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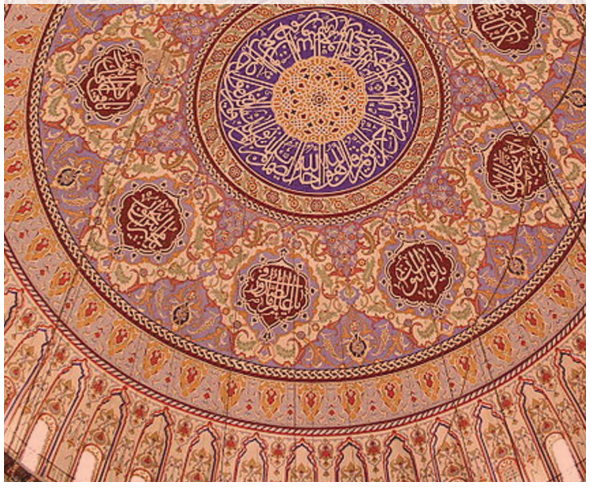
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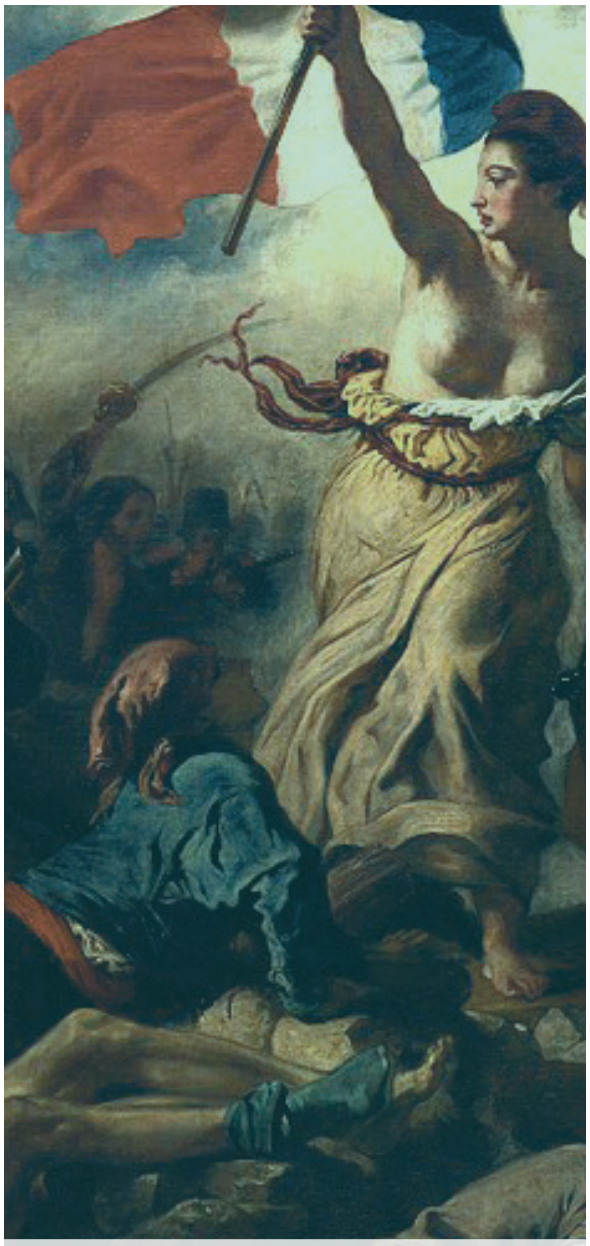







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Political Thought

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Chapter 8

A Battleground in Political Thought: The Idea of Justice

After completing this chapter, you will be able to;

Learning Outcomes

1. Explain the origins of contemporary ideas of justice
2. Identify the utilitarian approach to social justice through the works of founding fathers of utilitarianism
3. Clarify the conceptions of libertarian model of justice through the works of classical and contemporary figures of libertarian perspective
4. Discuss the Rawlsian model of social justice known as justice as fairness
5. Define the capability approach to the idea of social justice through the works of Amartya Sen
6. Explain the complementary contributions to the idea of justice such as equality of resources, recognition/redistribution as well as participation to the life of society

Chapter Outline

Introduction

Origins of Contemporary Ideas of Justice: From Plato to Hume

Utilitarianism: Consequentialist, Welfarist, and Aggregative Idea of Justice

Libertarianism: Process-Oriented, Entitlement and Individual-Focused Idea of Justice

Justice as Fairness: Rawlsian Model of Social Justice

The Capability Approach: A Freedom-Based Idea of Social Justice

Complementary Contributions to the Idea of Justice

Key Terms

Utilitarianism
Libertarianism
Justice as fairness
Capability approach
Distribution of resources
Social justice



INTRODUCTION

It is occasionally claimed that the entire literature of political thought is, in essence, an endless journey of humanity in finding out an answer for the question of who gets what, or what justice is. Such a venturous claim is perhaps not always precisely true. Yet, it may vaguely be right that the entire literature of political thought, one way or another, is related to the idea of justice.

Reconsidering the foundational concepts of political thought that the first chapter of this book elaborates in detail and reflecting on their social and political meanings in everyday life of citizens, we can easily notice indispensable relationship between the idea of justice and the core issues of political thought. Any political power cannot sustain its power and influence without attributing a characteristic of being just to itself. Any state authority cannot maintain its legitimacy in long term without convincing the ruled population about that it is a just authority. Any political thought cannot justify its normative political position, including a particular understanding of ethic, without any reference to what the just action or decision should be. Regardless of its political, civic, or administrative characteristic, any legislation or legal arrangement, which is proposed and brought into force by a political actor, cannot be carried out for a long time unless citizens, or right-holders, keep believing the ethically just or pragmatically necessary characteristic of such legislation. Therefore, the claim that the demand for justice is something quite influential and prevalent in both formation and development of almost all core issues of classical and contemporary political thought is not an assertion which we should engage in a herculean effort to be persuaded for.

What does justice really mean? Does it mean something related to individuals' rights in a sense that people's right should not be violated? Does it mean something related to the rule of law? Does it mean something related to the idea of equality in a sense that everyone should be equal to others? Does it mean something related to satisfaction of everyone's basic needs? Does it mean something related to individuals' freedom to do and to be what they value in their life? Or, does it mean something related to what people deserve in a sense that everyone should be entitled to the outcomes of their decisions and choices? Looking at the existing literature in such field, what we call "justice" can be associated with both all of these and none of these. In fact, such differences in the identification of the idea of justice illustrate its contending nature as well as existence of different normative political positions in terms of how to approach it within the realm of political thought.

Justice in everyday life is usually considered in relation to "the workings of police, courts, judiciary and related criminal agencies" (Cook, 2006, p.1). However, it is today commonly agreed that the idea of justice in political philosophy is multi-dimensional idea. This means that there are quite a number of different areas, or dimensions of human life, in every one which the idea of justice ought to be re-framed and re-established. To illustrate, a particular idea of justice in due process of law today requires the equal protection of everyone regardless of their economic and cultural statuses. However, those who do not have sufficient capital of knowledge regarding how the legal frameworks work and those who do not have sufficient economic capital to purchase such knowledge from lawyers are at the risk of being put in a disadvantaged position in case of defending themselves or claiming their rights in a trial. Therefore, the contemporary legal frameworks in most parts of today's world have already been introduced an additional right through which these individuals who are unable to represent themselves are provided a lawyer whose cost of representation is paid by the legal authority itself. In such a case, we observe that to secure the legal right to equal protection of everyone in trial may require in cases of some individual an introduction of additional right to the legal framework, which points out a multi-dimensional approach of most modern countries to secure the justice in the courtroom.



Multi-dimensionality is one of the main features of the contemporary understandings of social justice. It emphasizes the fact that whether a society is just or not cannot be assessed based on one single variable or unit of evaluation.

However, when we look at the multi-dimensionality of the idea of justice, we notice that it has at the top two main dimensions that should not be overlooked. The first is the "justice as criminal" and the second is "justice as social" (Newman and Yeates, 2008, p.13). While the former one usually focuses on juridical arrangements and their implementations, the latter one mostly focuses on issues related to distribution such as distribution of power, resources, rights and/or entitlements, and income as well as ethical justifications of how distribution of these goods ought to be conducted. Therefore, the latter one is frequently referred as "justice beyond the courtroom" (Cochrane and Walters, 2008, p.157). It is usual to observe that the latter one, namely distributional or social justice and its ethical background, plays a prominent role in defining the content and scope of the former one, namely the criminal or judicial justice, although such a hierarchical positioning between these dimensions may not always be as effective as it is claimed. For example, the argument that everyone's private property should be secured and anyone cannot seize other's private property need to be first of all proposed, developed and ethically justified within the dimension of social justice. Following this, necessary legal arrangements to protect individuals' private properties are proposed, developed and introduced. Without its philosophically ethical underpinnings are formed, any issue concerning legal arrangements within the scope criminal justice cannot be maintained. In other words, inviolableness of one's private property in legal arrangements cannot be proposed, developed and socially sustained without an ethical and philosophical justification regarding why one's private property is untouchable. This demonstrates the lexical priority of social or distributional justice over the criminal or judicial justice although such priority is not easily observable in all regulations that are amended by the ruling authority.



Important

"Justice as social" is frequently referred as "justice beyond the courtroom" and emphasizes the insufficiency of judicial justice in assessing if a society is a just one or not.

This chapter briefly focuses on some of the most frequently referred and conflicting political approaches to distributional or social justice. However, before moving on to discuss details of these approaches, the chapter will provide a brief snapshot illustrating how the contending contemporary understandings of justice have been formed in the course of history by referring to works of some prominent figures within the political thought.

ORIGINS OF CONTEMPORARY IDEAS OF JUSTICE: FROM PLATO TO HUME

Both in classical and contemporary ages, the idea of social justice is discussed in relation to various concepts such as rights, desert, merit, rule, covenant, consent, free-will, freedom, fairness, choice, well-being, poverty, inequality and so forth. The idea of justice that can be traced back to the ancient world is seen as a virtue of man and society in ancient Greek philosophy (Adelson, 1995, p. 29; Jackson, 1986, p. 8). Such an understanding of justice can easily be observed in the *Republic*, a well-known work of Plato, in which the central issue is "justice" discussed in relation to the concept of "virtue". In some of the very first dialogues between the fictional characters, justice is considered as a virtue and discussed in relation to actions of individuals in this work of Plato. In the dialogues that are mostly configured in a form of Socratic method of reciprocal talks, justice is granted as one of the most appreciated excellences of human beings and identified as the virtue of individual (Forde, 1997, p. 659; Demos, 1964, p. 396). Plato's attempt is, however, to reach a societal understanding of justice through these dialogues.

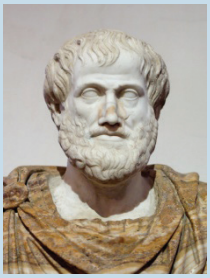
According to Plato, each group and individual play roles to meet the needs of the whole (Campbell, 2010, p. 7) in a well-ordered society that is a perfectly arranged society, where all institutions and groups are organised to perform a particular function. Such an understanding of society, where individuals and societal organisations are given roles to satisfy particular duties and actions can in fact be considered as an early reference to what we call in modern societies as "division of labour". To justify why human beings are in need of living together in a well-ordered society, where every one of them is

assigned with certain responsibilities to perform a particular action in line with their skills, two facts are reminded. The first one is that any individual cannot keep living on her own in a world where quite a number of natural and man-made dangers exist. The second one is that life is less difficult, more comfortable and prosperous by living together as a society. Considering each individual as a person who is in need of living together with others and who seeks for convenience, comfort and prosperity inevitably brings forth an emphasis that underlines the importance of division of labour as well as a well-ordered society. Signifying such a society as a society of justice, Plato considered justice as something situational in which "everyone performs a function suit her own natural abilities" (Brighouse, 2004, p. 1). Such an understanding of just society is expressed in his work through a Socratic fashion of discussion that is sustained between two characters one of whom, at one point, claims that "well, my friend, it somehow happens to have turned out that this business of doing your own job is justice" (Raphael, 2001, p. 42). This definition of justice can easily bring to mind that those who work and live together with others in a harmony and complete their own responsibilities are supposed to be entitled to receive what they deserve in return of doing their job. This means that we can link Plato's understanding of justice to the idea of justice that is associated with the concept of "desert". However, it is difficult to claim that there is an explicitly expressed idea of justice proposing that everyone should be entitled to have what they deserve in Plato's work.

Important

Plato, in his famous opus, namely the *Republic*, focuses on "justice" as a central theme and discusses on the identification of justice through its relation to the concept "virtue". He points out justice in this discussion as a "virtue of individual" that is different from the contemporary understanding of justice as "virtue of institutions".

As briefly pointed out above through the emphasis of multi-dimensional nature of justice, there was no clear distinction between what we call criminal or legal justice and social or distributive justice in Plato's work. However, we observe such a distinction in Aristotle's work where the criminal justice was distinguished from the social justice first time in the history of political thought that we know (Campbell, 2010, p. 18; Miller, 1976, p. 22; Raphael, 2001, p. 44). While Aristotle identifies the criminal justice by drawing on the word of "lawful", he refers to the distribution of various resources such as societal goods, moneys and products with the purpose of identifying what we know today as "social justice". Throughout such conceptualization, it is the first time that we observe the term equality comes into agenda in the history of political thought. With reference to the idea of equality, Aristotle's idea of social justice is formulated as "equal shares to equals, unequal shares to unequals" (Raphael, 2001, p. 44). However, we must note that the notion of equality, in Aristotle's account, refers to something quite different from what we call as equality today. In his approach, equal individuals are considered as those who are equal in terms of their status in the society, meaning that citizens are equal with citizens, non-citizens with non-citizens, slaves with slaves and women with women. Moreover, it should also be pointed out that Aristotle did not consider that justice should include the notion of "equal rights". Instead, he underlined the approach of "right proportion" which does not always mean equality (Russell, 2004, pp. 169) in contemporary meaning of the idea of justice. In this context, we can interpret that Aristotle, in line with ideas of Plato, thought the social justice under the upper heading of the notion of desert or what individuals deserve according to their societal status. Briefly, Aristotle's contribution to the idea of justice can be pointed out as two major ideas as the one that distinguished what we today call "criminal justice" from the "social justice" and the one that extending the idea of justice towards the idea of equality although he used the term of equality to emphasize equality between those who have equal societal status.



Aristotle

Aristotle is considered as one of the founding fathers of the Western Philosophy. He is considered as the preliminary philosopher, who made a distinction between legal justice and social justice that is an idea specified as the beginning of the political philosophy by some scholars. The scope of Aristotle's scientific research is astonishing. He made contributions to logic, metaphysics, mathematics, physics, biology, botany, ethics, politics, agriculture, medicine, dance and theatre. Aristotle does not regard politics as a separate science from ethics, but as the completion, and almost a verification of it.

Figure 8.1 Aristotle (384 BC – 322 BC)
Source: https://upload.wikimedia.org/wikipedia/commons/a/ae/Aristotle_Altemps_Inv8575.jpg

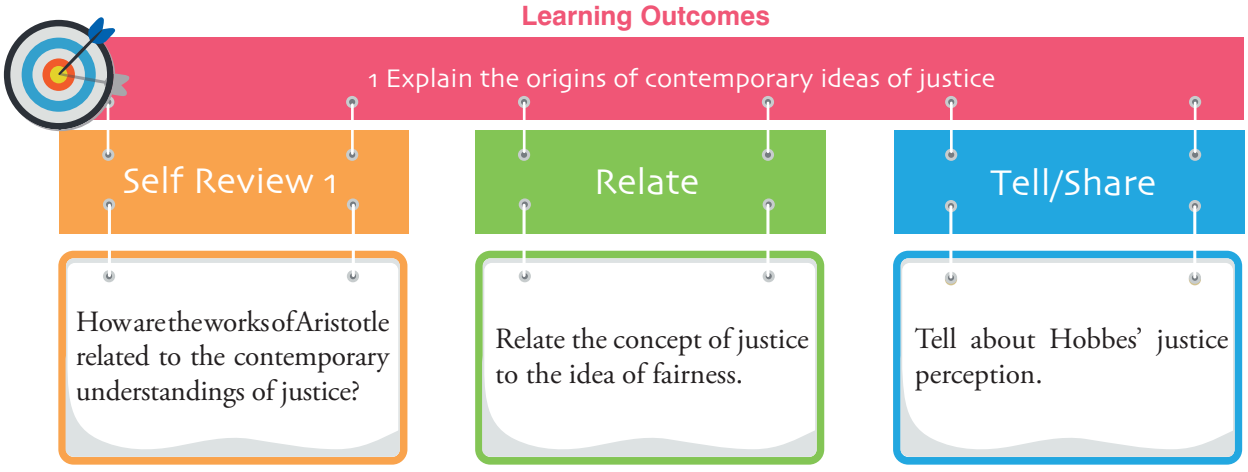
It is important to be aware of that "neither Plato nor Aristotle held that justice was a matter of individual rights" (Ryan, 1993, p. 3). The introduction of the concept "rights" to the issue of justice took seven centuries after Aristotle. In the corpus of Roman Law, it is the first time in the history of political thought that justice was defined in relation to individual's rights. The Roman law includes a dictum that is *"iustitia est constans et perpetua voluntas ius suum cuique tribuendi"*, meaning that "justice is the constant and permanent will to render to each person what is his right". This normative definition is followed by two further principles of the Emperor Justinian's (A.D. 483-565) "Justinian Code" as *"iuris praecepta sunt haec: honeste vivere, alterum non laedere, suum cuique tribuere"*, meaning that "the precepts of what are rights are these: to live uprightly, to do no harm to others, to render to each person what is his right" (Raphael, 2001, p. 56; see also Scott, 2001, p. 211). It is worth to note that although the dictums mentioned above are too ambiguous, they are still remarkably important due to being the first attempts of introducing the concept "rights" to the idea of justice in the history of political thought.

After the Justinian Code was introduced to the idea of justice, any authentic approach had not been developed for a long time. As Adelson (1995, p. 31) notes, "while new ideas of representative government were being developed during the course of Middle Ages, those ideas did not lead to a concept of social justice". Such scarcity initiated to disappear with the development of authentic and comprehensive perspectives concerning to idea of justice within the fruitful political atmosphere of early 17th century. Among others, English philosopher Thomas Hobbes' famous work of *Leviathan* (2009 [1651]) can be pointed out as one of the first fruits of the plenteous ground of 17th century's political thought where new authentic ideas towards the idea of justice and equality found an opportunity to flourish.

In fact, roots of quite a number of contemporary political ideas of political thought can be found out in Hobbes' *Leviathan*. A particular place was also given to a normative idea of justice in Hobbes' work of *Leviathan*, albeit in a bit obscure way that requires us to approach it an interpretive way. According to Hobbes, justice is to obey the rules of covenant. Instead of directly define what justice is, he discusses in the *Leviathan* about injustice, claiming that "injustice is no other than the not performance of covenant. And whatsoever is not unjust is just" (Hobbes, 2009 [1651], p. 124). In Hobbes' account, where there is no commonwealth, there is no propriety either. This is because "all men having right to do all things" in there, which means there is nothing unjust or just (Ibid. 125). Therefore, where there is commonwealth, the only condition to set up the justice is to keep the covenant valid. However, what is just in Hobbes does not mean what is called as fair. This is because of that to obey the rules of a valid covenant can be just; however the covenant itself may be unfair. Therefore, justice is discussed in Hobbes within the realm of contractual order. This can be interpreted as to obey the rules of the authority. Such an emphasis in Hobbes's theory highlights the concept of "responsibility" of either an individual or the commonwealth to obey the rules of contract.

However, absence of moral dimension in Hobbes' justice perception was noticed by Scottish philosopher David Hume who broadened Hobbes' approach to the idea of justice in his book called *A Treatise of Human Nature* (1966 [1751]). Hume claimed that a promise, for example obeying the

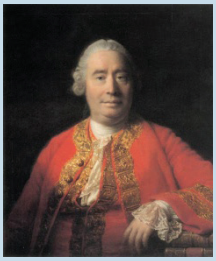
rules of contract, which was seen as the basis of justice by Hobbes would be intelligible, and even if it is intelligible, it would not be attended to any moral obligation (Hume, 1966 [1751], p. 219). So, Hume takes the attention to the moral dimension of a covenant, from which it can be inferred that Hume took an attention to the idea of fairness. In fact, such emphasis of Hume was the first of its kind that the idea of fairness was attempted to be introduced to the theory of justice. However, Hume moved beyond criticizing Hobbes in terms of flawed nature of covenant and proposed that aiming to increase the "public utility" is the essence of just action/decision. In this regard, according to Hume, public utility is considered as the primary point of focus for all societies that aim to be just. Hume's emphasis on the public utility as the essence of just society has led to the emergence of one of the most influential perspectives of social justice that is today known as the utilitarian model of social justice.



UTILITARIANISM: CONSEQUENTIALIST, WELFARIST, AND AGGREGATIVE IDEA OF JUSTICE

As a philosopher who paved the way heading towards one of the most influential theories of social justice, namely utilitarianism, David Hume is today given a prominent place in not only discussions regarding social justice, but quite a number of different subjects too. According to Hume, justice is a device to ensure the sustainability of social order. In this regard, justice, Hume's account, was first and foremost concerned to the system of property; and injustice in a given society could be associated with the circumstances in which some groups acquire more than others (Campbell, 2010, pp. 14-15). Therefore, Hume considers on the possibility of an egalitarian society into two forms. The first one is the existence of a society without property, meaning that there is no one who holds a property on his own. Setting up such a society, according to Hume, could only be achieved under two conditions: (a) An abundance of goods satisfy to human demands and (b) Unlimited generosity that everyone is freely given what they need. However, because of human selfishness, diverse wishes and aspirations, emergence of new tastes, and human craving for luxuries, Hume believed that the first form of societal organization could not have been achieved. Therefore, he asserted a second system of social order in which he supported the continuity of the private property that was protected by the legal order which was assigned with a duty of distributing the properties based on the overall interest of the public. However, in this system, it would have been impossible to prevent inequalities that quite possibly would emerge because of humans' unequal capacities, talents or conditions. On the other hand, if the private property was prevented, the incentive to work would be lost and society would face with a danger of falling into the extreme poverty (Miller, 1976, p. 168). This second form of societal organization in Hume account would apparently not be egalitarian at all. However, at the very substance of Hume's second system, the idea was that instead of whole society fell into an extreme indigence, some degree of inequality within the system could be acceptable. Therefore, in his famous work, *An*

Enquiry Concerning the Principle of Morals, he defended the idea of public utility, claiming that "public utility is the sole origin of justice" (Hume, 1998 [1751], p. 13). Briefly saying, together with Hume, we started to consider the concept of fairness and public utility as the essence of justice.



David Hume

Scottish philosopher David Hume paved the way toward the idea of utilitarianism. He is also known for his influence on the Western Philosophy, especially through the idea of empiricism, scepticism, and naturalism. He was sceptical to most of the philosophical subjects. He questioned common notions of personality, general beliefs of miraculous events, general understanding of reasoning and so forth. In political theory, Hume has both theoretical discussions on the origins of government and more informal essays on popular political controversies of his day. He was sceptical even in his political philosophy. He criticized two common conceptions of his day: the social contact approach and the instinctive nature of justice regarding the private property.

Figure 8.2 David Hume (1711 – 1776)

Source: https://commons.wikimedia.org/wiki/David_Hume#/media/File:David_Hume.jpg

Hume's emphasis on the public utility as the focal point of justice in a society has led the emergence and spread of the utilitarian perspective in the literature of not only social justice, but also economics, administration, politics, law as well as diplomacy. Influencing political ideas and distributive patterns dramatically in the 17th and 18th centuries, utilitarianism has become one of the most influential perspectives of social sciences. Similarly, the utilitarian account of social justice is also quite important and considered as one of the major perspectives in the literature of social justice today. Pioneers of the classical utilitarian account of social justice are considered as British reformist philosopher Jeremy Bentham and British philosopher and political economist John Stuart Mill, both of whom are pointed out among the most influential scholars of social sciences.

It can be said that Bentham and Mill gained a more systematic form to the initial perspective of Hume who considered the just and good action in relation to its possibility of leading to increase the public utility. The question of how the utility should be assessed is answered through an emphasis on the happiness in the utilitarian account. This means that justness of an action, a decision, or a policy is evaluated to the extent of happiness that it yields for the society. In other words, in utilitarian account of justice, utility is translated into the form of happiness and social justice is evaluated according to the happiness of society. Therefore, it can be said that increasing overall public utility is considered as increasing public happiness in the utilitarian account. In line with such a perspective that considers utility as happiness, utilitarian model of social justice of Bentham and Mill advocates the proposition of "the greatest happiness for the greatest number of people" (Campbell, 2010, p. 116). This demonstrates its majoritarian characteristics. In other words, instead of focusing on every individual's level of happiness, it advocates to focus on overall happiness of society. This, as can be seen as a maximalist approach that claims "rules of justice have to lie in the way that they promote the greatest possible quantity of happiness" (Ryan, 1993, p. 12). Bentham, for example, argues that "approves or disapproves of every action whatsoever, according to the tendency which it appears to have to augment or diminish the happiness of the party whose interest is in question: or, what is the same thing in other words, to promote or to oppose that happiness (Bentham, 2005 [1789], p. 11-12). In this context, utilitarianism considers justice in accordance with the aggregative interest of the society. Hence, it is considered as aggregative theory of justice (Miller, 1976, p. 32).

Important

According to the utilitarian approach to the idea of social justice, a just society is associated with the perspective that the common interest of the society is taken as the prevailing criteria in decision, actions, or policies of the ruling authority.

The modern form of utilitarian logic, in essence, does not much differ from its classical definition that is mostly discussed in line with Bentham and Mill's works. The focal point of justice, in other words, the essence of justice in the contemporary utilitarian perspective is also the aggregate utility. Roughly speaking, it is the total utility or happiness that is taken into account. Civic, political and social rights of individuals, on the other hand, are considered secondary. Briefly looking at the classical and contemporary utilitarian perspective of social justice, we can point out three characteristics to define it: The first is its consequentialist or Machiavellian nature according to which, every choice must be judged with respect to consequences that they generated. The second component is its economic welfarism restricting every potential attempt assessing justice to utility or subjective well-being of people that is happiness, but with no direct attention to the violation of civic, political and social rights of individuals. The third one is its sum-ranking calculus, which requires that the utilities of different people are simply summed together to reach their aggregate merit, but with no attention on the actual distribution of that utility among individuals.

There are quite a number of problems in such perspective of social justice. First, it is consequentialist essence that proposes to advocate focusing on outcome in a sense that if the action, decision or policy yields happiness or not ignores the process in a sense that how this outcome is achieved. This is a sort of Machiavellian perspective that refuses the importance of process passed prior to reach such culmination. Such a consequentialist characteristic of utilitarianism aims to enhance human welfare or happiness in a way that ignores the ethical concern regarding how this outcome is reached. The question such as "is it legitimate to draw on any means to cultivate the aimed ends?" is overlooked or left unanswered in the utilitarian account of social justice. The second problem about utilitarian account of justice is associated with its welfarist characteristic that advocates focusing on a subjective well-being of individual, namely their happiness, to assess if the action, decision or the policy proposed is just or not. However, individuals' happiness can be distorted by structural inequalities. For example, a person who is in destitute can easily be turned into a happy individual with small supports and reliefs while her/his destitution still exists. The third problem is associated with the utilitarian account of justice's aggregative characteristic that advocates focusing on sum-total output instead of focusing on how much each person gets from the total output. This illustrates the blindness of the utilitarian account to intra-group distribution of resources. For example, the utilitarian account of social justice focuses on total output produced within a society, but pays an insufficient attention to how this total output is distributed among the individual members of that society. Thus, such a characteristic of it renders the utilitarian account of social justice into a perspective that is insensitive to the intra-groups inequalities.

Learning Outcomes

2 Identify the utilitarian approach to social justice through the works of founding fathers of utilitarianism

Self Review 2	Relate	Tell/Share
How did Hume consider the egalitarian society?	Relate the utilitarianism to the egalitarian theory of justice.	Tell about the idea of public utility in Hume's philosophy.

LIBERTARIANISM: PROCESS-ORIENTED, ENTITLEMENT AND INDIVIDUAL-FOCUSED IDEA OF JUSTICE

Different from the utilitarian model of social justice that advocates giving priority to the aggregative interests of society, the libertarian model of social justice highlights importance of certain inalienable rights of individual, such as earning and holding the private property. Utilitarian scholar Bentham's proposition that stresses the priority of taking aggregative interests of society in consideration is in fact not only problematic in terms of ignoring the importance of eliminating intra-group inequalities, but also questionable in terms of putting the overall interests of society in front of what is called as "rights of a man". In case of conflicting interest of individual with the overall interest of society, the utilitarian model that is originated in the idea of public utility chooses to take side next to the overall interests of society or public. In such cases, the question of how certain rights of individuals can be protected when they are in conflict with the overall interest of society arises for the utilitarian model of social justice. For example, should we seize the individuals' private property earned through their labour and skill if such an action potentially yields a greater good for the rest of society? If yes, how are we going to justify seizing fruits of individuals' labour and skill? This problematic nature of utilitarianism was noticed by J. S. Mill who was the successor of Bentham. Mill, in fact, can be seen as a philosopher who was a bridge between advocators of classical liberal views and utilitarian scholars who put the overall interest of society ahead. He was well-aware about the fact that some attempts securing just action while aiming to maximize overall interest of the public can easily be in conflict with the liberal rights of individuals and, hence, with the liberal consideration of just action, decision or policy (Ryan, 1987, p. 52).



Important

The difference between the utilitarian and libertarian accounts of social justice is based on the priorities of each conception. Libertarianism highlights the importance of certain inalienable rights of individual whilst utilitarianism attaches priority to the aggregative interests of society with a perspective putting the individuals' rights at the second row.

Mill thought that there was no possibility to increase the sum-total expediency of the public while rights of individuals were ignored. To sort out the potential conflicts between individuals' rights and society's overall interests, he identified six different sets of actions that could, according to him, help to identify what (un)just actions could be. The first set was composed of legal rights that everyone should respect and be equally entitled to. However, justice can not be limited to the the written legal rights given everyone equally due to the fact that different individuals' ability to draw on these rights can vary greatly. Therefore, he moved to identify the second set of actions that were constitutive logic of moral rights which could secure the just action in case of legal rights were insufficient to do so. The third set referred to a vague form of the idea of justice as desert, proposing that each person should obtain whether good or evil what s/he deserved, which was put by Mill as "unjust that he should obtain a good, or be made to undergo an evil, which he does not deserve" (Mill, 2007 [1863], p. 41). The fourth set was more or less the same with what Hobbes had discussed within the *Leviathan* that was, in terms of justice, about keeping the promises in the covenant. In line with Hobbes' view, Mill also agreed that it could be unjust to break the rules of a covenant or to violate an agreement. The fifth set was about the idea of impartiality. Nepotism or giving an unjustified privilege to a person over another is inconsistent with the very essence of the action that is deemed to be as just. The last set was about equal rights accompanied by the fifth set of actions and given to everyone equally. Mill considered the utility as the criterion of just or unjust situation (Ibid. 38) that was, according to him, needed to be assessed within the realms of such sets of action in case of conflict between individual's rights and overall interest of the public. Although, Mill's conceptualization suffered from the absence of no clearly apparent feature shared by all six sets (Raphael, 2001, p. 128), it still allows the interpretation that justice is to treat people in accordance with their rights that society in which they live should protect. Thus, according to him, overall fundamental interest of the public has potential to enhance (Campbell, 2010, p. 30).

Mill's perspective, in some respect, illustrates what we call as liberal utilitarianism today. The liberal utilitarianism shares some resemblances with what Adam Smith had written in his eminent work, *An Inquiry into the Nature and the Causes of the Wealth of Nations*, around the well-quoted concept of "invisible hand". Smith pointed out that by pursuing their own interests, everyone could consistently contribute to the overall utility of the society more effectually than when they only intend to promote that of themselves (see Smith, 2009 [1776], p. 264). Liberal utilitarianism evokes more or less the same content illustrated by Smith's assumption through the concept of invisible hand. It claims that, in a just society, every person has a suitable liberal character which is committed to the quantitative and qualitative judgements associated with the liberal utilitarianism in which every person is a liberal "moral guardian" who correctly judges gains or losses of different kind of utility by respecting libertarian rights of every other person (Riley, 1988, p. 102). Obviously, such assumption consists of an antecedent affirmation of the "enlightened self-interest" (see, Tocqueville, 2004 [1835], pp. 610-3) that refers to the provisory assumption of that if a person acts to enhance others' self-interests, then s/he ultimately serves for her/his own interests, which renders taking the authoritarian measures unnecessary for the sake of majority.

Important

Although the contemporary form of the libertarian view on social justice has been greatly inspired from the works of classical liberals such as Adam Smith, it can also be argued for that the classical utilitarian view has also borrowed from the works of founding fathers' of classical liberalism such as as that of Adam Smith.

Mill and Smith's arguments along with other classical liberals paved the way for the contemporary libertarian idea of justice whose main proponents are pointed out as F. Hayek and R. Nozick. Contemporary libertarian approach to justice primarily focuses on the protection of liberal rights of individual, let alone the perspective of that protecting rights of individual serving for increasing the public utility or not. In this view, the liberal rights that should be protected are in essence identified as rights for the private property, ownership, or holding; and the discussion is mainly maintained in relation to the re-distribution of wealth and value in society through the taxation policies. It would not be, in this regard, a complete mistake to claim that libertarian model of justice does not primarily sustain the discussion in general realm of liberal rights including freedom of speech, equal rights in elections, right to assemble and so forth, but particularly around the rights of individual possessing or owning the private property and her/his command over the properties that they ought to be entitled to hold. Therefore, justice, according to the libertarian scholars, is a term that is mostly associated with the economic liberty, individuals' commands over their property and freedom from taxation regimes.

Libertarians, such as F. von Hayek, deny the prefix of "social" in front of the concept of "social justice" since it, according to him, presupposes regulation, in other words re-distribution of wealth and value through taxation regimes, within the market that is supposed to distribute the value in the most just form on its own; and there is no justice in any re-distributive policy, or regulation, that pre-requisites society's interests primarily. According to him, anything that pre-requisites social concerns in distribution of wealth and value is a form of authority threatening the freedom, or liberty, of individual. The prefix of social in front of the common concept of "social justice", according to the view of Hayek, has been introduced by man to intervene the natural order of the free market that has in fact ability to distribute all wealth and value in a just form. Therefore, he claims that "in a society of a free man, the concept of social justice is strictly empty or meaningless" (Hayek, 1976, p. 68).

The reason behind why Hayek rejects the idea of "social" is in fact associated with that anything that is social evokes the attempt of redistribution that intrinsically pre-supposes intervention of the state, an organised mechanism of man, to the spontaneous order of the market that allocates all resources, benefits and burdens in line with the natural law that is just. Since, under the ideal free market conditions, the market itself allocates all (un)desirable outcomes in the most just form,

human intervention to the market is a patterned attempt that unjustly regulates the working mechanism of the natural market order. This is a view in line with the hypothetical "hidden hand" metaphor of Adam Smith assuming that market regulates itself in a perfect form without any intervention from outside due to its compatibility of the natural law. Affirming that the spontaneous order of the market that distributes all wealth and value in the most just form means that the market distributes everything desirable or undesirable in accordance with the natural justice. In this view, every individual is granted with what s/he deserves. It is assumed, for example, that if a person in the free market is poor, then s/he deserves to be poor due to laziness or being in lack of necessary skill. If a person is rich, then s/he deserves to be rich due to her/his hard-working and his valued skills in the market. This is to say that such a view inevitably sees individuals as fully-responsible for their own actions. In another words, given conditions of poverty and inequality, the poor are responsible of their own decisions, actions and, thus, conditions. If some people are poor, this does not necessarily mean they are "victims" of the social structure. But, they are rational actors who deserve undesirable outcomes of their choices, action or decisions that have turned them into a poor individual.

Even though Hayek denies the term of "social" as a prefix in front of "social justice", this does not mean that all libertarians have kept themselves outside of discussions on what we call social justice. One of these is Robert Nozick who is the leading figure of the contemporary libertarian model of social justice. Nozick's theory of entitlement primarily focuses on individuals' holding of private properties and is established on three principles as follows:

- If a person acquires a holding in accordance with justice, then this person is entitled to this holding.
- If a holding transferred to a person from someone else entitled this holding before and, thus, acquired by this person in accordance with justice, then this person is entitled to this holding.
- Anyone is entitled to a holding unless the implications of principle one and two (Nozick, 1974, p. 151).

The first principle arranges individuals' acquisition of holdings while the second one indicates justice in a voluntary transfer such as inheritance of property from parents to an offspring, together which secure the holding of private property. According to Nozick's theory, securing private property and establishing social justice altogether can be accomplished only giving the precedence to the formula that "from each according to what he chooses to do, to each according to what he makes for himself (...) and what others choose to do for him and choose to give him" (Ibid. p. 160). According to this principle, if a person chooses to do something, the justice is that s/he should be entitled to outcomes of her/his actions, regardless of that if such actions are desirable ort undesirable for him/herself. In this sense, it can be stressed that libertarian model of justice highlights "individual responsibility". For instance, under the condition of poverty, poor are not seen as "victims", rather as "rational actors" who deserve their particular poor conditions as a consequence of their own responsibility (Lister, 2004, pp. 127-8).

Nozick illustrates his view of libertarian model of social justice that is against the redistributive policies through earnings of Wilt Chamberlain, a famous basketball player of 1970s (see Nozick, 1974, pp. 102-3). For instance, if the talented basketball player of 1970s, Wilt Chamberlain, signed a contract in exchange for his skill and labour for a team, and his fans are willing to pay to watch him, for Nozick, this is a just transaction even though "Chamberlain winds up with (…) a much larger sum than the average income and larger even than anyone else has" (ibid. 161-2). Further, according to Nozick, redistributing through taxation of earnings that Chamberlain has acquired by his skill is unjust since re-distributing his earning to those who did not contribute to the production of it actually constitutes a theft. As Buchanan and Mathieu (1986, p. 35) puts it, Nozick claims that "to force anyone to contribute any part of his or her legitimate holdings to the welfare of others is the violation of that person's property rights, whether it is undertaken by private individuals or the state. On this view, coercively backed taxation to raise funds for welfare programs of any kind is literally theft". Nozick stresses that the "taxation of earnings from labour is on a par with forced labour" (ibid. 169) and constitutes a violation of individual's liberty. This is a view that

justifies inequalities in outcome as long as these inequalities occur in a process beginning of which everyone is equally entitled to the same rights. This view is in fact originated in the moral argument of John Locke's self-ownership (see Locke, 1689 [1956], Ch. 5), which claims that everyone should be entitled to the fruits of their own labour and skills. Similar to this, Nozick also argues for that everyone should be entitled to the rights to hold properties that they acquire through their skills and labour, and to exchange the products of their labour and skills in the market.

To sum up, the libertarian view puts forward its own conceptualization on social justice around individual responsibility and entitlement towards acquiring, transferring and holding private property, which all of them illustrate an approach of social justice in terms of individual's merit and desert. It rejects the intervention to the spontaneous order of market that is assumed to work so as to distribute all desired and undesired goods perfectly just on its own. The main characteristic of just society is considered as the one in which everyone is equally entitled to the rights of acquisition, transfer and holding private properties. If a person earns much more than others through drawing on such equal rights, this is a legitimate inequality since all of them were equal at the beginning of the process in being entitled to these rights.



Reading Text

"Taxation of earnings from labour is on a par with forced labour. Some persons find this claim obviously true: taking the earnings of n hours labour is like taking n hours from the person; it is like forcing the person to work n hours for another's purpose. Others find the claim absurd. But even these, if they object to forced labour, would oppose forcing unemployed hippies to work for the benefit of the needy. And they would also object to forcing each person to work five extra hours each week for the benefit of the needy…

The man who chooses to work longer to gain an income more than sufficient for his basic needs prefers some extra goods or services to the leisure and activities he could perform during the possible nonworking hours; whereas the man who chooses not to work the extra time prefers the leisure activities to the extra goods or services he could acquire by working more. Given this, if it would be illegitimate for a tax system to seize some of a man's leisure (forced labour) for the purpose of serving the needy, how can it be legitimate for a tax system to seize some of a man's goods for that purpose? Why should we treat the man whose happiness requires certain material goods or services differently from the man whose preferences and desires make such goods unnecessary for his happiness? Why should the man who prefers seeing a movie (and who has to earn money for a ticket) be open to the required call to aid the needy, while the person who prefers looking at a sunset (and hence need earn no extra money) is not? Indeed, isn't it surprising that redistributionists choose to ignore the man whose pleasures are so easily attainable without extra labour, while adding yet another burden to the poor unfortunate who must work for his pleasures? If anything, one would have expected the reverse. Why is the person with the nonmaterial or non-consumption desire allowed to proceed unimpeded to his most favoured feasible alternative, whereas the man whose pleasures or desires involve material things and who must work for extra money (thereby serving whomever considers his activities valuable enough to pay him) is constrained in what he can realize?" (Quoted from Robert Nozick's famous work of the *Anarchy, State, and Utopia*, 1974)

From an egalitarian perspective, three main concerns against the libertarian perspective can be noted. The first one is to give complete priority to liberal rights, especially to those securing private property. Basic and the most crucial human needs, such as being well-nourished, basic health, being literate and escaping from avoidable mortality, cannot be ignored on the grounds of priority of libertarian rights. Secondly, to give libertarian rights an uncompromising priority, as Nozick does in his theory, can be problematic because actual consequences of operationalization of these entitlements can possibly cause inequalities in terms of economic advantage and, in turn, these inequalities have potential in leading to unequal

distribution of political power. The third concern is about libertarian opposition to the redistributive practices by taxation. From an egalitarian perspective, it is claimed that libertarians overlook the social characteristic of taxation since tax is not always paid to support the needy. On the contrary, it is usually paid so as to contribute to the public budget as a social investment that aims to help society to sustain.

Learning Outcomes



3 Clarify the conceptions of libertarian model of justice through the works of classical and contemporary figures of libertarian perspective

Self Review 3	Relate	Tell/Share
What are the different sets of actions that could help to identify (un)just actions according to Mill?	Compare the liberal utilitarianism of Mill with political economy of Adam Smith.	Tell about the contemporary libertarian idea of justice in terms of what it proposes to be drawn on in assessing justice in a society.

JUSTICE AS FAIRNESS: RAWLSIAN MODEL OF SOCIAL JUSTICE

In line with the definition that Michael Young provided in his famous work, namely *The Rise of the Meritocracy* (1958), some define merit as "intelligence and effort". Drawing on a meritocratic perspective, the libertarian model of social justice claims that inequalities are legitimate if they are outcomes of differences based on merit. This means that unequal distribution of wealth, or any type of value, in outcome is legitimate since justice is to give people their due and those dues are different and subject to change according to commitment of people or their endeavour to achieve a particular subject. As discussed above, one of the most striking points of Nozick's approach to social justice is about its meritocratic justification of inequalities. It briefly claims that if a person, for example Wilt Chamberlain, is a talented person and earn money, power or reputation through her/his talent, this is a just earning that anyone cannot seize through, for example, taxation. In such case, if you impose any tax on this person's earning, then you in fact punish her/him due to the skill that the person holds. This is in essence a meritocratic perspective that justifies inequalities in outcome based on merit.



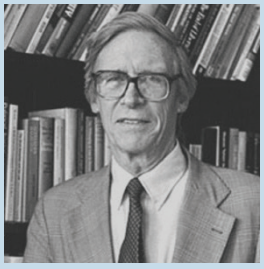
Important

Merit-focused inequalities can be seen as "natural" and fair inequalities. But this perspective is also criticised, due to fact that those merits are gained within a social environment, which is not equal. Thus inequalities that are based on natural distribution of merits cannot be fair.

However, as some egalitarians point out, merit does not occur on its own. But, it is derived from people's class-background. For example, Marshall *et al* (1997) examine social mobility chances of individuals who are from different social backgrounds to move upper positions in the social class structure. By this examination, they indirectly scrutinize the meritocratic defence of class inequalities claiming that the current social class system allows individuals to move upper positions in the class structure if they demonstrate enough commitment. It can be observed that Marshall and his colleagues' aim is to investigate whether current class inequalities and social mobility chances are reflections of a meritocratic characteristic of the system or not. They take educational success of

British people as an independent variable to ask about to what extent the merit of educational attainment has an influence on social mobility of individuals in the social class structure categorized according to the occupations that individuals hold. They found that even though people have the same or proximate merits in terms of educational success and participation, inequalities in outcome still persist due to class origin that has a substantial impact on class destination rather than "intelligence and effort". This finding falsifies the idea that inequalities in occupational types arise due to the differentiated merits of individuals in British context, and illustrates that they primarily take shape in relation to class origin of individual. This finding was in fact theoretically pointed out by famous British sociologist Townsend who claimed that "in general, access to occupational class tends to be a function of class origins and family wealth" (Townsend, 1979, p. 921). In this regard, although meritocracy can be just system of distribution of wealth and value, it can turn into being an unjust model of distribution in classed-societies due to the nature of what we call as merit originated in people's class origin.

John Rawls, who is one of the greatest political scientists of the 20th century, was aware about the fact that meritocracy on its own can lead to maintain the existing class inequalities originated in people's social backgrounds. Developing a comprehensive theory of justice known as "Justice as Fairness", Rawls provided an approach that pays great attention to both liberal and egalitarian concerns embedded in the literature of social justice.



John Bordley Rawls

John Rawls is not only one of the prominent political scientists of the 20th century but also a great moral philosopher within the liberal tradition. His publication, A Theory of Justice, is recognized as the contemporary re-birth of the normative political philosophy. In that opus, he admits utilitarianism as his principal opponent. The utilitarian idea, as Rawls confronts it, is that society is to be arranged so as to maximize (the total or average) aggregate utility or expected well-being. Indeed "justice as fairness" is a formulation of principles of justice against to the utilitarian moral approach. Hereby, Rawls puts two principles and divides the second principle in two parts, as explained above.

Figure 8.3 John Bordley Rawls (1921 – 2002)

Source: http://www.philosophers.co.uk/john-rawls.html

It can be said that Rawlsian model of social justice has dominated discussions on social justice during the last four decades. Different from the utilitarian and the libertarian models that seek for equality in subjective well-being of happiness and entitlements respectively, it seeks for fairness to solve the problems of the wealth distribution. It does so by drawing on some hypothetical devices of impartiality that Rawls terms as the "original position" (Rawls, 2003, pp. 15-9) and the "veil of ignorance" (ibid. 118-23). To decide on the principles of justice that should govern the process of distribution, Rawls invites parties to join a discussion in their "original position". The original position refers to a hypothetical position of primordial equality in which parties stand behind a veil of ignorance where they have no knowledge of their own societal positions (for example, their social class and statue, natural assets and abilities, their life plans and conception of the good, cultural belonging, or generation), except that of "the general facts about human society" (for example, certain degree of knowledge of political affairs and economic theory, the basis of social organization and the laws of human psychology). Rawls' aim in this endeavour is to introduce a hypothetical state of affairs that aligns his theory with the moral principle of political liberalism that does not favour any normative conception of the good. When parties are in an "original position", they do not have any interest to favour any one particular conception of the good or to pursue any type of vested-interests. Therefore, they are unconstrained to specify "rational" and, in Ralwsian sense, "fair" principles of justice. According to Rawls, these would inevitably result in the following principles:

- Each person has an equal right to a fully adequate scheme of equal basic rights and liberties, which scheme is compatible with a similar scheme for all.

- Social and economic inequalities are to satisfy two conditions:
  - First, they must be attached to offices and positions open to all under conditions of fair equality of opportunity;
  - Second, they must be to the greatest benefit of the least advantaged members of society" (Rawls, 1985, p. 227).

Rawls assumes that once this schema is asked to parties, all of them are going to agree to lexically introduce these principles. This means that the second principle, for instance, only can into play insofar as the first principle is satisfied. Rawls in here considers the first principle, which guarantees basic political liberties (for example, freedom of speech, right to vote, freedom of association, and so forth) for everyone, having priority over the second principle, which arranges distributions in power and wealth in line with a meritocratic view and some egalitarian concerns. According to Rawls, a just society is one where these principles are applied to the basic institutional structure of the society to fairly distribute the "social primary goods" that are, according to Rawls, "things that every rational man is presumed to want (…) whatever a person's rational plan of life" (2003, p. 54) and as the "all-purpose means that are necessary (…) to pursue their determinate conceptions of the good" (2001, p. 57).

Rawls identifies five categories of primary goods. These are pointed out as basic rights and liberties; freedom of movement and free choice of occupation; powers and prerogatives of offices and positions of authority and responsibility; income and wealth; and the social bases of self-respect (Rawls, 1993, pp. 308-9). The basic political liberties that should be distributed everyone equally according to the first principle are "freedom of thought and of political speech, freedom of the press, freedom of assembly and the right to vote and to hold public office" as political liberties. Liberty of conscience and freedom of association include also freedom of religion. Freedom and integrity of the person refer to "incompatible with slavery and serfdom" and "include freedom from psychological oppression, physical injury and abuse, as well as freedom of movement and right to hold personal property (not including rights to inheritance; right to hold personal property in means of production and natural resources, or rights to share collective control of means of production and natural resources)". Lastly, the rights covered by the rule of law includes "protection from arbitrary arrest and seizure, habeas corpus, the right to a speedy trial, due process and uniform procedures conducted according to publicized rules" (see Pogge, 2007, pp. 82-105).



In Rawlsian perspective of social justice, just action is considered in terms of institutional arrangements of society, which differs from perspectives that point out justice as "virtue of individuals" that is originated in Plato's work as well as libertarian account of justice that emphasizes individual's responsibility in undesired outcomes, such as being poor, and deserved privileges, such as being a rich person.

One of the distinctive characteristics of the Rawlsian approach to social justice is associated with its institutional perspective. In Rawls' approach, justice is considered as a "virtue of institutions" (Rawls, 2005 [1971], p. 586) whilst the libertarian view considers it as "virtue of individuals" with the purpose of defining just action in the realm of individual's rational choice. However, Rawls claims that this view cannot cope with the complexities of modern society. An individualistic approach to just action explains, for instance, deprivation of individual in terms of her morally faulty conduct, while institutional moral analysis focuses on basic social structure of society as a primary force driving people to unjust actions (see Fleurbaey *et al*, 2008, pp. 4-5). Therefore, Rawls' view on justice is not a comprehensive moral doctrine, but a political conception to apply the basic structure of society (see Rawls, 2001, p. 12). Rawls maintains such institutional analysis through borrowing the concept of "well-ordered society" from Aristotle. By the concept of well-ordered society, he emphasizes the necessity of institutional moral analysis. In the well-ordered society, it is assumed that public criteria of justice are accepted by everyone. Its basic structure, main political and social institutions as well as how they are working compatibly with each other are known by public. Besides, its citizens are

assumed to have an effective sense of justice. By this way, people can live compatibly with these basic institutions (Rawls, 2005 [1993], p. 35).

Lastly, it is crucial to point out how the principle of justice that Rawls specifies operates and distributes the social primary goods. In Rawls' well-ordered society, the first two categories of the primary goods are equally guaranteed to everyone due to the first principle having priority over the second principle. Following this, everyone is given an equal chance to access the third category of primary goods based on the first part of the second principle. It is only after these conditions are satisfied that the second part of the second principle, namely "the difference principle", that aims to compensate disadvantages of those who are worse-off by redistributing the fourth category of primary goods, namely income and wealth, can come into play. It is worth noting that the difference principle exclusively aims to compensate economic disadvantages, since "in a well-ordered society where all citizens' equal basic rights and liberties and fair opportunities are secure, the least advantaged are those belonging to the income class with the lowest expectations" (Rawls, 2001, p. 59). In the end, people will have been treated fairly. Hence, secure the fifth group of social primary goods, namely the social bases of self-respect.

Learning Outcomes

4 Discuss the Rawlsian model of social justice known as justice as fairness

Self Review 4	Relate	Tell/Share
What does the concept of the original position mean?	Relate the idea of justice to the institutional perspective of Rawlsian model of social justice	Tell about the "fair" principles of social justice according to Rawls' account of justice

THE CAPABILITY APPROACH: A FREEDOM-BASED IDEA OF SOCIAL JUSTICE

Rawls' idea of justice as fairness is a comprehensive political idea of justice that has taken a great interest from quite a number of political scientists in our era. Among others, Amartya Sen, a Nobel laureate economist and philosopher, also discussed on the Rawlsian idea of justice extensively and pointed out several criticisms.

First of all, Sen criticizes Rawls with giving priority to the liberal rights over the economic ones. Sen asks, "why should we regard hunger, starvation and medical neglect to be invariably less important than the violation of any kind of personal liberty?" (Sen, 2009, p. 65). He continues, "it is indeed possible to accept that liberty must have some kind of priority, but total unrestrained priority is almost certainly an overkill" (Ibid). Second, Sen points out that the Rawlsian model of social justice is a transcendental one (Sen, 2009, pp. 8-10; 2008, pp. 336-7) that makes it difficult to apply on the face of everyday problems of injustice. Third, he also criticizes Rawls' focus on the means of good living instead of on the "actual living that people manage to achieve" (Sen, 1999, p. 73; see also Sen, 1992, p. 84). This criticism is in fact the primary criticism of Sen to Rawls. Sen reminds the distinction between the means and ends of good living. He stresses that "Rawls takes primary goods as the embodiment of advantage" (Sen, 1979, p. 216). In other words, Rawls presupposes that equal holdings of primary goods yield equal advantage in achieving a good life. However, the different social and personal characteristics of people lead to considerable interpersonal variation in their conversion of primary goods and, bring inequalities in the achievement of people's own conception of a good life. As an example, "in the context of inequality

between women and men (…) biological as well as social factors (related to pregnancy, neonatal care, conventional household roles, and so on) can place a woman at a disadvantage even when she has exactly the same bundle of primary goods as a man" (Sen, 1990a, p. 116). Therefore, for Sen, "if the object is to concentrate on the individual's real opportunity to pursue her objectives, then account would have to be taken not only of the primary goods the person holds, but also of the relevant personal characteristics that govern the conversion of primary goods into the person's ability to promote her ends" (Sen, 1997, p. 198). Sen claims that Rawls' model is substantially sensitive to the inter-end variation in line with pluralistic liberal conception of justice, yet it falls short of taking inter-individual variation into account (Sen, 1992, pp. 85-6).

Based on the criticisms above, Sen proposes a different analytical framework to assess social justice. This framework is known as the capability approach in the literature. Suggesting that the individuals' capability, or freedom, should be the basis of assessment regarding justice, Sen provides a promising way to overcome the problem that is related to people's differentiated social and personal characteristics leading to inequalities in achieving a good life. Sen's capability approach to justice claims that the primary objective of social arrangements should be based on the expansion of people's capabilities or their substantive freedoms to achieve valuable beings and doings that they attain value (Alkire and Deneulin, 2009, p. 31; Alkire, 2005, p. 122; Alkire, 2008, p. 28). Focal point of justice in the capability approach is based on that whether a person has a capability to do things or be that s/he has reason to value. For example, Sen expresses this argument as follows: "(…) Individual advantage is judged in the capability approach by a person's capability to do things he or she has reason to value. (…) The focus here is on the freedom that a person actually has to do this or be that –things that he or she may value doing or being" (Sen, 2009, pp. 231-2). Accordingly, in the capability approach, freedom-based judgments of individual's welfare are considered as the focal point of justice (Sen, 1999, p. 74).



Focal point of social justice, in other words the space of evaluation to assess if the society is just or not, in the capability approach is that whether a person has a capability, or freedom, to do things or be that s/he has reason to value.

Considering freedom as the focal point of justice means that the capability level of individuals to convert their possessions (rights, commodities, economic utilities, and so forth) into something they value requires a shift of attention from means-based assessment of justice to the ends-based one. In this regard, the capability-based assessment of justice is an actualization-oriented perspective since possession of certain set of rights or commodities is only means of a decent life and cannot be considered as an end-point of justice, or equality. This is because, according to Sen, "the resources a person has, or primary goods that someone holds, may be very imperfect indicators of the freedom that the person really enjoys to do this or be that. (…) The personal and social characteristic of different persons, which can differ greatly, can lead to substantial interpersonal variations in the conversion of resources and primary goods into achievements" (Sen, 1992, pp. 37-8). Therefore, it is crucial to avoid conceiving commodities as well as rights as an end-point of any assessment in justice and equality. Obviously, this does not mean a rejection of the importance of certain sets of rights and goods, but does involve taking attention on their relative value to allow people to achieve their valuable and reasoned ends.

In such a line of reasoning of the capability approach, one of the distinctive features of justice is associated with considering it in relation with fairness, but not absolute equality. Briefly saying, the idea of fairness is valued in here in terms of two points. Firstly, fairness primarily focuses on outcome, but not on the initial position of individuals. The second point, which is in relation to the first one, is that it gives priority to the basic idea that justice requires an unequal treatment to people who are not equal. In this context, conceptualization of the justice in the capability approach is in line with the Rawlsian model and

values fairness. However, it also differs from Rawls' account in a sense that the capability approach focuses on the actual freedoms of people, not what they possess. Sen points out this as follows: "More positively, I argue that a theory of justice based on fairness must be deeply and directly concerned with the actual freedoms enjoyed by different persons – persons with possibly divergent objectives– to lead different lives that they can have reason to value" (Sen, 1990a, p. 112).

This freedom-based inquiry of justice has in fact roots going back to works of Aristotle, Adam Smith and Karl Marx (see Sen, 1990b, p. 43). In Aristotle's *Nicomachean Ethics*, "the basis of a fair distribution of capability to function is given a central place" (Sen, 1993, p. 47) and his inquiry on *eudaimonia*, in other words human flourishing, assesses human life in terms of valuable activities (Ibid. 48). Marx also emphasizes the significance of freedom in social arrangement. According to him, liberation of individual depends on "replacing the domination of circumstances and chance over individuals by the domination of individuals over chance and circumstances" (Sen, 1983, p. 754). Besides that, he also emphasizes the sharp importance of freedom allowing a person to follow her/his own ends: "society regulates the general production and thus makes it possible for me to do one thing today and another tomorrow, to hunt in the morning, fish in the afternoon, rear cattle in the evening, criticize after dinner, just as I have a mind, without ever becoming hunter, fisherman, shepherd or critic" (Marx and Engels, 2004 [1846], p. 53). The well-known conceptualization of Marx, namely "the commodity fetishism", although it is in a different but related context, illustrates also an attack to commodity-centred assessment of standards of living (see Sen, 1987, p. 16). Similar to Marx, Adam Smith's analysis of "appearing in public without any shame" also goes beyond the commodity-based assessment of the quality of life (see Smith, 2009 [1776], p. 519).



Freedom or capability-based inquiry of social justice, in fact, can be traced back to the works of classical figures of philosophy such as Aristotle as well as more contemporary ones such as Adam Smith, Karl Marx, Isaiah Berlin, and Charles Taylor.

In addition to these classical roots, we can also observe a close convergence of a freedom understanding of the capability approach and some contemporary analysis of the subject. Isaiah Berlin's analytical approach to the identification of liberty is one of them. According to Berlin, the term liberty is analytically divided into two parts. The first one is negative liberty, involving "an answer to the question: What is the area within which the subject –a person or group of persons– is or should be left to do or be what he is able to do or be, without interference by other persons". Positive liberty "is involved in the answer to the question what, or who, is the source of control or interference that determine someone to do, or be, this rather than that" (Berlin, 1975, pp. 121-2). In this analytical definition of liberty, the negative liberty refers to "being free from something (interference or coercion)", while the positive one refers "to be free to do something (internal capability)". There is not any analytical division with regards to freedom in the capability approach. However, it emphasizes that both "being freedom from something" (negative liberty) and "freedom to do something" (positive liberty) are crucial. Such recognition of freedom can be observed through the accentuation of the conversion factors that determines individuals' capability level to benefit from rights or holdings. Conversion factors that the capability approach emphasizes can be roughly classified as personal, social and institutional that leads to variation between people in converting a possession (for example, a right, income, or a commodity) into something that they have reason to value. Personal conversion factors refer to the personal conditions to make use of commodities or rights such as metabolic characteristic, sex, age, and so forth. Social conversion factors refer to opportunities or restrictions surrounding individual such as social norms, cultural features of society, religion, and so forth. Institutional conversion factors can be defined as institutional arrangements such as the constitution, welfare regime of the society, legal system and regulations, and so forth. In one of the more recent works of Sen, five different conversion factors that influence individuals' capability level to convert their possessions into something valuable are classified. These conversion factors can be defined as the entities to help or hinder the translation of commodities into functionings (Grasso, 2002, p.

5). According to Sen, personal heterogeneities, environmental diversities, variations in social climate, differences in relational perspectives and distribution within the family can be seen five primary sources of human diversity which influence people's ability to convert their holdings into something valuable for them (Sen, 1999, pp. 70-1; 2009, pp. 255-7).

In addition to Berlin's conceptualization, some reflections of communitarian philosopher Charles Taylor's emphasis on freedom are also observable in the capability approach. Taylor, like Berlin, divides the concept of freedom into two analytical parts which are complimentary to each other. The first part is the "opportunity part", which illustrates an approach of that "being free is a matter of what we can do". The second part is the "exercise part" that illustrates a perspective that is "one is free only to the extent that one has effectively determined oneself and shape of one's life" (Taylor, 1979, p. 177) and, in this conceptualization, "some degree of exercise is necessary for a man to be thought free" (Ibid). Accordingly, Taylor also emphasizes the significance of being able to actualize what one sees as important to shape his/her own life. This is quite a similar accentuation to which the capability approach takes the attention on: the substantive freedom.

The same point is also seen in the freedom conceptualization of Van Parijs. Van Parijs criticizes libertarian understanding of freedom, claiming that the libertarian view only focuses on negative freedom, in other words "being free from coercion". However, "real freedom is not only a matter of having the right to do what one might want to do, but also a matter of having the means for doing it" (Van Parijs, 1997, p. 5). Obviously, the capability approach goes one step further and says that the means are also not enough on their own to guarantee freedom for all. However, Van Parijs and Sen share the similar perspective on the ground that possessing a certain set of abstract rights is not the end-point of freedom, but the central point is being able to convert these rights into something that matters for the well-being of people.



Phillipe van Parijs' criticism to the libertarian conception of freedom emphasizes the limits of the negative freedom that ignores the fact that individuals do not only need to be free from coercion to be and do that, but also to be supported in various ways to achieve normatively specified dimensions of good life such as being free from hunger/starvation or participation in free election.

As can be seen, it is not difficult to find out some sort of close convergence between the focal point of justice of the capability approach and classical as well as contemporary justice models' emphasis on freedom. However, we can point out two additional reasons for the justification of this normative selection that advocates taking freedom as the primary criteria of assessing justice in a society. The first is inter-end variations, which acknowledges the different perceptions concerning "what good is" among individuals who hold different conception of good life. The second is inter-individual variation, which refers to individuals' varied abilities to benefit from rights and commodities they hold. Rawlsian analysis, for example, demonstrates great respect to the different ends of individuals or diverse objectives that they hold. However, the problem in Rawls' model of social justice, as briefly mentioned above, is about his assumption that the same bundle of social primary goods serves for differentiated ends of those who have different characteristics and objectives. Accordingly, it does not sufficiently focus on the second variation, namely inter-individual differences that lead people to have uneven abilities to turn their holdings into something that they value. In other words, since individuals' actual freedom to pursue their own ends (the first variation) do not depend on only what ends they have, but also their ability to convert what they hold into achievement of those ends (Sen, 1990a, p. 120). In this regard, it is crucial to assess an individual's well-being in relation to a person's ability to achieve what that person considers valuable in terms of her/his own ends.

Lastly, freedom in the capability approach is important both intrinsically and instrumentally. This means that substantive freedom is not only the primary ends of justice but the principle means of it as well. First, freedom is instrumentally important since more real freedom may give us more substantive opportunity to actualize valuable and reasoned ends. Second, freedom is intrinsically important in the normative perspective of the capability approach. More real freedom illustrates being less constrained in term of "self-actualization", "being public without shame", "participating the life of society" or having more capability to realize "domination of individual over circumstances". The claim that the substantive freedom is not only the primary ends of justice but also the principle means of it is expressed by Sen in relation to, not justice, but economic development as well. According to Sen, freedom is not only primary ends of development but it also primary means of it (see, Sen, 1999, p. 36).

Briefly saying, different from the theories of justice discussed above, Sen's capability approach proposes to focus on individuals' freedom, or capability to achieve what they have reason to value in their life. In fact, this normative proposition is not only advocated so as to be used in assessing justice in a society, but also assessing development, well-being of individuals, welfare programs of countries, or particular social policies and programs for disadvantaged groups as well.

Learning Outcomes

5 Define the capability approach to the idea of social justice through the works of Amartya Sen

Self Review 5	Relate	Tell/Share
What are Amartya Sen's criticisms to Rawls' idea of "justice as fairness"?	Compare the classical roots and contemporary analysis of the capability approach.	Tell about the freedom-based inquiry of that if the society is just or not.

COMPLEMENTARY CONTRIBUTIONS TO THE IDEA OF JUSTICE

Apart from the approaches to social justice discussed above, there are also some other perspectives that are worth to briefly mention here. These perspectives are not comprehensive moral doctrines of justice, but normative approaches exclusively focusing on the question of what the focal point of justice should be. Among these approaches, we can point out Ronald Dworkin's equality of resources, Axel Honneth and Nancy Fraser's recognition and redistribution, and Peter Townsend's contribution of unjust distribution of resources and participation to the life of society.

Dworkin and Equality of Resources

Discussing on the idea of justice from a perspective of resource ownership, Dworkin suggests equality in resources (Dworkin, 1981, p. 290) for the foundational basis of justice. His position can be defined as an intermediate formation, attaching importance to both the libertarian perspective, which assigns responsibility to individual, and the egalitarian perspective, which assigns importance to redistribution.

Dworkin rejects the idea of equality of welfare since it does not attain any responsibility to people in terms of their expensive tastes and, thus, compensates inequalities resulting from different preferences (Dworkin, 2000, pp. 48-9). He in essence claims that impersonal resources, such as financial resources, education opportunities, should be allocated so as to compensate innate inequalities resulted from people's natural resources, such as talent or disability. According to him, inequalities emerging because of innate differences cannot be justified since these differences are not under people's own control. However, if inequalities still exist even after impersonal resources are fairly

distributed, then, these inequalities are justified because they prevail due to individuals' own failures or preferences.

While discussing his perspective of equality in resource ownership, Dworkin simply asks the following question: Should society keep compensating individuals' mistakes emerging due to their own choices? However, there is doubt, since choices people make do not only depend on personal preferences, but are under the influence of social structures as well. Even though innate personal differences are compensated by fair distribution of resources in favour of disadvantageous individuals, this does not secure equal opportunities with respect to making free choices. Gender, cultural norms of society, race, religion and so on are all influential on decision-making process. Further, we can discuss that social order may potentially force disadvantaged people to make choices that at the end of the day lead to disadvantageous outcomes even though they are fairly endowed with impersonal resources. Accordingly, inequalities emanated from individual's choices cannot always be justified since decisions are not only subject to individual preferences but directed by social structure too.



The main question of Dworkin's perspective about the equality in resource ownership is about why society should keep compensating undesired outcomes emerging due to individuals' own choices.

Let us assume that society allocates more financial resources in favour of females to compensate their relatively lower engagement to higher education; and expect that this will resulted in higher level of managerial positions in labour market in long-term. However, only allocating more resources to provide relatively higher opportunities to women cannot be considered as a solution by itself since cultural recognition of women as an equally-able peer participant of labour market are also crucial. Besides, if a decision, let assume, that a female makes takes shape not under the condition of free-will but according to gender roles assigned by society and this decision concludes with a disadvantageous position for this woman, then it is impossible to justify such position even though it seems at first glance as a result of personal choice. This is because of that it is the gender role imposed on her that leads to taking of such decision. In this regard, it can be claimed that Dworkin's theory of justice is blind to the inequalities emerging as a conclusion of compulsion of social norms. Its Achilles' heel lies under the fact that every decision is not taken freely but sometimes as compulsory. Apart from this critic, Dworkin focuses on means of individual welfare, such as resource ownership, instead of ends (Pierik and Robeyns, 2007, p. 135). Impersonal resources can only be means of human welfare, but they are not the ends of it. Therefore, they are limited in compensating inequalities emanated from social and environmental differences.

Fraser and Honneth: Recognition and Redistribution

It may not be wrong to stress that Nancy Fraser and Axel Honneth are developers of the one of the most influential ideas towards justice in 21st century even though this is a quite new idea in comparison to other theories of justice discussed above. Fraser and Honneth share the same claim that an adequate understanding of justice should include both redistribution of wealth and recognition of different identities. They consider that the idea of justice focusing on only economic welfare is reductionist since there has been an increasing demand for recognition of different identities such as ethnicity, gender, sexual orientation, religious groups, and so forth. Although they both agree that recognition and redistribution are indispensable parts of social justice, Honneth gives a fundamental emphasis to recognition and treating redistribution as a derivative subject, while Fraser perceives both recognition and redistribution as co-fundamental subjects which do not have priority over each other (Fraser and Honneth, 2003, p. 3).

Fraser's approach is based on the concept of "bivalent collectivity". Drawing on this concept, she refers to people who suffer from both unjust socio-economic distribution and cultural misrecognition. We can see a sort of Weberian interpretation in Fraser. According to her, as political economy and culture are mutually intertwined in each other, it is

not reasonable to distinguish cultural recognition and economic re-distribution from each other. Injustice for some marginalized groups does not only emerge in the sphere of economic distribution of resources, but we can also observe it as a form of cultural misrecognition of marginalized groups who are dominated by mainstream social values of society. To illustrate, those people who suffer from heterosexism, she says, "are subject to shaming, harassment, discrimination and violence, while being denial legal rights and equal protection – all fundamentally denials of recognition" (Fraser, 1998, p. 26). Besides that, they also suffer from economic injustice: they are denied to benefit from family based social welfare implementations or, are dismissed from work. In this respect, bivalent identities suffer from both economic maldistribution and cultural misrecognition.

Important

"Bivalent collectivity" is the main concept of Fraser's approach through which she points out that those who suffer from injustices in a society experience a form of disadvantage that is not only associated with their economic status but also cultural misrecognition of their identities.

Gender is frequently referred by Fraser to give an explanation for the concept of bivalent collectivity. When she points out that gender is a bivalent collectivity, she means it is also a two-dimensional social differentiation: "Neither simply a class nor simply a status group, gender is hybrid category rooted simultaneously in the economic structure and the status order of society" (Fraser, 2003, p. 19). Hence, gender inequality is associated with economic arrangements of societies. Besides that, these inequalities are accompanied by social roles assigned on women by "androcentric value patterns". Therefore, to develop an approach regarding gender parity "requires a conception of justice as broad and capacious as preceding view of gender. Such conception must accommodate at least two sets of concern. On the one hand, it must encompass the traditional concerns of theories of distributive justice, especially poverty, exploitation, inequality and class differentials. At the same time, it must also encompass concerns recently highlighted in philosophies of recognition, especially disrespect, cultural imperialism and status hierarchy" (Fraser, 2007, pp. 26-7).

On the other hand, Axel Honneth points out an observation of that there is a growing inclination towards recognition as a consequence of increasing moral sensibility emerged due to new social movements (Honneth, 2001, p. 44). Based on this observation, he re-defines central categories of justice as recognition, respect and/or dignity from which redistributive demands are derived (Honneth, 2004, p. 351). In his way of approaching to the idea of justice, redistributive demands become secondary while recognition demands become a matter of priority. In connection with this interpretation, the focal point of justice becomes established on recognition - denial contrast.

Important

Honneth argues that the recognition is the primary element of justice, due to new social movements.

The roots of Honneth's approach, in fact, lie in Hegel's model of identity. Identity is constructed through processes of mutual recognition. To be recognized, subjects need reciprocal relation in which they perceive each other as equal. This means one can only become an independent individual if others recognize him/her as an equal participant. According to Honneth, "state welfare is subject to the requirement that every individual be given the chance to participate in an elementary manner in the cooperative context of society by making his or her own contribution. It is only then, such would be the conclusion, that every individual is in a position to grasp himself or herself as a full member of a society" (Ibid. 352). The state is assigned with the responsibility to provide citizens opportunities by which they contribute to the life of society and this (1) brings about recognition to individual, (2) permits them to gain social esteem and (3) provides them an opportunity for actualization of self, which can be read as a form of Hegelian reciprocal

relation between subjects. This perspective is based on interpretation of "just society" in relation to individuals' ability to flourish as a self. "The justice or well-being of a society is measured according to the degree of its ability to secure conditions of mutual recognition in which personal identity formation, and hence individual self-realization, can proceed sufficiently well" (Ibid. 354).

Important

Honneth constructs his perspective based on the identity model of Hegel.

I could be argued that framing the question of injustice in a narrow sense of identity misrecognition has a potential to become a repressive form of communitarianism. This means that if recognition-based theory of justice is narrowed in a sense of identity question, this may potentially ignore the question of intra-identity injustices among the members sharing an identity. If, for example, the question of recognition is simplified to the question of having a particular identity, then we inevitably omit injustices regarding different statuses of individuals in this identity group. For example, we can point out that an excluded group of a society suffers from misrecognition of their economic and cultural rights. But, if this perspective is not broadened so as to include misrecognition of status variations of individuals in such disadvantaged group, then, this attempt would possibly be stuck with praising certain communitarian values of this minority group and not go beyond certain group inequalities. Secondly, Fraser assumes that enhancing individual autonomy in the fields of economic redistribution and cultural recognition directly outputs societal participation. This seems a reductionist way of developing a justification. In addition to structural obstacles preventing individuals to participate in societal life, an assessment on justice could also need to include a critical perspective on personal inabilities. In other words, enhancing autonomy of different identities by recognition and redistribution does not necessarily guarantee their societal participation. The assessment for social justice can easily need to go beyond mere analysis of structural obstacles and include personal barriers preventing individual to participate in life of society as a peer.

Townsend: Unjust Distribution of Resources and Participation to Life of Society

Peter Townsend is usually pointed out as one of the greatest social scientists of the 20th century. Although most of his works focused on the re-conceptualisation of the issue of poverty, his works, in fact, moved much further than simply re-conceptualising our conventional understanding of poverty. It can be said that Townsend brought a breath of fresh air into the understanding of poverty which is a prevailing outcome of injustice. Therefore, he should be considered as one of the important figures of discussions on justice in our era.

Important

Townsend's works mainly focused on revising the conception of poverty. But his contribution is not only a simple revision of the concept; it is like establishing a new ground for the debate.

According to Townsend, "poverty must be regarded as a general form of relative deprivation which is the effect of mal-distribution of resources. (…) The view put forward is therefore that the description, analysis and explanation of poverty in any country must proceed within the context of a general theory of stratification (…)" (Townsend, 1970, p. 2). Townsend built up this perspective based on the fact that human needs have a dynamic nature in terms of both the context and time in which they live. In this regard, against to the classical poverty definition of Rowntree and Booth, poverty, he claims, is a relative form of deprivation and it should be assessed in terms of not the physical subsistence of individuals but their abilities to participate in the customary life of the society which they belong. He claims that "man is not a Robinson Crusoe living on a desert island" (Townsend, 1962, p. 219) and reminds what Alfred Marshall pointed out: "Differences in climate differences in customs makes things necessary in some places, which are superfluous in others. (…) Every estimate of necessaries must be relative to place and time" (Marshall, 1946, pp. 68-70, quoted from Townsend, 1962, p. 219). This dynamic nature of poverty can be varied from society to society according to not only physical and

climatic environment but also by social structure and culture. Therefore, according to Townsend, "poverty has to be situated through time in relation to social and institutional structure and not simply denoted by relatively low disposable income" (Townsend, 1993, p. 35). This is, in fact, a point emphasized by Adam Smith too. Approximately two centuries before, Smith had pointed out that "by necessaries I understood, not only the commodities which are indispensably necessary for the support of life, but whatever the custom of the country renders it indecent for creditable people, even of the lowest order, to be without" (Smith, 1776, Bk. 5, Chap. 2, Part 1, quoted from Townsend, 1952, p. 22). Townsend takes the attention to the same point by stressing that "a society which becomes more prosperous also becomes more complex and imposes new needs on its members. For example, by legislating for compulsory education or a higher school leaving age a country makes new demands upon parents and their resources. Or again, the types of occupation or styles of living followed in a society will determine the kinds and amounts of nutrients that individuals require" (Townsend, 1970, pp. 18-9).



Important

According to Townsend, wealthy societies tend to upload new demands on their members.

Townsend presents his conceptualization on poverty in his seminal work published in 1979. According to him, "poverty can be defined objectively and applied consistently only in terms of concept of relative deprivation. (…) Individuals, families and groups in the population can be said to be in poverty when they lack the resources to obtain the types of diet, participate in the activities and have the living conditions and amenities which are customary, or are at least widely encouraged or approved, in the societies to which they belong. Their resources are so seriously below those commanded by the average individual or family that they are, in effect, excluded from ordinary living patterns, customs and activities" (Townsend, 1979, p. 31). His justification of the context dependent analysis of poverty is commonly accepted as a plausible argument. Besides that, Townsend's accentuation, "being able to participate the life of society", can also be considered as a promising initial point for an assessment on social justice, since the domain of "individual's participation to societal life" refers not only to individuals' basic material needs, but also to their civil and political rights. In this regard, it can be said that Townsend suggests a holistic perspective for the analysis of poverty and, thus, social justice, in which individuals' well-being should be assessed in terms of both distributional and political aspects.

In addition to this, the connection between poverty and inequality is crucial in Townsend. According to him, understanding the relationship between these two phenomena requires a revision on the definition of inequality from income-based estimation to a broader perspective, resource-based perspective (Townsend, 1970, p. 16). Inequality in terms of cash income is inadequate to reflect the real conditions of human beings: "There are some groups in society with considerable income in kind such as farmers and smallholders. There are also people with small cash but considerable assets, which elevate their standards of living. There are people with identical wages or salaries who differ greatly in the extent to which fringe benefits from employers add substantially to their living standards" (Townsend, 1979, p. 54). Therefore, he advocates a position in which inequality is considered in terms of the distribution of resources, but not income. He insists that if a family and/or an individual drops below a certain point in the scale of distribution of resources, they "find it particularly difficult to share in the customs, activities and diets comprising their society's style of living" (Ibid. 60). And, "poverty (…) is the lack of resources necessary to permit participation in the activities, customs and diets commonly approved by society" (Ibid. 88).

However, Townsend's approach can be criticized in a way that is similar to the criticism towards Dworkin's idea of equality in resource ownership discussed above. Townsend claims that mal-distribution of resources prevents individuals to participate prevailing customs and living standards of society. This is a blind approach to personal heterogeneities that may potentially lead to inequalities in outcome. Equal distribution of

resources does not necessarily guarantee equality in outcome since it ignores varied talents and differentiated abilities of individuals to convert resources into personal well-being and, assumes that equal distribution of resources can potentially guarantee equal participation in social life. Such neglect also illustrates a partly relative analysis: Townsend's poverty analysis takes the attention to the relative analysis of individuals' possession of resources, but it does not include relative abilities of individuals to achieve a good life customary to their own society.

Important

One of the criticism against to Townsend can be formulated as "being blind to individual heterogeneities".

Learning Outcomes

6 Explain the complementary contributions to the idea of justice such as equality of resources, recognition/redistribution as well as participation to the life of society

Self Review 6	Relate	Tell/Share
What does Fraser mean when she points out that gender is a bivalent collectivity?	Explain the connection between poverty and inequality according to Townsend's conception of the relative poverty.	Tell about the theory justice that Ronald Dworkin advocates.

Conclusion

Looking to the theories of social justice above, we can see that there is not a common comprehensive understanding of justice, but ideas of what justice should be in terms of various persuasive points that have been developed during centuries since the time of Ancient Greece. As discussed in detail above, the idea of social justice has been mostly associated with rights, desert, merit, or obeying the rules of covenant till the seminal contribution of Scottish philosopher David Hume. Together with Hume, public utility started to emerge as a focal point of social justice. Although this view of Hume has led to emergence of utilitarian view that takes the happiness as a reflection of utility, such perspective has been challenged by liberal philosophers. Various views of classical liberals have led to emergence of Hayek and Nozick's libertarian model of justice in which individuals' entitlements, particularly right to acquiring and holding private property, are taken primary point of focus to assess justice. However, based on some egalitarian concerns, this perspective of libertarians has seriously challenged by many, but particularly by Rawls who developed a normative political conception of the idea of justice known as justice as fairness. Although Rawls' idea of justice as fairness has influenced quite a number of policies and institutional arrangement in our era, some of its shortcomings are noticed and criticized by another influential philosopher of our era, namely Amartya Sen. According to Sen, a just society is the one where individuals have capability to achieve what they have reason to value. In this context, Sen proposed to assess justice in a society based on freedom of individuals. Apart from this, there also multiple propositions of justice some of which are sociological while some others are mostly political and economic such as Dworkin's idea of equality of resources or Nancy Fraser and Axel Honneth's ideas on recognition and redistribution. All of these perspectives demonstrate that there is not consensus among philosophers concerning how social justice should be evaluated. Yet, they also illustrate that there is an unavoidable question of social injustice.

LO 1 Explain the origins of contemporary ideas of justice

Both in classical and contemporary ages, the idea of social justice is discussed in relation to various concepts such as rights, desert, merit, rule, covenant, consent, free-will, freedom, fairness, choice, well-being, poverty, inequality and so forth. The idea of justice that can be traced back to the ancient world is seen as a virtue of man and society in ancient Greek philosophy. According to Plato, each group and individual play roles to meet the needs of the whole in a well-ordered society that is a perfectly arranged society, where all institutions and groups are organised to perform a particular function. We can link Plato's understanding of justice to the idea of justice that is associated with the concept of "desert". However, it is difficult to claim that there is an explicitly expressed idea of justice proposing that everyone should be entitled to have what they deserve in Plato's work. Aristotle identifies the criminal justice by drawing on the word of "lawful", he refers to the distribution of various resources such as societal goods, moneys and products with the purpose of identifying what we know today as "social justice". Aristotle's contribution to the idea of justice can be pointed out as two major ideas as the one that distinguished what we today call "criminal justice" from the "social justice" and the one that extending the idea of justice towards the idea of equality although he used the term of equality to emphasize equality between those who have equal societal status. After the Justinian Code was introduced to the idea of justice, any authentic approach had not been developed for a long time. As Adelson notes, the concept of social justice did not occur during the debate on representative government, during Middle Ages. According to Hobbes, justice is to obey the rules of covenant. Instead of directly define what justice is, he discusses in the Leviathan about injustice, claiming that "injustice is no other than the not performance of covenant. And whatsoever is not unjust is just". Absence of moral dimension in Hobbes' justice perception was noticed by Scottish philosopher David Hume who broadened Hobbes' approach to the idea of justice in his book called A Treatise of Human Nature. Hume claimed that a promise, for example obeying the rules of contract, which was seen as the basis of justice by Hobbes would be intelligible, and even if it is intelligible, it would not be attended to any moral obligation. So, Hume takes the attention to the moral dimension of a covenant, from which it can be inferred that Hume took an attention to the idea of fairness.

LO 2 Identify the utilitarian approach to social justice through the works of founding fathers of utilitarianism

Briefly looking at the classical and contemporary utilitarian perspective of social justice, we can point out three characteristic to define it: The first is its consequentialist or Machiavellian nature according to which, every choice must be judged with respect to consequences that they generated. The second component is its economic welfarism restricting every potential attempt assessing justice to utility or subjective well-being of people that is happiness, but with no direct attention to the violation of civic, political and social rights of individuals. The third one is its sum-ranking calculus, which requires that the utilities of different people are simply summed together to reach their aggregate merit, but with no attention on the actual distribution of that utility among individuals. There are quite a number of problems in such a perspective of social justice. First, it is consequentialist essence that proposes to advocate focusing on outcome in a sense that if the action, decision or policy yields happiness or not ignores the process in a sense that how this outcome is achieved. The second problem about utilitarian account of justice is associated with its welfarist characteristic that advocates focusing on a subjective well-being of individual, namely their happiness, to assess if the action, decision or the policy proposed is just or not. The third problem is associated with the utilitarian account of justice's aggregative characteristic that advocates focusing on sum-total output instead of focusing on how much each person gets from total the total output.

Summary

LO 3 Clarify the conceptions of libertarian model of justice through the works of classical and contemporary figures of libertarian perspective

Different from the utilitarian model of social justice that advocates giving priority to the aggregative interests of society, the libertarian model of social justice highlights the importance of certain inalienable rights of individual, such as earning and holding the private property. In case of conflicting interest of individual with the overall interest of society, the utilitarian model that is originated in the idea of public utility chooses to take side next to the overall interests of society or public. Mill thought that there was no possibility to increase the sum-total expediency of the public while rights of individuals were ignored. Mill and Smith's arguments along with other classical liberals paved the way for the contemporary libertarian idea of justice whose main proponents are pointed out as F. Hayek and R. Nozick. Contemporary libertarian approach to justice primarily focuses on the protection of liberal rights of individual, let alone the perspective of that protecting rights of individual serving for increasing the public utility or not. In this view, the liberal rights that should be protected are in essence identified as rights for the private property, ownership, or holding; and the discussion is mainly maintained in relation to the re-distribution of wealth and value in society through the taxation policies. The libertarian view puts forward its own conceptualization on social justice around individual responsibility and entitlement towards acquiring, transferring and holding private property, which all of them illustrate an approach of social justice in terms of individual's merit and desert. It rejects the intervention to the spontaneous order of market that is assumed to work so as to distribute all desired and undesired goods perfectly just on its own. The main characteristic of just society is considered as the one in which everyone is equally entitled to the rights of acquisition, transfer and holding private properties. If a person earns much more than others through drawing on such equal rights, this is a legitimate inequality since all of them were equal at the beginning of the process in being entitled to these rights.

LO 4 Discuss the Rawlsian model of social justice known as justice as fairness

Rawls draws on some hypothetical devices of impartiality that Rawls terms as the "original position" and the "veil of ignorance". To decide on the principles of justice that should govern the process of distribution, Rawls invites parties to join a discussion in their "original position". According to Rawls, these would inevitably result in the following principles: (1) Each person has an equal right to a fully adequate scheme of equal basic rights and liberties, which scheme is compatible with a similar scheme for all. (2) Social and economic inequalities are to satisfy two conditions: a) First, they must be attached to offices and positions open to all under conditions of fair equality of opportunity; b) second, they must be to the greatest benefit of the least advantaged members of society". Rawls identifies five categories of primary goods. One of the distinctive characteristics of the Rawlsian approach to social justice is associated with its institutional perspective. In Rawls' approach, justice is considered as a "virtue of institutions". It is crucial to point out how the principle of justice that Rawls specifies operates and distributes the social primary goods. In Rawls' well-ordered society, the first two categories of the primary goods are equally guaranteed to everyone due to the first principle having priority over the second principle. Following this, everyone is given an equal chance to access the third category of primary goods based on the first part of the second principle. It is only after these conditions are satisfied that the second part of the second principle, namely "the difference principle", that aims to compensate disadvantages of those who are worse-off by redistributing the fourth category of primary goods, namely income and wealth, can come into play.

LO 5 Define the capability approach to the idea of social justice through the works of Amartya Sen

Based on the criticisms to Rawls, Sen proposes a different analytical framework to assess social justice. Suggesting that the individuals' capability, or freedom, should be the basis of assessment regarding justice, Sen provides a promising way to overcome the problem that is related to people's differentiated social and personal characteristics leading to inequalities in achieving a good life. Focal point of justice in the capability approach is based on that whether a person has a capability to do things or be that s/he has reason to value. One of the distinctive features of justice is associated with considering it in relation with fairness, but not absolute equality. Idea of fairness is valued in here in terms of two points. Firstly, fairness primarily focuses on outcome, but not on the initial position of individuals. The second point, which is in relation to the first one, is that it gives priority to the basic idea that justice requires an unequal treatment to people who are not equal. Freedom in the capability approach is important both intrinsically and instrumentally. Sen's capability approach proposes to focus on individuals' freedom, or capability to achieve what they have reason to value in their life. In fact, this normative proposition is not only advocated so as to be used in assessing justice in a society, but also assessing development, well-being of individuals, welfare programs of countries, or particular social policies and programs for disadvantaged groups as well.

LO 6 Explain the complementary contributions to the idea of justice such as equality of resources, recognition/ redistribution as well as participation to the life of society

Apart from the approaches to social justice discussed above, there are also some other perspectives that are worth to briefly mention here. These perspectives are not comprehensive moral doctrines of justice, but normative approaches exclusively focusing on the question of what the focal point of justice should be. Among these approaches, we can point out Ronald Dworkin's equality of resources, Axel Honneth and Nancy Fraser's recognition and redistribution, and Peter Townsend's contribution of unjust distribution of resources and participation to the life of society. Dworkin rejects the idea of equality of welfare since it does not attain any responsibility to people in terms of their expensive tastes and, thus, compensates inequalities resulting from different preferences. While discussing his perspective of equality in resource ownership, Dworkin simply asks the following question: Why should society keep compensating individuals' mistakes emerging due to their own choices? Honneth and Fraser consider that the idea of justice focusing on only economic welfare is reductionist since there has been an increasing demand for recognition of different identities such as ethnicity, gender, sexual orientation, religious groups, and so forth. Although they both agree that recognition and redistribution are indispensable parts of social justice, Honneth gives a fundamental emphasis to recognition and treating redistribution as a derivative subject, while Fraser perceives both recognition and redistribution as co-fundamental subjects which do not have priority over each other. According to Townsend "poverty can be defined objectively and applied consistently only in terms of concept of relative deprivation. (…) Individuals, families and groups in the population can be said to be in poverty when they lack the resources to obtain the types of diet, participate in the activities and have the living conditions and amenities which are customary, or are at least widely encouraged or approved, in the societies to which they belong. Their resources are so seriously below those commanded by the average individual or family that they are, in effect, excluded from ordinary living patterns, customs and activities" (Townsend, 1979, p. 31).

Test Yourself

1 Which of the followings is the main conception that Plato relates to the idea of justice?

a. Virtue
b. Society
c. Law
d. Distribution
e. Utility

2 Who was the first of its kind that introduced the idea of fairness to the theory of justice?

a. Aristotle
b. Hobbes
c. Hume
d. Mill
e. Marx

3 Which of the following cannot be said about utilitarian approach?

a. David Hume paved the way heading towards utilitarianism.
b. In utilitarian account of justice, utility is translated into the form of happiness, and social justice is evaluated according to the happiness of society.
c. The focal point of justice in the contemporary utilitarian perspective is not the aggregative interests of society.
d. Utilitarianism considers justice in accordance with the aggregative interest of the society.
e. Hume's emphasis on the public utility as the focal point of justice in a society has led the emergence and spread of the utilitarian perspective in the literature of not only social justice, but also economics, administration, politics, law as well as diplomacy.

4 i) David Hume ii) Jeremy Bentham iii) John Stuart Mill iv) John Rawls v) Robert Nozick

Which one of the followings options given below includes only the utilitarian philosophers?

a. Only v
b. i, iii, and iv
c. ii and v
d. i, ii, and iii
e. i, ii, and v

5 Which of the followings cannot be accepted as a conceptualization around which the libertarian view puts forward its own on social justice view?

a. Individual responsibility
b. Entitlement towards acquiring
c. Transferring and holding private property
d. Individual's merit and desert
e. Public utility

6 "He developed a comprehensive theory of justice known as "Justice as Fairness". Thus, he provided an approach that pays great attention to both liberal and egalitarian concerns embedded in the literature of social justice."

Which one of the following scholars is described by the text given above?

a. John Rawls
b. Ronald Dworkin
c. Peter Townsend
d. John Stuart Mill
e. Jeremy Bentham

7 Which of the followings is not enlisted as the basic political liberties that should be distributed everyone equally according to the first principle in Rawls' conception of social justice?

a. Freedom of thought and expression
b. Rights to inheritance
c. Freedom of the press
d. Freedom of assembly
e. The right to vote

8 Which of the following philosophers cannot be enlisted within the context of freedom-based idea of social justice?

a. Amartya Sen
b. Isaah Berlin
c. John Rawls
d. Charles Taylor
e. P. Van Parijs

9 "The scholar's approach to social justice is based on the concept of "bivalent collectivity". Drawing on this concept, s/he refers to those who suffer from both unjust socio-economic distribution and cultural misrecognition."

Which one of the following scholars is described by the text given above?

a. Amartya Sen
b. Peter Townsend
c. Ronald Dworkin
d. Nancy Fraser
e. Axel Honneth

10 Which of the followings cannot be said according to Peter Townsend's conception?

a. His works focused on the re-conceptualisation of the issue of poverty.
b. According to Townsend, poverty must be regarded as a general form of relative deprivation which is the effect of mal-distribution of resources.
c. Townsend built up this perspective based on the fact that human needs have a dynamic nature in terms of both the context and time in which they live.
d. The connection between poverty and inequality is crucial in Townsend.
e. He considered that "man is a Robinson Crusoe living on a desert island".

Answer Key for "Test Yourself"

1. a	If your answer is incorrect, review "Origins of Contemporary Ideas of Justice: From Plato to Hume".
2. b	If your answer is incorrect, review "Origins of Contemporary Ideas of Justice: From Plato to Hume".
3. c	If your answer is incorrect, review "Utilitarianism: Consequentialist, Welfarist, and Aggregative Idea of Justice".
4. d	If your answer is incorrect, review "Utilitarianism: Consequentialist, Welfarist, and Aggregative Idea of Justice".
5. e	If your answer is incorrect, review "Libertarianism: Process-Oriented, Entitlement and Individual-Focused Idea of Justice".
6. a	If your answer is incorrect, review "Justice as Fairness: Rawlsian Model of Social Justice".
7. b	If your answer is incorrect, review "Justice as Fairness: Rawlsian Model of Social Justice".
8. c	If your answer is incorrect, review "The Capability Approach: A Freedom-Based Idea of Social Justice".
9. d	If your answer is incorrect, review "Fraser and Honneth: Recognition and Redistribution".
10. e	If your answer is incorrect, review "Townsend: Unjust Distribution of Resources and Participation to Life of Society".

How are the works of Aristotle related to the contemporary understandings of justice?

Self Review 1

Aristotle's contribution to the idea of justice can be pointed out as two major ideas as the one that distinguished what we today call "criminal justice" from the "social justice" and the one that extending the idea of justice towards the idea of equality although he used the term of equality to emphasize equality between those who have equal societal status.

How did Hume consider the egalitarian society?

Self Review 2

Hume considers the possibility of an egalitarian society into two forms. The first one is the existence of a society without property, meaning that there is no one who holds a property on his own. Setting up such a society, according to Hume, could only be achieved under two conditions: (a) An abundance of goods satisfy to human demands and (b) Unlimited generosity that everyone is freely given what they need. However, because of human selfishness, diverse wishes and aspirations, emergence of new tastes, and human craving for luxuries, Hume believed that the first form of societal organization could not have been achieved. Therefore, he asserted a second system of social order in which he supported the continuity of the private property that was protected by the legal order which was assigned with a duty of distributing the properties based on the overall interest of the public. However, in this system, it would have been impossible to prevent inequalities that quite possibly would emerge because of humans' unequal capacities, talents or conditions. On the other hand, if the private property was prevented, the incentive to work would be lost and society would face with a danger of falling into the extreme poverty.

What are the different sets of actions that could help to identify (un)just actions according to Mill?

Self Review 3

The first set was composed of legal rights that everyone should respect and be equally entitled to. However, justice cannot be limited to the written legal rights given everyone equally due to the fact that different individuals' ability to draw on these rights can vary greatly. Therefore, he moved to identify the second set of actions that were constitutive logic of moral rights which could secure the just action in case of legal rights were insufficient to do so. The third set referred to a vague form of the idea of justice as desert, proposing that each person should obtain whether good or evil what s/he deserved, which was put by Mill as "unjust that he should obtain a good, or be made to undergo an evil, which he does not deserve" (Mill, 2007 [1863], p. 41). The fourth set was more or less same with what Hobbes had discussed within the Leviathan that was, in terms of justice, about keeping the promises in the covenant. In line with Hobbes' view, Mill also agreed that it could be unjust to break the rules of a covenant or to violate an agreement. The fifth set was about the idea of impartiality. Nepotism or giving an unjustified privilege to a person over another is inconsistent with the very essence of the action that is deemed to be as just. The last set was about equal rights accompanied by the fifth set of actions and given to everyone equally.

Suggested Answer for "Self Review"

What does the concept of the original position mean?

Self Review 4

The original position refers to a hypothetical position of primordial equality in which parties stand behind a veil of ignorance where they have no knowledge of their own societal positions (for example, their social class and statue, natural assets and abilities, their life plans and conception of the good, cultural belonging, or generation), except that of "the general facts about human society" (for example, certain degree of knowledge of political affairs and economic theory, the basis of social organization and the laws of human psychology).

What are Amartya Sen's criticisms to Rawls' idea of "justice as fairness"?

Self Review 5

Sen criticizes Rawls with giving priority to the liberal rights over the economic ones. Second, Sen points out that the Rawlsian model of social justice is a transcendental one that makes it difficult to apply on the face of everyday problems of injustice. Third, he also criticizes Rawls' focus on the means of good living instead of on the "actual living that people manage to achieve". This criticism is in fact the primary criticism of Sen to Rawls. Sen reminds the distinction between the means and ends of good living. He stresses that "Rawls takes primary goods as the embodiment of advantage".

What does Fraser mean when she points out that gender is a bivalent collectivity?

Self Review 6

When Fraser points out that gender is a bivalent collectivity, she means it is also a two-dimensional social differentiation: "Neither simply a class nor simply a status group, gender is hybrid category rooted simultaneously in the economic structure and the status order of society". Hence, gender inequality is associated with economic arrangements of societies and, besides that; these inequalities are accompanied by social roles assigned on women by "androcentric value patterns". Therefore, to develop an approach regarding gender parity "requires a conception of justice as broad and capacious as preceding view of gender.

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