. My thesis is rather simple. It says that the external circumstances of justice shape what we are and who we think we ought to become, i.e. that crucial parts of our identities are partly determined by our surroundings. This means that, presumably, our identities are at least partly formed by the role expectations of the various institutions in which we find ourselves, and depends, therefore, on the way the institutions in question work. Thus, both the meaning and the circumstance of having become a “loving family member” are dependent on institutional circumstances. That is, it is dependent upon there being ideals for good institutions as well as specific sets of roles through which the goodness of e.g. families is to be realized. And these things though they are both formed and forming are there before the person in question.\footnote{Cf. Gustafson, James M. Treasure in Earthen Vessels The Church as a Human Community (Louisville, Kentucky: Westminster John Knox Press, 2009), p. 136. Gustafson writes the following about the human community called the Church: “The}
ticipate in determining the kind of motivations that actually move us to act. Thus institutional circumstances can be described as affecting, if not fully determining, the external circumstances of justice.

However, anthropological ideas, e.g. about how prone to environmentally induced change we are, can also be described at the institutional level. Perhaps our genetic make-up, and our physical bodies, set limits on how far or thoroughly we can be formed by “favorable” institutional circumstances can form us to become, but also on the kind of institutions that are likely to prevail? This question, of course, cannot be settled with any kind of certainty. I hope to have indicated here, though, how the circumstances of justice viewed from the perspective of Christian communitarian thinking differ from traditional liberal ones.83

So far our focus has been on an institutional fusion between the ideal and the real. In reality, of course, monasteries are and can be organized hierarchically. And this might testify to the embodiment of a disturbing ambivalence. It is not out of place to wonder whether religious hierarchy mostly expresses God’s true positive nature, or if it is a mere instance of the old (“fallen”) human way of distributing power and responsibility, in combination with our common weakness for not only positive recognition, but for being more positively recognized than the next person, through being the possessor of exclusive prestige and status, for example.

Without being able to settle the last question, I intend to end this investigation by pointing to an internal incoherence in viewing Christian ethics as only applicable to the life of a distinctive and spatiotemporally delimited community. Famous biblical narratives about proper regard for “the stranger” appear to be in conflict with using “the Christian family” as an institutional interpretation of the Church. It is

unity of a community at any given time and through history is at least bi-polar. On the one hand, it centers in persons who share common meanings and interpretations of experience that come out of the past. On the other hand, it centers in the objective external expressions of these meanings from the past given in art, documents, and other signs and expressions of lived experience. These objectifications are not entirely dependent for their existence upon the existence of particular persons in a community.” 83 See Milbank, John. Theology & Social Theory, p. 402, for an additional illuminating quote. Milbank writes: “True society implies absolute consensus, agreement in desire, and entire harmony amongst its members, and this is exactly (as Augustine reiterates again and again) what the Church provides, and that in which salvation, the restoration of being, consists.”

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often emphasized that anyone could be one’s helper or neighbor. Indeed one ought not to be surprised if one’s helper turns out to be a generally despised stranger.

The incoherence is constituted by the fact that families, just like monasteries, have strong, often ritualized, rules determining whom, how and why one could become a member. It is also important to note that membership determines the kind of treatment one can expect and is entitled to. As member of a family I have particular obligations toward other members, but as a member I can also ask them to live up to their role as parent or sibling. Non-members are welcome to share dinner with us once in a while, but not regularly, unless they are prepared to go through an adoption or a conversion process. Indeed in this sense, concrete families can be more inclusive than churches ever can be. Non-Christians are namely never welcome to the altar. Indeed, sometimes not even fellow Christians are welcome. This observation is crucial since allegedly: “The Eucharist transgresses national boundaries and redefines who our fellow-citizens are.” Indeed, “the eschatological breakdown of divisions between Jew and Greek – and all other natural and social divisions – is preeminently made present in the Eucharistic feast. One’s fellow-citizens are not all present Britons or Germans, but fellow members (and potential members) of the Body of Christ, past, present, and future.” However, and as I stated above, one politically important as well as obvious division is not broken down in the Eucharistic feast. I am, of course, thinking about divisions between religions, and hence between people with different religious identities. Furthermore, the call for breaking down divisions between “Jew and Greek” as well as between black and white, men and women, gays and straights and so on, is by no means unique to Christianity.

As I indicated above, the internally unsettling point is that Jesus is believed to have preached that one should love not only the stranger but even one’s enemy as one would love oneself. Furthermore, according to common interpretations of the parable of the Good Samaritan, the meaning of being one’s neighbor is determined by the propensity to show mercy, and not by membership in a particular community.

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84 Cavanaugh, William T. *Theopolitical Imagination*, p. 50.
85 Cavanaugh, William T. *Theopolitical Imagination*, p. 50 f.
or religion. In line with this, an emphasis on inclusiveness is often viewed as central in Christian ethics.

The point should begin to crystallize now. I wish to highlight the incoherence of claiming that an inclusive ethic is an ethic only realizable in a community where one’s actual or this-worldly moral status becomes conditional upon membership rules determined by one’s personal religious convictions. That would be like making the content of a Christian ethic dependent on a particular kind of exclusivity, which certainly seems incoherent with its own allegedly normative core of self-sacrifice and inclusive love. For these reasons I find the exclusivist way of understanding Christian ethics to be problematic.

The previous argument disregards the “work” of intercession, which indeed can include all human beings as well as the whole creation. Still, the Good Samaritan is considered exemplary for making an actual difference in concrete action, rather than praying only. Indeed, from the reader’s point of view, he does not pray at all. What I want to say is that Christianity confined only to prayer can hardly be regarded as exemplifying a full Christian ethical life.

This leaves the brothers and sisters of the “true Christian community” in a practical dilemma: either they participate in forming the institutions of pluralist modern society with all its risk of becoming entwined in other narratives than a specifically Christian one, or they live an allegedly whole Christian life that cannot be true.

The previous argument postulated a particular institutional description of the Church. It rested on the (arguably unrealistic) assumption that there can be a particular community that permeates all aspects of life, which could offer a real chance to be thoroughly shaped by a particular religious narrative. This was suggested because, purportedly, nothing less than such a community could be the desired radical breach with egalitarian liberal circumstances of justice. However, on pain of avoiding internal incoherence, this community must not be closed. At least not if the ways its members handle life is to work as a good example to the larger secular and/or pluralistic society. 86 Pre-

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86 Hauerwas, Stanley. *After Christendom?*, p. 148. Hauerwas writes: “The crucial question is how we can make the story we believe to be true not only compelling for us but for the whole world—a world caught between such unhappy alternative stories. In short, the challenge is how, as Christians, we can find a way to witness to the God of Abraham, Isaac, Jacob, and Jesus without that witness becoming an ideology for the powers that would subvert that witness. I think we can do that if we take seriously
sumably this means that at least some of the moral issues of the Christian community must be recognizable as such to various strangers also. This needs to be so if the way of life of a particular Christian community is to be comprehensible as a witness to God, and not to something else.  

Finally, the strategy of witnessing to the alleged moral truth gives the stranger an opportunity to decide for herself. She is neither forced to agree, nor being manipulated to do so. Therefore, I conclude that a Christian community will in any case bear witness not only to a Christian ethic, but also to a distinctively liberal interpretation of what it means to show people respect. After all, since Christian religion and Liberalism are parts of the partly polluted air I breathe, perhaps this result is no surprise.

Conclusion

This chapter has probed the double thesis that a Christian understanding of the good society is preferable to an egalitarian liberal understanding of justice. This is arguably so because egalitarian liberalism presupposes an impoverished image of the circumstances of justice. It is an image that purportedly does not take the eternal reality of a loving God seriously enough. Against this claim it has been argued that the egalitarian concept of equality is relevant for knowing how to act rightly even in relations characterized by love and that acting “in the world” in order to further justice is properly described as good Christian ethics, besides being right.

the very character required of us by the story that we believe to be the truth about our existence—that is, that we be witnesses.” Cf. Porter, Jean. Natural & Divine Law, p.284 f. Porter writes the following about e.g. Hauerwas’s view of Christian communities: “Such communities would have a greater effect on society than any direct social or political engagement, because they would serve as a form of witness that another way of life is possible.”

87 Cf. Miller, Francis P. “American Protestantism and the Christian Faith” in Miller, Francis P. Niebuhr H. Richard.  & Pauck, Wilhelm. The Church Against the World (Chicago: Willett, Clark & Company, 1935), p. 75. The following is declared to be the sixth out of seven assumptions about how Christian Faith should be related to human culture. “That it is the business of this community of faith—the Church Universal—in our time and in every time to declare God’s judgment and to witness to his love.”

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8. Changing Circumstances, Desert, and Equality

It is time to fasten our remaining loose ends. It has not yet been shown whether equality of opportunity matters equally in space and time; whether taking desert seriously perhaps contradicts giving equality of opportunity a significant role; and whether the emphasis on the opportunity to be self-directing implies misrecognition, of some collectivist identities. These problems need to be addressed. Of course, there are other questions that could be added to the list. I hold that addressing the ones mentioned here is most urgent, though. If several substantial criteria of justice are affirmed we simply need to know if it is possible to integrate them and if so how. Furthermore, the circumstance of an increasingly globalized world has led to an increased awareness of problems raised by location and chronology. Let us therefore continue by turning to a, due to scarcity of space and time, short investigation of the problems posed by varieties of space.

Space

Even if we accept that the traditional circumstances of justice, given some modifications, are still there, they do not tell the whole story. Important aspects of justice depend neither on scarcity of resources, nor on our limited care for others. For example, attending to misrecognition need not involve economic redistribution, though it can do so. It can be argued that cultural stigmatization is often part of the meaning of being poor. However, besides recognition, there are other circumstances that might exceed the classical ones. There are in particular two space-related trends that pose challenges. I am thinking about the reality and status of so-called “paperless” people, about the scope of meaningful comparisons between persons in different parts of the world, and about the lack of a democratic global agency that
could serve the purpose of implementing justice. All these problems are at least affected by (if not caused), and related to, the complex realities that are denoted by scholarly uses of the word *globalization*.

Globalization has numerous facets, of course. Three of them are particularly significant, namely: the existence and increase of economic power and political influence (power in corrupt states) of multinational business corporations, the omnipresence of local cultures and ways of life through media and the internet, and finally the omnipresence of local cultures and ways of life through migration. Cultures and “world religions” are spread through a substantial number of persons and through international media, primarily in larger pluralist cities, all over the planet. This also means that many poor rural people, who live in ethnically homogenous parts of their countries, are in some ways more affected by the economic aspects of globalization, since they do not have access to the internet and modern means of transportation. Taken together, these facts of contemporary life means that the ability of nation states to determine their own economic policies has diminished; that there are non-democratic juridical persons in the form of multinational corporations that has the power to affect the livelihood, environmental circumstance as well as culture of people all around the world (Coca Cola soft drinks are wrapped in a “Coke way of life”), and that a plurality of “traditional” ways of life are entwined in the daily encounters of people when we go, for example, to work, to a social security office, to a poll-station, visit a hospital, and when we go to school. This means that the “different” is now closer than before, it is not a stranger, and that awareness of the world as a diverse interdependent whole has increased. The latter is by no means

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1 See Collste, Göran. *Globalisering och global rättvisa*, p. 64-7, 194, for a comprehensive discussion about the notion of globalization. In his interpretation of the concept, Collste emphasizes the importance of the changes which have lead to increased power of western trans-national business corporations.

2 Schweiker, William. *Theological Ethics and Global Dynamics In the Time of many Worlds* (Oxford: Blackwell Publishing, 2004), p. 9. The renowned North American ethicist William Schweiker describes the dynamics of globalization as follows: “(1) the movement of money and people epitomized in gigantic cities, a movement that breaks down homogenous social realities and poses the problem of ‘proximity’; (2) the expansion of consciousness via media and market so that we increasingly picture the world as one and in a unified ‘time’ but in doing so relativize our lives; and (3) the dynamic of reflexivity in economic, political, and cultural dynamics that changes identities through what is other, manifest precisely in the expansion of consciousness and the compression of the world.”
unambiguous. At the same time, as the media (in particular the Internet) becomes more independent from state power than ever before, the scope for in-depth interpretative journalism has also decreased, possibly partly due to increased economic problems for traditional newspapers and public service radio and TV-channels.

These changes are important for understanding present challenges to Western liberal ideas about justice. The people whose lives may be said to be the most precarious in the contemporary world are the so-called “paperless” individuals, i.e. non-legal immigrants (not to mention non-human animals) who do not have any citizenship status. Most of the time, these individuals do not even receive public recognition of their existence. Officially speaking, they do not “exist”, and when they do, they are misrecognized as a problem, even as a social illness that has to be addressed through deportation. Traditional liberal conceptions of justice do not take these people into account while they focus on justice among citizens or among nations. For example, the people identified as worst off, according to Rawls’s classic difference principle, are often pictured as citizens of a particular well-ordered nation state.

Furthermore, we have become increasingly aware of the fact that the national identity of some people is not always associated with their geographical location. Think, for example, about the Palestinians. Some of them consider themselves to belong to a stateless group of people.

So what should be written here about the scope of justice and citizenship? Also, what is the relation between the proper domain of an egalitarian liberal conception of justice and the current lack of international agency, such as, for example, a global redistributive tax agency?

Let us start with the problem of scope by looking at the issue of citizenship. The problem concerns the “who” of justice. The first thing that one must note about this problem is that it is three-dimensional. It concerns the question of who may be considered as legal residents of...
within the borders of a nation state (e.g. Sweden). It also raises the question of whether the situation of those who live outside the borders of e.g. Sweden should matter to the Swedish people and their government. And finally, it asks whether the fate of the non-human animal should be a concern of justice. Though I am inclined to think that non-human animals should count, I do not have the space to develop that argument here. I can only address the first two dimensions.

One should start by noting that the meaning of saying that someone counts, is that their opportunity to function and their role specific kinds and degrees of desert matter, equally. So, again, who among those who live within the borders of a given nation state ought to be given the respect due to equals? There are two easy answers. Unfortunately both are problematic. One states that every person who resides on e.g. Swedish soil are eligible by virtue of their common humanity. The other states that only citizens count, whereas non-citizens do not. The first answer brings as a logical consequence that the Swedish state has the same responsibilities for the opportunities of anyone who happen to be on Swedish territory. In this respect, there is no difference between tourists and citizens. This obviously is not a plausible consequence. Children on vacation do not need to be educated in the land they are merely visiting, for example. But they might be uninsured and need health care. In such cases, this type of argument is relevant.

On the other hand, saying that citizens, and citizens only, count is a claim “[…] grounded in existing institutional reality and/or in widely held collective identifications.” It reflects the practical ordering of things, and actual spheres of special relations, that states are responsible for their citizens, companies for their employees and families for their members. The claim that only citizens count makes the scope too narrow and therefore problematic. There are long-term residents in

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4 Neo-kantian political philosophers would perhaps motivate a similar contention by referring to inalienable human dignity. See also Fraser, Nancy. Scales of Justice, p. 64, who names this kind of argument “the principle of humanism.”

5 Cf. Fraser, Nancy. Scales of Justice, p. 63. See also Miller, David. Principles of Social Justice, p. 250, who writes: “[…] justice positively requires equality only as an adjunct of membership of certain social groups, and as far as social justice is concerned, the key form of membership is citizenship. In their capacity as citizens, people must be treated as equals, and this requires that they enjoy equal legal, political, and social rights.”

6 Fraser, Nancy. Scales of Justice, p. 63.
many countries that are neither tourists nor citizens. Nancy Fraser suggests a more inclusive yet non-arbitrary way of delineating the scope of justice, and writes that; “[…] all those who are subject to a given governance structure have moral standing as subjects of justice in relation to it.”

Being subject to a given governance means to be implicated in and affected by the coercive power of state, “[…] non-state and trans-state forms of governmentality.”

This idea has several advantages. It recognizes the relevance and necessity of specific kinds of structural relationships, i.e. it does not imply that a nation-state is responsible for safeguarding equality of opportunity for just any person who happens to stay within its geographical borders, and it does not relieve nation states from taking responsibility for the opportunities of actual residents who are not citizens. In other words, Fraser’s principle for delineating the scope of justice is more inclusive than the problematic exclusive principle of citizenship, and it is also not as general as citing humanity as a sufficient condition. This is good.

In spite of this, the “all-subjected principle” does not demarcate everything at stake here in a satisfactory way. Let me explain. Let us imagine that USA would adopt Fraser’s idea and turn it into a policy. Let us also imagine a young homosexual man, Adel, who arrives at JFK. He applies for citizenship on the primary ground that homosexuals are persecuted in his home country. Adel receives a decision of INS saying that he is not granted citizenship. Allegedly, the US federal state has no responsibility since Adel has not yet been subjected to any US governance. In fact, Adel is under no other governance than his home state that oppresses him. I believe this indicates that Fraser’s idea does not fully capture all relevant reasons for why the nation-state should be responsible for the welfare of certain individuals living within its borders. This becomes even clearer if we consider the following alternative scenario. Had Adel upon arrival applied for a tourist Visa instead of citizenship, he would probably have been allowed to enter the country as a tourist for a temporary period of time. And if he were to get an unofficial job at a big construction site and continue to stay in the country, his standing would change. He would have

7 Fraser, Nancy. *Scales of Justice*, p. 65.
8 Fraser, Nancy. *Scales of Justice*, p. 65.
9 This example was presented to me by Theresa Callewart.
become subjected to US governance and therefore eventually become morally entitled to the privileges of citizenship.

My point here, of course, is that this person should have been allowed to enter the country in the first place, not as a visitor but as a fellow human being who was unable live a decent life in the country in which he was a citizen. The point is, the all subjected principle does not contain any recognition of the fact that some people need to be allowed to enter into the sphere of those who, for bad and good, are subjected. In other words, the all subjected principle, if consequently applied, leaves unnoticed some people whose lives are quite precarious, who might even be living on the margins. Therefore, I suggest that the all subjected principle needs to be complemented by the idea that non-citizens who are unable to live decent lives elsewhere should also be counted as equal to citizens, and that in time they should be allowed to become citizens.

This principle is, of course, susceptible to abuse. An immigration agency might claim that homosexuals are not persecuted in a particular country, for example. To this I can only say that the truth will hopefully set them free. False statements, after all, are vulnerable to “reality checks”.

What then about all those who are not refugees but who continue to live precarious lives “elsewhere”? Should they, from the point of view of e.g. “us Swedes”, be seen as subjects of justice in relation to Sweden and Swedes, or to any country in which they do not reside? In other words, is a lack of opportunity of people in e.g. Sub-Saharan Africa something that ought to matter to Sweden, in a way similar to how the opportunities of Swedish residents should? The problem has two aspects, at least. First, there is the problem of pinpointing subjects of responsibility. And second, there is the problem of characterizing the nature of the moral worry here. Theoretically speaking the first problem seems easier to handle. I suggest that the degree of responsibility that falls on a concrete agent, a state or a person, is proportional to its, hers or his ability to make a difference, i.e. to their ability to do something about the injustice in question. Of course, to determine this is so complex that it would be more practicable to appeal to a more general imperative: whoever can remedy an injustice ought to do that, and not wait to see who can do the most (when this is not obvious).

What about the characterization of the problem then? The issue I had in mind is, again, about the comparison between good and bad in
an absolute sense. If people, far away from Sweden, have much fewer opportunities for pursuing certain things in life than Swedes in general have, is that really a problem because they do not have as much opportunity in comparison to most Swedes, or rather, does the problem have to do with the situation itself (depending on the conditions that deprive people of equal opportunity)? I believe that an accurate answer to this complex issue, which can only be hinted at here, must take into account that there are certain things that must be considered as absolutely bad. Starvation (as opposed to fasting) would be an example, and female genital mutilation another. Furthermore, virtually every human being is entwined in a net of relations in which there are powerful agencies, like e.g. the IMF, whose actions can be of great importance for single individuals, everywhere. The latter means that a nation’s relatively speaking better systems for e.g. education and health care does affect some people’s chances to, through academically and otherwise skilled representatives, and in virtue of having a well-functioning economy, influence the action of global institutions. By extension, being in a situation that is not only bad but that also offers comparatively fewer life chances is likely to affect, in a negative way, both the individual and the community’s opportunity to be self-directing. Therefore, comparisons of different levels of opportunity of people in different countries are relevant as long as self-direction among interdependent individuals is considered to be of importance.

Finally, if the citizens of other countries matter, what about the lack of a global agency? Is perhaps such a shortage a good reason for abstaining from talk about global justice? The reason for thinking so is that many things are more difficult to effect when there is no agency who can e.g. administrate taxes, prohibit discrimination, and fill public spaces with e.g. roads, schools and hospitals. Because of this, one might be tempted to conclude that a conception of justice that demands what cannot be done demands too much, and that it should therefore be revised or abandoned. However, I believe such a conclusion is too hasty, and that it would obscure the work a conception of justice can do. The function I had in mind is fairly straightforward. A conception of social justice can constitute a reason for applauding the creation of an agency that could attend to some of the global, not merely inter-national, injustices that thrives on mother earth. A conception of justice can allow us to wish for institutional settings that could help us remove some of the injustices we see, inspire the inven-
tion of new kinds of global institutions, and to inform the construction of those so that authoritarian risks are kept to a minimum.

The alternative would be to say that since the undeserved lack of opportunity of some people in other countries (as compared to our own) is not something that we can change, their situation is not really an instance of injustice. However, because we cannot be sure about possible future changes, this conclusion rests on a shaky empirical basis, and it carries a smell of deceit.

Time

From a theoretical perspective, there are also problems relating to the aspect of time. It concerns whether the effects of present ways of living on the opportunities of probable future persons count, and if so what relative perhaps varying strengths obligations to future persons have. And it is about when in the life-cycle of an individual, equality of opportunity ought to be applied. Is it equality among infants, children and teenagers, of adults, equality among lifetimes as wholes, or perhaps equality at every moment in each life.

On the face of it, the time aspect might seem easier to handle when it comes to desert claims. Desert-related events occur at every moment a person makes herself deserving or undeserving, and can therefore give expression to how issues of justice can occur (if not always, then at least at any moment in a person’s life). Thus, there is an aspect of instantaneousness about desert, but not unequivocally so. Ignored desert claims of the past might constitute actual concerns of justice in the present. And, mere absence of desert can also be diachronically relevant for what all things considered is to be considered as just, if, for example, the strength of our title to some scarce good depends upon whether we actually deserve to have it, and if it suddenly becomes clear that we don’t. This is typically reflected in statements like; “it was she who really put in the hard work, not he, the raise should go to her instead”. Moreover, if, as Rawls put it in *A Theory of Justice*, even our decision to make an effort (“our willingness to try”) is disqualified as basis of desert, then no desert claim related to justice can occur at any time. Or to put it differently, any possessions we

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have or treatments we are planned to receive just because we were falsely claimed to deserve them, can be legitimately taken away from us. And such corrections of injustices can, of course, occur more or less randomly through the life of particular persons.

Still, talk about possible future desert does not seem to make sense. One may suppose that there will be deserving and undeserving persons in the future, but to base ideas on obligations towards certain presently non-existing future persons on such a supposition would be strange. Thus, although desert arises in the constantly moving present, it cannot be apprehended in any way other than by looking back on activities that took place in the more or less distant past. So one way of explicating the relevance of time when it comes to desert is that claims that arose recently matter obviously, whereas the strength of older claims decreases as the distance in time increases. Presumably, desert claims disappear completely when there is no collective continuity left between the actual deeds and the agent or agency that can e.g. apologize or otherwise acknowledge and implement the difference the desert in question is supposed to make.\footnote{See \url{http://clinton4.nara.gov/New/Remarks/Fri/19970516-898.html} for President Bill Clinton’s apology to victims of the so called Tuskegee study.}

Does justice, then, demand that (the threshold level of sufficient) opportunity of future persons must be equal to that of the presently living ones? Complex problems need to be addressed before this question can be answered. For starters, we need to come to terms with the issue of how to determine the moral status of a future person, compared to that of those who are presently alive. If their moral status is naught or something but less than ours, then the direct moral reason for upholding equality of opportunity is absent. The comparative lack of knowledge about the priorities of future persons might also make an important difference. Put differently, we know neither who they are nor how many of them there would be, and our choices affect both, i.e. which persons that will exist and how many of them. A contemporary policy choice might cause not only less (or more) future persons but it will also cause the existence of different ones. It can namely not be the case that a larger number of persons scenario would include the same individuals as a smaller number of persons scenario, plus some new ones. And vice versa, a smaller number of persons scenario would not consist of the same persons as the larger number of persons.
scenario, minus an unknown number of individuals. Furthermore, if living is a good thing, which many think it is, does that mean that the presently living are obligated to “make” as many future persons as possible? Are we obligated to make merely the number of persons that will be able to live decent lives, or simply as few as possible since there already are too many of us?

Previously we have seen that comparative justice makes sense in situations of interdependence, i.e. when the quality and/or quantity of opportunity of X depend on the quality and/or quantity of opportunity of Y. For example, in situations where the people who are applying to the best school are more than those who can be admitted, the chances of X’s being admitted will depend on her relative superiority to Y. It has also been suggested that the growing interdependence of our globalized world makes talk about comparative justice pertinent to our present situation. The thing is here, of course, that if Y is a future person, Y is not competing for enrollment on the same limited quota as X. So if X’s chances to be enrolled at the best school, say the University of Chicago’s Divinity School, are better than Z’s chances will be in 2174, would this be unfair? The problem is simple and well known. Z does not yet exist. Moreover, we cannot know whether she will exist. What we can hope for is that the world in 2174 is not inhospitably warm and dangerous, and that there are institutions for high quality education in all corners of a future world. Thus I suggest that it would be better not to relate ourselves to future persons but to probable future generations, in which unknown persons hopefully live. Put in other words, since egalitarian liberalism puts the individual first, it seems confined to a presentism in which diachronic aspects go backwards only.

However, since the existence of persons in the future is both a probable and a good thing, for them and for us, the opportunity for them, given that their number has not increased, to function is a relevant concern. After all, we contemporaries have as a collective the existence and parts of the likely quality of their future in our hands.\textsuperscript{12}

\footnote{I believe like Lars Löfquist that most contemporary people care about there being a future although they themselves will not be able participate in it. See Löfquist, Lars. \textit{Ethics Beyond Finitude. Responsibility towards future generations and nuclear waste management. Acta Universitatis Upsaliensis Uppsala Studies in Social Ethics} 36 (Uppsala: Uppsala university Library, 2008), p. 220 f.}
Thus, even if justice is considered to articulate the meaning of respecting our neighbor, this can be understood to include more or less distant wholes in which unknown future neighbors hopefully will participate.\(^\text{13}\)

In the school enrollment example, X’s greater chances in 2011 need not correspond at all to the inhibitions of Y many decades later, which must be seen in relation to the number and “quality” of her 2174 competitors. However, the life chances of Y can be dependent in a more general way upon the way X lives. If mother earth in the year 2174 is dangerously warm and perhaps partly polluted by radioactivity due to the way X’s contemporaries chose to live, people might end up having no school to go to. And when the chances of future persons to live safe and healthy lives, not to mention fulfilling ones, are deprived by some of us, we definitively seem to be confronted with an instance of injustice. If so, the future is relevant for an equality of opportunity-oriented conception of social justice.

However, the present investigation can only indicate the complexity of the problem and suggest a possible guideline for solving it, one that coheres with egalitarian liberalism. It is impossible to determine the meaning of equality of opportunity vis-à-vis an (almost) infinite number of future scenarios. Still, it would be wrong of us to live our lives in such a way that depletes the resources needed for future generations. Thus egalitarian liberalism demands that we adjust our way of living so that “enough and as good” is left to future generations in aspiring toward equal opportunities and a better life. In this respect, politicians, philosophers, scientists and international agencies (governmental as well as non-governmental) are all responsible for a continuous and detailed reinterpretation of what this future looking “Lockean proviso” entails.

Before we conclude this part of the investigation, let us return to equality of opportunity and to the slightly different issue of determining at which point in time it should matter in the lives of individuals. My suggestion is that equality of opportunity for children matters the most. This is so since a childhood is the result of choices that others have made, and of circumstances beyond anyone’s control, say an earthquake or a tsunami, whereas the circumstances of adults also are

partly and to different degrees created by their own choices. The important thing is, if the opportunity of children and young teenagers were more equal, then, presumably, the remaining differences between persons in adulthood will be more of a result of their own making than by capricious fate. Basically this is a pragmatic argument. It starts from the observation that equalizing opportunity at every moment in a life is impossible. There is no kind of agency that could administer this by manipulating, or stopping the effects of all kinds of individual actions that affect the various opportunities people have, and if there was, there again would probably also be devastating downsides in terms of the kind of control of, and interference with, people’s lives that would be necessary. However, there are concrete things that can be done in order to equalize the opportunities of children.

Equality of Opportunity and Desert

It has been argued throughout this book that justice is about three things: having an equal opportunity to function as a self-directing member of society, getting what one deserves, and respect for personal integrity (self-ownership). We have seen that an opportunity can be constituted by various goods and by positive recognition, and can be destroyed by deprivation of goods as well as by misrecognition. Furthermore, the object of desert, that is, the things that one deserves to get (or lose) can be physical objects as well as recognition. In this sense, the presence of goods and of recognition can together fulfill criteria of justice and so to speak converge for the best.

However, there is also potential conflict. I have in mind a particular concern that has not been addressed so far, namely, the necessity of explicating how the aspects of equality (of opportunity) and desert can be integrated in a coherent way. While the idea of equality of opportunity is comparative, distribution according to desert is usually perceived as non-comparative. This is so to the extent that the injustice of failing to treat people as they deserve to be treated “depends only on facts about them.” As Derek Parfit observes; “Non-comparative justice may tell us to produce equality. Perhaps, if everyone were

14 Parfit, Derek. “Equality or Priority”, p. 89.
equally deserving, we should make everyone equally well off. But such equality would be merely the effect of giving people what they deserved. Only comparative justice makes equality our aim. Thus, to suggest that the possibility of justice is based on both equality of opportunity (in the way which is qualified in previous chapters) and desert might raise certain difficulties insofar as it attempts to harmonize the comparative and non-comparative perspectives on justice. Might obliging the demands of desert even destroy the possibility of implementing equality of opportunity? We need to find out if this is the case.

Fortunately, I believe that there is a solution that lies in how these two criteria of justice both reflect an emphasis on the importance of respecting the agency aspect of individuals, and in how the comparative and non-comparative aspects are in fact related to these criteria. Let us take a closer look. We have seen that the meaning of having “a fair chance in life” is constituted by comparative as well as non-comparative conditions. It consists in my opportunity to realize or to receive a non-comparative good, of say access to health care (it presumably is bad, independently of whether others share the situation, not to have access to health care), and in not being predetermined to success or to failure in one’s strivings due to the fact that others have relatively speaking more or less opportunity. Basically, this reflects the idea that respecting informed decisions about how to live forms a crucial part of what it means to respect people. Incidentally, this coincides with what we have distinguished as the most important moral basis for desert, i.e. the decision involved in the choice to perform a valuable, or a bad (or merely shoddy), activity. Thus, just like opportunity, positive desert is related to something valuable (merits, good education, a healthy heart muscle, working painless knees, hips and shoulders, and the like), and the value of e.g. a healthy knee, it seems, is not affected by whether people have equally or unequally good knees, i.e. knee surgery is valuable because it can repair a malfunc-

15 Parfit, Derek. “Equality or Priority”, p. 89.
16 I wrote valuable instead of praiseworthy, and bad instead of blameworthy since it might be the case that some activities forms the basis of desert-claims due to being valuable or bad, in spite of the fact that they are neither straight forwardly praiseworthy nor directly blameworthy (e.g. an underachieving tennis-player that might deserve critique from competent sports journalists though not general moral blame from fellow human beings).
tioning knee, not because it can make my knee function as well, or as bad, as the knees of others. Hence there seems to be a non-comparative aspect here. So far, we have seen that the meaning of distribution according to desert seems most easily explicable in non-comparative terms. The measure of justice here definitively seems to be reward (or punishment) in proportion to desert, not according to an idea about equal shares.

However, as signaled before, there are comparative aspects involved in this too. On the face of it, if Delia and Steve work for the same company in the same town and are equally deserving, but Steve’s salary is higher, then this can be rightly described as unfair. This does not really show that there is a comparative ingredient at work, tough. The problem might not be that Steve received more, but that Delia did not get what she deserved, which just proved to be exactly as much as Steve. And in any case, it is a good thing that Steve was rewarded in proportion to his accomplishments.

What does “in proportion to accomplishments” mean then? The practical usefulness of positive desert presupposes an inter-subjective way of determining the proper size and also the proper nature of rewards. However, if we are not allowed to settle the issue through comparisons with customary rewards, the rewards people usually get for the same kind of work, how are we to go about? If we think that some ambitious use of talent is not rewarded as it ought to be, because some ambitious persons deserve to get more than they actually get, we have to base such a conviction on an idea about non-market, yet inter-subjective value. For example, the market will probably offer better rewards to those who choose to develop and market their talent for, e.g. net-poker software design, than to those who cultivate their talent for caring about others as nurses. The problem is that the only non-comparative method for determining the proper response to the question of desert is negative, severely limited, and in short antiquated. It goes by the name of lex talionis, or more commonly understood in the principle “An eye for an eye, a tooth for a tooth”. The principle seems clear and wonderfully easy to apply. According to this, we could conclude that any adult who cuts her neighbor’s arm off deserves to have her armed cut off. In Kantian terms, this is so because by her action she has implicitly indicated that it should also be universally applied, which is why it is right to enforce that law on the arm cutting agent (such an enforcement is an expression of respect for her as an auton-
omous i.e. self-legislatating rational agent). The same could be said about murder. Possibly, anyone who murders another human being deserves to be murdered.

The problems are numerous, of course. What if someone murders a group of people? This logic cannot help us to determine what kind of punishment he should deserve. Furthermore, if someone saves a stranger from drowning, does she also deserve to be saved from drowning by the saved person in return? Or does she deserve some other kind of reward from someone else? Does the nurse deserve to be cared for by society when she gets ill? Or is it only she who worked unpaid extra hours at the hospital who deserves to get such care? There simply are no readily available answers to these questions.

However, and most importantly, given the general inadequacy of “payment in the same kind-thinking”, there appears to be nothing in the activity of e.g. caring that could help us determine the correct nature and size of a just reward. Nevertheless, we can and should note that the reward side of positive desert must contain two conditions in order to make sense. The first is general positive value. A reward would simply not deserve its label unless it consists of something valuable. And most importantly; the second is comparison. The easiest way to learn that nurses do not get what they deserve is namely by noticing that (equally committed) holders of other, less or equally valuable, occupational roles get more, hence, learning by means of comparison.

The turn to comparison is not clear though. Consider the following questions: A) Can we learn then that nurses get what they deserve when there are no other (equally committed) holders of equally valuable occupational roles that get more? B) Do nurses, ceteris paribus, receive more than they deserve if there are other (equally committed) holders of equally valuable occupational roles who get less? If comparison is all there is to it, the correct answers must be “yes” to both questions! But, why should we not think that, in case B, it is the other equally deserving role holders, those who get even less than the nurses do, that get too little? The thing is, again, can the notion of desert help us understand why leveling up is generally preferable to leveling down (i.e. accomplishing equality by increasing or decreasing shares). Without being able to settle this I suggest that desert needs assistance by the valuable, by the concept of self-ownership and by the notion of equality of opportunity, and that this assistance can be given without
taking over in a sense that would make desert redundant. The valuable simply help us see that it must be better to get more than to get less of something valuable. Self-ownership reminds us that people’s property, owned more or less strongly depending on how close it is to them can but might not be available for redistribution to those who deserve e.g. better salaries. And equality of opportunity tells us that those who have had few chances to prove themselves as deserving in the first place, must not be harmed by allotment of distributable resources to those who choose to use their capriciously given talents in a commendable way.

So far we have seen that desert, as a criterion of justice, cannot stand on its own. However, we have also seen that both equality of opportunity and desert articulate certain aspects of respecting human agency. Thus, my contention that taking desert into account coheres quite well with the promotion of equality of opportunity; indeed, the latter might make the former easier. Let us therefore take a closer look at the reasons for believing in such a happy conceptual marriage. It so happens that looking at an interesting answer to one important objection to desert will help us see how implementation of equality of opportunity is likely to cohere well with taking desert into account.

The Impracticability of Desert

The straightforward objection to desert as a criterion of justice that I had in mind is predicated on the claim that desert is very difficult to detect, at least on a general societal level.\footnote{This is by no means a novel argument. See Sidgwick, Henry. The Methods of Ethics, p. 289, who writes: “We have, in short, to give up as impracticable the construction of an ideally just social order, in which all services are rewarded in exact proportion to their intrinsic value. And, for similar reasons, we seem forced to conclude, more generally, that it is impossible to obtain clear premises for a reasoned method of determining exactly different amounts of Good Desert.”}

It is fairly easy to realize that this claim is not made up out of thin air. Consider for example the massive resources spent in late modern societies to investigate crime. And note the fact that those cases where actual responsibility is determinable, with sufficient certainty, to actual individuals, might be like the tip of the iceberg. Imagine then the amount of information needed in order to monitor everyday instances of simple positive desert. To do that, the reach of the eyes of institutions like the (nation)
state, not to mention its global siblings, would arguably need to take unprecedented big brother like-proportions in order to satisfy the vast demand for detailed information brought to the fore by letting desert determine part of what general social justice means. Public surveillance of such a large scale would, of course, have serious downsides. In smaller communities, however, e.g. in families or local workplaces, it might be possible to identify the desert grounding ambition of single individuals.

This, however, only suggests that the question of establishing who is more deserving (with respect to rewards and punishments) is too difficult for desert to be of practical relevance. It does not establish that this is the case. And one might argue that: “ [...] determining what people deserve is not impossible but only difficult and costly.”\(^{18}\) And that: “ [...] justice is important enough to absorb the costs.”\(^{19}\)

The argument about the comparative impracticability of investigating positive desert could be turned upside down. One might ask: if a large amount of resources is rightly spent on safeguarding that only those who actually commit a crime get punished, and on upholding a desert-based idea about proportionality between crime and punishment, why would not resources also be rightly spent on finding out who is positively deserving of what? Indeed, punishing the guilty, and only those, seems important enough to justify the use of a substantial amount of resources. Still, the kind of individual in-depth investigation that is necessary for nailing down criminals would presumably take absurd proportions if applied to concrete instances of positive desert. There must be other ways of detecting positive desert, if the non-criminal use of this notion is to make any sense (insisting on making positive use of desert without being able to detect who the deserving are, does not make much sense). There, however, happens to be an interesting alternative which is introduced by John Roemer and further developed in an article by Jeffrey Moriarty. I shall briefly present this idea in the following. The important thing to remember, however, is not whether it can be settled here that it actually will work, but that the method reveals how comparative ingredients are at work in the epistemology of desert, and that giving positively deserv-

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ing youngsters what they deserve is likely to coincide with equality of opportunity.

A specific kind of comparison might help us understand how deserving our next persons are.\textsuperscript{20} The idea “[…] is to assess a person’s desert of a thing or treatment by comparing her performance in the desert-creating activity to the performances of others who are affected by the same set of natural and social factors. The difference in performance among these individuals will be due to their different choices. The better (or worse) the person does compared to her peers, the more (or less) deserving she is.”\textsuperscript{21} So if, for example, school performance is primarily affected by the following natural and social factors: (1) teacher quality, (2) number of classmates, (3) native cognitive ability and (4) parental support, then differences in achievement among students that worked in basically similar circumstances, having equally good teachers, the same class size etc., will reveal negative or positive desert. The trick is to delineate groups of similarly situated people and to adjust their actual grades to their relative privileges (by multiplying them with a smaller number than one), or their difficulties (by multiplying with a bigger number than one).

Of course, it is extremely difficult to compare circumstances. For example, parental support is very hard to compare, since it can differ in so many ways. Parents might be demanding academics who know everything about the education system but who are not mentally there with their child, and some might be mentally there some of the time but not all of the time. Yet others might receive a lot of support from loving parents, although not necessarily in academic aspects. The differences between the ways children are being brought up are very complex and nuanced. Comparisons might also be altogether impossible when the domain is large. Still, I find it interesting to note that there are fairly easily recognizable circumstances in e.g. the paradigmatic example of likely success-rate of high school students that obviously make a difference.

The important thing to note here, however, is that according to the presented idea about the epistemology of desert, taking desert into account compensates for inequality of opportunity, and an effective application of equality of opportunity makes it easier to determine the

\textsuperscript{20} Moriarty, Jeffrey. “The Epistemological Argument against Desert”, p. 216.

\textsuperscript{21} Moriarty, Jeffrey. “The Epistemological Argument against Desert”, p. 216.
relative desert of e.g. college applicants (since it would contain (close to) equal access to high quality high school education). Therefore, the worry, it seems to me, with how to incorporate desert in a conception of justice, is not that desert and equality of opportunity, if combined, make up an internally contradictory conception of justice, but it is how to make comparisons that are relevantly and sufficiently fine-grained, and that yet neither violate the privacy of the investigated nor misrecognize them by making use of derogatory group labels.

Moreover, the targets for policies that ensure equality of opportunity policies and desert are likely to be the same. They aim at abolishing or compensating for general obstacles for people, for example de-meaning group related depictions, differences in exposure to cultures of crime and drugs, housing segregation, and so on. Many of these things can at least be, if not completely abolished, effectively addressed by the government. Other obstacles, like unemployment and minimum wages, need global and national solutions. The task of moving society closer to equality of opportunity is, of course, complex. However, when the individual’s opportunity to be self-governing is seen to be central to justice, it is possible to draw conclusions about necessary investigations that can fill in the vast blind spots, and help our “extended arm”, our government, understand what to do.

With that said, there is one more theoretical problem that remains to be addressed before this investigation ends. It concerns how to handle a possible internal contradiction within the equality of opportunity ideal. Let us therefore turn to collectivistic ideas of recognition and see how the idea of equality of opportunity fares when confronted with these.

Political Religion and Misrecognition

Our last problem concerns whether the idea of individual equality of opportunity allows for or perhaps even demands misrecognition. Some communities that suffer systemic discrimination claim that their group (family or people) is more important than their individual self-
If so, one might wonder whether a focus on individual agency is really compatible with emancipation, if the latter is understood in collectivistic terms, e.g. in terms of struggles of whole peoples in e.g. former colonies against various forms of domination of the “west”.

Therefore, there might be a detrimental internal contradiction in the idea of individual equality of opportunity, as in cases when an opportunity for him to live his religion cannot be promoted without simultaneously enforcing obstacles for his next person to live as homosexual, or when family duties are at odds with the woman’s desire to pursue her own career outside of home. The problem is, promoting the opportunity of some to live their religious identity might damage some person’s opportunity to live a life perceived as good “according to her or his own lights”. Thus promoting equality of opportunity might not only turn out to be empirically difficult, but even contradictory. And an internal contradiction, on a central issue, would be bad.

Fortunately I believe there is a solution that reveals itself as we start to unpack the source of the conflict. The conflict arises given a specific set of (unfortunate) circumstances. In the following I shall therefore introduce the constitutive parts of this set and subsequently show which combinations that are problematic, and then turn to outlining how they can be avoided.

The first factor is the familiar principle of equality of opportunity. The second factor says that the opportunity to be self-governing is fundamental. It is structurally fundamental because the third person would have no basis for his ideas about what functioning means for others, if these others were thoroughly governed by others. Put simply, it is as I have argued in previous chapters, ceteris paribus, better to be self-governing than to be under external control. The third factor is

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24 See Nussbaum, Martha C. Women and Human Development, p. 168. Nussbaum writes the following about a “dilemma” for the liberal state: “On the one hand, to interfere with the freedom of religious expression is to strike a blow against citizens in an area of intimate self-definition and basic liberty. Not to interfere, however, permits other abridgements of self-definition and liberty.”
closely related to the second, and says that adult sane people are presumed to be experts at knowing their own best interest. The second and the third clause are related so that the desirability of being self-directing obviously depends on one’s ability to determine one’s own good. It is for e.g. young children obviously better to be (lovingly and wisely) governed than it is to be self-governing.

The fourth and fifth factors have been introduced before and are formal. The fourth simply says that conceptions of the good life can consist of self- as well as other-regarding ideas. The fifth says that self- as well as other-regarding ideas can be beneficent and they can, of course, be malevolent. A typical example of a relevant malevolent other-regarding idea is when a person considers the fulfillment of his wish to hurt someone he hates to be part of his own good, and therefore considers the satisfaction of this wish to be in his best interest. An obvious beneficent one is when someone considers the future health of his children to be part of his good.

Finally, the sixth factor says that beneficent other-regarding desires can be both non-paternalistic as well as strongly paternalistic. Thus, other than recognizing that the good of others can be part of my own good, I can be more or less sure about the alleged best interests of those others, more or less independently of actually knowing the people in question well or not, and I can insist more or less strongly on having my idea of their good implemented. These two parts of the relative strength of paternalism are likely to go together, in one direction at least. It would be strange if the less confident would insist on having his way implemented. It is possible to conceive of a person though who is confident about the correctness of his ideas, about the best interests of certain others, but who is not prepared to insist on having them implemented against the wish of those others. What is decisive here is whether or not one is prepared to insist on having one’s way, which makes a greater difference for the life of others than the strength of one’s confidence. Hence, strong paternalism is characterized by a willingness to insist on having one’s ideas about the good life implemented in the lives of others.
Thus, the factors are:
1. Equality of opportunity.
2. Self-direction is important and structurally basic.
3. *Ceteris Paribus*, sane adults know what is best for them.
4. A person’s good can be constituted by self- and other-regarding ideas.
5. A person can wish herself and others well, as well as “to hell”.
6. Beneficent other-regarding ideas about the next person’s good can be more or less strongly paternalistic.

I believe we now have all the factors we need for understanding more exactly the cause of internal incoherence. Let us start by noting that it is not strange to think that other-regarding ideas are part of what we consider to be our own good. Since most of us tend to care about others, at least about some others, their good is part of our, not only their, (best) interests. Moreover, when the loved one is a child, strongly paternalistic other-regarding wishes need not be a problem. And, if there is consensus concerning the meaning of the good, and the affected are sane adults, then there need not be a conflict either.

However, a problem arises if there is disagreement between those who endorse, say, homosexual love, on one hand, and those who seek to enforce restrictions on homosexual love, on the other. The conflict becomes serious when such restrictions prevent others from publicly realizing their identity as e.g. gay, or worse, if it invades one’s individual space for self-definition (i.e. when young homosexual men begin to think of themselves as “abnormal monstrosities”).

The conflict furthermore increases when it reaches a societal level. As soon as it is decided that egalitarian liberalism will be implemented through law, the state, with its monopoly on the use of force, becomes responsible for attending to various misrecognitions and other kinds of obstacles for the realization of equality of opportunity. This, of course, includes the opportunity to live one’s religion.

The problem is that adjusting policies in accordance with strongly paternalistic ideas about the proper function of sexuality can be part of a religious person’s subjective view on what respect entails. In addition, Western countries today have the urgent responsibility of combating common misrecognitions of certain religious groups (e.g. Muslims).
Thus it appears that if there is a group who claims that it is misrecognized if its religiously inspired view on how to live does not become positive law, then there is a demand for recognition which, on the face of it, the state ought to enact, but which as this is done can enforce severe obstacles for others. So if the state neglects to adhere to the demands of parts of e.g. a conservative Christian movement it can appear to be responsible for letting misrecognition of certain religious people prevail, and changing social policies in order to make an allegedly “true Christian life” possible, can entail the enforcement of straightforward misrecognition, of e.g. women.

The solution to this quandary must recognize the fact that equality of opportunity has specific limits, that not everyone will be content with egalitarian liberalism. However, this is not necessarily something that must be remedied. This is so simply because one can arguably not be entitled to recognition to the extent that this entails misrecognition of others who have no similarly other-regarding ideas besides non-interference and absence of demeaning depictions. In other words, lacking the opportunity to realize one’s identity is not a problem if the opportunity is made up by the enforcement of obstacles on others. This is because the idea of treating people as equals cannot be compatible with meeting demands for recognition that entail having serious obstacles enforced on members of other groups. Hence I conclude that one’s entitlement to equal opportunity must be predicated on a weak paternalistic conception. The latter is obviously in need of explication.

Since the assumed “agent sovereignty” of egalitarian liberalism seems incompatible with any kind of paternalism, we need to learn what are the traits of a weak paternalistic conception, and what makes it legitimate. We have touched upon answers to these questions in chapter 2 and 4 in the sections about adaptive preferences and about the good liberal life. The difficulty resides in the tension between the philosophical anthropological assumption that states that adults are capable of knowing their own good, and the assumption that sane adults who do not wish to be self-directing do not, in fact, know their own good.

But surely there can be adults who may refuse to embrace self-direction as something good for them. This seems to entail that there is something wrong with the philosophical anthropological assumption. Before we jump into this conclusion we need to notice the differ-
ence between being incapable of perceiving the good, and distrust in one’s ability. Distrust in one’s ability can namely have the same effect as actually not having the ability, though lack of self-reliance need not be based on lack of ability, so one way of approaching the problem is to find ways of making able people more confident.

Still, assuming that mental health entails the ability to discern one’s own good might simply be wrong. There most probably are adults that due to having internalized an oppressive false consciousness do not know their own good. Thus, it looks as if the anthropological assumption about people’s ability to “pursue flourishing according to their own lights” needs to be revised after all. The following suggestion aims at articulating faith in the innate abilities of people, wherever they are, and the conviction that the development of capacities is dependent upon fertile soil. It reads as follows: given access to education (not indoctrination) and opportunity to define one’s identity in relation to alternatives, adult people are in general able to form reliable conceptions of their own good.

Now, who then can speak in a trustworthy and respectful way for those who cannot speak for themselves? Thus we return to the problem of speaking for those who cannot speak. The idea here is that those who speak should focus on whatever can be known about what particular people need in order to become self-reflective and therefore relatively self-directing subjects. If someone refuses to reflect on her own self-definition, there is no guarantee that her statement about who she is and on how she would like to live her life is actually hers, and there is no reliable way of assessing whether this is so or not. Asking for her statement might be to ask someone to deliberate on things that they explicitly do not wish to do. Encouraging a person to, through becoming literate and increasingly self-reflective, participate in her own self-definition is paternalistic and emancipatory in the sense of being directed towards increasing the substantive freedom of others whether they actually want it or not. Thus, the ignored political ideas of those who are unhappy with equality of opportunity must be unacceptable because accepting it would put vulnerable people “in fetters”. Of course, there can be overlooked reasons not to be able to live happily with the conception of justice suggested here, some of which do

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not contain non-emancipatory strongly paternalistic ideas. Those must unfortunately be left aside.

I believe that it is against the background of the previous discussion that we can now explicate the specific character of the limits on opportunity-entitlements. To some they might seem obvious. First, the opportunities people ought to have or be given, for reasons of justice, must be related to self-regarding functioning (which is not to be confused with selfishness). And second, they must be related to a level of functioning considered necessary for any member of the ruling elite.

There are several advantages with this interpretation. First, it addresses the issue of giving substance to the idea of a threshold of opportunity, or in Harry Frankfurt’s words, of actually having enough. It is suggested that a human being has enough opportunity to function when she has the opportunities members of ruling elites need in order to become active participants of that elite. Thus it contains the simple idea that subjects must be able to participate in political decisions (otherwise she is not as free as she could and therefore ought to have a chance to be), and that equals must have the opportunity to, as Nancy Fraser phrases it, participate “on par with others”. Self-government thus presupposes certain abilities, most distinctively those necessary for action, i.e. an ability to consciously determine one’s movements and an ability to form inter-subjectively accessible interpretations of the world.

Collective self-government, i.e. democracy, is, of course, individual self-government’s next of kin. It is important to note, though, that

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26 Fraser, Nancy. *Scales of Justice*, p. 16, 60. Fraser writes, on page 16: “In my view, the most general meaning of justice is parity of participation. According to this radical-democratic interpretation of the principle of moral worth, justice requires social arrangements that permit all to participate as peers in social life.”

27 Saying that an interpretation is inter-subjectively accessible, means that it is understandable for and vulnerable to critique and correction by others.

28 Cf. Beetham, David. *Democracy and Human Rights* (Cambridge: Polity Press, 1999), p. 5, 7. David Beetham defends the idea that; “Popular control and political equality are the core principles of democracy […]” And on page 7 that: “In this respect democracy shares a similar justification to liberalism, except that (and it is an important exception) autonomy is understood collectively, as a sharing in the determination of the rules and policies for the association of which one is a member, and to those whose authority one is subject, rather than individually.” See also Benhabib, Seyla. *The Rights of Others Aliens, Residents, and Citizens* (Cambridge: Cambridge University Press, 2004), p. 217, where Benhabib writes: “The core of democratic self-
an egalitarian liberal interpretation of justice does not necessarily entail any specific institutionalization of democratic ideals. Rather, justice is a critical touchstone against which various attempts to implement democracy can be evaluated. Conceptions of justice articulate important parts of what concrete institutionalizations of democracy should live up to. Different concrete interpretations can be compared concerning how well they further and interpret the idea of self-government. For example, institutionalizations of democracy that are driven by manipulation, rather than based on trust in an educated citizenry’s ability to decide its destiny, can be criticized for administering a (not the) will to power instead of effectuating self-government. Manipulation takes the paradigmatic form of advertisement and selling of political packages to a citizenry viewed primarily as consumers, too lazy and too ignorant to be concerned about the structures that deeply affect their consciousness of self. This is a phenomenon that is all too common in contemporary Western democracies, where a power strategic rationale often poisons the political sphere, whose task is to ensure that people get what they deserve, i.e. that their opportunities are as equal as possible.

Conclusion

In spite of first appearance, interpreting the imperative to respect other persons, as well as one-self, in the terms of a conjunction of desert, equality of opportunity and self-ownership makes sense. Though these notions capture different aspects of social justice, they can be explicaded as constitutive of a coherent vision of a just and global society. This is so since positive desert is only discernable if opportunity is equal and respecting self-ownership is fully compatible with many kinds of redistribution and with significant measures for replacing misrecognition with positive regard.

governance is the ideal of public autonomy, namely, the principle that those who are subjected to the law should also be its authors.”
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