# Justice and the Politics of Difference

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CHAPTER 1

# Displacing the Distributive Paradigm

> It was in general a mistake to make a fuss about so-called *distribution* and put the principal stress on it. Any distribution whatever of the means of consumption is only a consequence of the distribution of the conditions of production themselves. The latter distribution, however, is a feature of the mode of production itself.
>
> —Karl Marx

THOUSANDS of buses converge on the city, and tens of thousands of people of diverse colors, ages, occupations, and life styles swarm onto the mall around the Washington Monument until the march begins. At midday people move into the streets, chanting, singing, waving wild papier-mâché missiles or effigies of government officials. Many carry signs or banners on which a simple slogan is inscribed: "Peace, Jobs, and Justice."

This scene has occurred many times in Washington, D.C., in the last decade, and many more times in other U.S. cities. What does "justice" mean in this slogan? In this context, as in many other political contexts today, I suggest that social justice means the elimination of institutionalized domination and oppression. Any aspect of social organization and practice relevant to domination and oppression is in principle subject to evaluation by ideals of justice.

Contemporary philosophical theories of justice, however, do not conceive justice so broadly. Instead, philosophical theories of justice tend to restrict the meaning of social justice to the morally proper distribution of benefits and burdens among society's members. In this chapter I define and assess this distributive paradigm. While distributive issues are crucial to a satisfactory conception of justice, it is a mistake to reduce social justice to distribution.

I find two problems with the distributive paradigm. First, it tends to focus thinking about social justice on the allocation of material goods such as things, resources, income, and wealth, or on the distribution of social positions, especially jobs. This focus tends to ignore the social structure and institutional context that often help determine distributive patterns. Of particular importance to the analyses that follow are issues of decision-making power and procedures, division of labor, and culture.

One might agree that defining justice in terms of distribution tends to bias thinking about justice toward issues concerning wealth, income, and other material goods, and that other issues such as decisionmaking power or the structure of the division of labor are as important, and yet argue that distribution need not be restricted to material goods and resources. Theorists frequently consider issues of the distribution of such nonmaterial goods as power, opportunity, or self-respect. But this widening of the concept of distribution exhibits the second problem with the distributive paradigm. When metaphorically extended to nonmaterial social goods, the concept of distribution represents them as though they were static things, instead of a function of social relations and processes.

In criticizing distributively oriented theories I wish neither to reject distribution as unimportant nor to offer a new positive theory to replace the distributive theories. I wish rather to displace talk of justice that regards persons as primarily possessors and consumers of goods to a wider context that also includes action, decisions about action, and provision of the means to develop and exercise capacities. The concept of social justice includes all aspects of institutional rules and relations insofar as they are subject to potential collective decision. The concepts of domination and oppression, rather than the concept of distribution, should be the starting point for a conception of social justice.

## The Distributive Paradigm

A distributive paradigm runs through contemporary discourse about justice, spanning diverse ideological positions. By "paradigm" I mean a configuration of elements and practices which define an inquiry: metaphysical presuppositions, unquestioned terminology, characteristic questions, lines of reasoning, specific theories and their typical scope and mode of application. The distributive paradigm defines social justice as the morally proper distribution of social benefits and burdens among society's members. Paramount among these are wealth, income, and other material resources. The distributive definition of justice often includes, however, nonmaterial social goods such as rights, opportunity, power, and self-respect. What marks the distributive paradigm is a tendency to conceive social justice and distribution as coextensive concepts.

A review of how some major theorists define justice makes apparent the prevalence of this conceptual identification of justice with distribution. Rawls defines a "conception of justice as providing in the first instance a standard whereby the distributive aspects of the basic structure of society are to be assessed" (Rawls, 1971, p. 9). W. G. Runciman defines the problem of justice as "the problem of arriving at an ethical criterion by reference to which the distribution of social goods in societies may be assessed"

(Runciman, 1978, p. 37). Bruce Ackerman (1980, p. 25) defines the problem of justice initially as that of determining initial entitlements of a scarce resource, manna, which is convertible into any social good.

William Galston makes more explicit than most theorists the logic of a distributive understanding of justice. Justice, he says, involves an ensemble of possessive relations. In a possessive relation the individual is distinct from the object possessed. Justice, he says, may be defined as rightful possession (Galston, 1980, p. 5). In such a possessive model the nature of the possessing subject is prior to and independent of the goods possessed; the self underlies and is unchanged by alternative distributions (cf. Sandel, 1982). Justice concerns the proper pattern of the allocation of entities among such antecedently existing individuals. Or as Galston puts it, justice is

> the appropriate assignment of entities to individuals; appropriateness encompasses both the relation between some feature of entities and individuals under consideration and the relation between those entities and possible modes of assignment. The domain of entities may include objects, qualities, positions within a system, or even human beings. (Galston, 1980, p. 112)

The distributive paradigm of justice so ensnares philosophical thinking that even critics of the dominant liberal framework continue to formulate the focus of justice in exclusively distributive terms. David Miller, for example, claims that liberal conceptions of justice tend to reflect the prevailing social relations, and argues for a more egalitarian conception of justice than traditional theories propose. Yet he also defines the subject matter of justice as "the manner in which benefits and burdens are distributed among persons, where such qualities and relationships can be investigated" (Miller, 1976, p. 19). Even explicitly socialist or Marxist discussions of justice often fall under the distributive paradigm. In their discussion of justice under socialism, for example, Edward Nell and Onora O'Neill (1980) assume that the primary difference between socialist justice and capitalist liberal justice is in their principles of distribution. Similarly, Kai Nielsen (1979; 1985, chap. 3) elaborates socialist principles of a radical egalitarian justice which have a primarily distributional focus.

Michael Walzer (1983) is interestingly ambiguous in relation to the distributive paradigm. Walzer asserts that philosophers' criticisms of the injustice of a social system usually amount to claims that a dominant good should be more widely distributed, that is, that monopoly is unjust. It is more appropriate, he says, to criticize the structure of dominance itself, rather than merely the distribution of the dominant good. Having one sort of social good—say, money—should not give one automatic access to other social goods. If the dominance of some goods over access to other goods is broken, then the monopoly of some group over a particular good

may not be unjust (see Walzer, 1983, pp. 10–13). Walzer's analysis here has resonances with my concern to focus primarily on the social structures and processes that produce distributions rather than on the distributions. At the same time, however, Walzer repeatedly and unambiguously uses the language of distribution to discuss social justice, in sometimes reifying and strange ways. In his chapter on the family, for example, he speaks of the just distribution of love and affection.

Most theorists take it as given, then, that justice is about distributions. The paradigm assumes a single model for all analyses of justice: all situations in which justice is at issue are analogous to the situation of persons dividing a stock of goods and comparing the size of the portions individuals have. Such a model implicitly assumes that individuals or other agents lie as nodes, points in the social field, among whom larger or smaller bundles of social goods are assigned. The individuals are externally related to the goods they possess, and their only relation to one another that matters from the point of view of the paradigm is a comparison of the amount of goods they possess. The distributive paradigm thus implicitly assumes a social atomism, inasmuch as there is no internal relation among persons in society relevant to considerations of justice.

The distributive paradigm is also pattern oriented. It evaluates justice according to the end-state pattern of persons and goods that appear on the social field. Evaluation of social justice involves comparing alternative patterns and determining which is the most just. Such a pattern-oriented conceptualization implicitly assumes a static conception of society.

I find two problems with this distributive paradigm, which I elaborate in the next two sections. First, it tends to ignore, at the same time that it often presupposes, the institutional context that determines material distributions. Second, when extended to nonmaterial goods and resources, the logic of distribution misrepresents them.

## The Distributive Paradigm Presupposes and Obscures Institutional Context

Most theorizing about social justice focuses on the distribution of material resources, income, or positions of reward and prestige. Contemporary debates among theorists of justice, as Charles Taylor (1985) points out, are inspired largely by two practical issues. First, is the distribution of wealth and income in advanced capitalist countries just, and if not, does justice permit or even require the provision of welfare services and other redistributive measures? Second, is the pattern of the distribution of positions of high income and prestige just, and if not, are affirmative action policies just means to rectify that injustice? Nearly all of the writers I cited earlier who define justice in distributive terms identify questions of the equality or inequality of wealth and income as the primary questions of social jus-

tice (see also Arthur and Shaw, 1978). They usually subsume the second set of questions, about the justice of the distribution of social positions, under the question of economic distribution, since "more desirable" positions usually correspond to those that yield higher income or greater access to resources.

Applied discussions of justice too usually focus on the distribution of material goods and resources. Discussions of justice in medical care, for example, usually focus on the allocation of medical resources such as treatment, sophisticated equipment, expensive procedures, and so on (e.g., Daniels, 1985, esp. chaps. 3 and 4). Similarly, issues of justice enter discussion in environmental ethics largely through consideration of the impact that alternative policies might have on the distribution of natural and social resources among individuals and groups (see, e.g., Simon, 1984).

As we shall see in detail in Chapter 3, the social context of welfare capitalist society helps account for this tendency to focus on the distribution of income and other resources. Public political dispute in welfare corporate society is largely restricted to issues of taxation, and the allocation of public funds among competing social interests. Public discussions of social injustice tend to revolve around inequalities of wealth and income, and the extent to which the state can or should mitigate the suffering of the poor.

There are certainly pressing reasons for philosophers to attend to these issues of the distribution of wealth and resources. In a society and world with vast differences in the amount of material goods to which individuals have access, where millions starve while others can have anything they want, any conception of justice must address the distribution of material goods. The immediate provision of basic material goods for people now suffering severe deprivation must be a first priority for any program that seeks to make the world more just. Such a call obviously entails considerations of distribution and redistribution.

But in contemporary American society, many public appeals to justice do not concern primarily the distribution of material goods. Citizens in a rural Massachusetts town organize against a decision to site a huge hazardous waste treatment plant in their town. Their leaflets convince people that state law has treated the community unjustly by denying them the option of rejecting the plant (Young, 1983). Citizens in an Ohio city are outraged at the announcement that a major employer is closing down its plant. They question the legitimacy of the power of private corporate decisionmakers to throw half the city out of work without warning, and without any negotiation and consultation with the community. Discussion of possible compensation makes them snicker; the point is not simply that we are out of jobs and thus lack money, they claim, but that no private party should have the right to decide to decimate the local economy. Justice may require that former workers and other members of the commu-

nity have the option of taking over and operating the plant themselves (Schweickart, 1984). These two cases concern not so much the justice of material distributions as the justice of decisionmaking power and procedures.

Black critics claim that the television industry is guilty of gross injustice in its depictions of Blacks. More often than not, Blacks are represented as criminals, hookers, maids, scheming dealers, or jiving connivers. Blacks rarely appear in roles of authority, glamour, or virtue. Arab Americans are outraged at the degree to which television and film present recognizable Arabs only as sinister terrorists or gaudy princes, and conversely that terrorists are almost always Arab. Such outrage at media stereotyping issues in claims about the injustice not of material distribution, but of cultural imagery and symbols.

In an age of burgeoning computer technology, organizations of clerical workers argue that no person should have to spend the entirety of her working day in front of a computer terminal typing in a set of mindless numbers at monitored high speeds. This claim about injustice concerns not the distribution of goods, for the claim would still be made if VDT operators earned $30,000 annually. Here the primary issues of justice concern the structure of the division of labor and a right to meaningful work.

There are many such claims about justice and injustice in our society which are not primarily about the distribution of income, resources, or positions. A focus on the distribution of material goods and resources inappropriately restricts the scope of justice, because it fails to bring social structures and institutional contexts under evaluation. Several writers make this claim about distributive theories specifically with regard to their inability to bring capitalist institutions and class relations under evaluation. In his classic paper, for example, Allen Wood (1972) argues that for Marx justice refers only to superstructural juridical relations of distribution, which are constrained by the underlying mode of production. Because they are confined to distribution, principles of justice cannot be used to evaluate the social relations of production themselves (cf. Wolff, 1977, pp. 199–208).

Other writers criticize distributive theories of justice, especially Rawls's, for presupposing at the same time that they obscure the context of class inequality that the theories are unable to evaluate (Macpherson, 1973; Nielsen, 1978). A distributive conception of justice is unable to bring class relations into view and evaluate them, Evan Simpson suggests, because its individualism prevents an understanding of structural phenomena, the "macroscopic transfer emerging from a complicated set of individual actions" (Simpson, 1980, p. 497) which cannot be understood in terms of any particular individual actions or acquisitions.

Many who make this Marxist criticism of the distributive focus of theories of justice conclude that justice is a concept of bourgeois ideology and thus not useful for a socialist normative analysis. Others disagree, and this dispute has occupied much of the Marxist literature on justice. I will argue later that a criticism of the distributive paradigm does not entail abandoning or transcending the concept of justice. For the moment I wish to focus on the point on which both sides in this dispute agree, namely, that predominant approaches to justice tend to presuppose and uncritically accept the relations of production that define an economic system.

The Marxist analysis of the distributive paradigm provides a fruitful starting point, but it is both too narrow and too general. On the one hand, capitalist class relations are not the only phenomena of social structure or institutional context that the distributive paradigm fails to evaluate. Some feminists point out, for example, that contemporary theories of justice presuppose family structure, without asking how social relations involving sexuality, intimacy, childrearing, and household labor ought best to be organized (see Okin, 1986; Pateman, 1988, pp. 41–43). Like their forebears, contemporary liberal theorists of justice tend to presume that the units among which basic distributions take place are families, and that it is as family members, often heads of families, that individuals enter the public realm where justice operates (Nicholson, 1986, chap. 4). Thus they neglect issues of justice within families—for example, the issue of whether the traditional sexual division of labor still presupposed by much law and employment policy is just.

While the Marxist criticism is too narrow, it is also too vague. The claim that the distributive paradigm fails to bring class relations under evaluation is too general to make clear what specific nondistributive issues are at stake. While property is something distributed, for example, in the form of goods, land, buildings, or shares of stock, the legal relations that define entitlement, possible forms of title, and so on are not goods to be distributed. The legal framework consists of rules defining practices and rights to make decisions about the disposition of goods. Class domination is certainly enacted by agents deciding where to invest their capital—a distributive decision; but the social rules, rights, procedures, and influences that structure capitalist decisionmaking are not distributed goods. In order to understand and evaluate the institutional framework within which distributive issues arise, the ideas of "class" and "mode of production" must be concretized in terms of specific social processes and relations. In Chapter 7 I provide some concretization by addressing issues of the social division of labor.

The general criticism I am making of the predominant focus on the distribution of wealth, income, and positions is that such a focus ignores and tends to obscure the institutional context within which those distribu-

tions take place, and which is often at least partly the cause of patterns of distribution of jobs or wealth. Institutional context should be understood in a broader sense than "mode of production." It includes any structures or practices, the rules and norms that guide them, and the language and symbols that mediate social interactions within them, in institutions of state, family, and civil society, as well as the workplace. These are relevant to judgments of justice and injustice insofar as they condition people's ability to participate in determining their actions and their ability to develop and exercise their capacities.

Many discussions of social justice not only ignore the institutional contexts within which distributions occur, but often presuppose specific institutional structures whose justice they fail to bring under evaluation. Some political theories, for example, tend to assume centralized legislative and executive institutions separated from the day-to-day lives of most people in the society, and state officials with the authority to make and enforce policy decisions. They take for granted such institutions of the modern state as bureaucracies and welfare agencies for implementing and enforcing tax schemes and administering services (see, e.g., Rawls, 1971, pp. 274–84). Issues of the just organization of government institutions, and just methods of political decisionmaking, rarely get raised.

To take a different kind of example, to which I will return in Chapter 7, when philosophers ask about the just principles for allocating jobs and offices among persons, they typically assume a stratification of such positions. They assume a hierarchical division of labor in which some jobs and offices carry significant autonomy, decisionmaking power, authority, income, and access to resources, while others lack most of these attributes. Rarely do theorists explicitly ask whether such a definition and organization of social positions is just.

Many other examples of ways in which theorizing about justice frequently presupposes specific structural and institutional background conditions could be cited. In every case a clear understanding of these background conditions can reveal how they affect distribution—what there is to distribute, how it gets distributed, who distributes, and what the distributive outcome is. With Michael Walzer, my intention here is "to shift our attention from distribution itself to conception and creation: the naming of the goods, the giving of meaning, and the collective making" (Walzer, 1983, p. 7). I shall focus most of my discussion on three primary categories of nondistributive issues that distributive theories tend to ignore: decisionmaking structure and procedures, division of labor, and culture.

Decisionmaking issues include not only questions of who by virtue of their positions have the effective freedom or authority to make what sorts of decisions, but also the rules and procedures according to which deci-

sions are made. Discussion of economic justice, for example, often deemphasizes the decisionmaking structures which are crucial determinants of economic relations. Economic domination in our society occurs not simply or primarily because some persons have more wealth and income than others, as important as this is. Economic domination derives at least as much from the corporate and legal structures and procedures that give some persons the power to make decisions about investment, production, marketing, employment, interest rates, and wages that affect millions of other people. Not all who make these decisions are wealthy or even privileged, but the decisionmaking structure operates to reproduce distributive inequality and the unjust constraints on people's lives that in Chapter 2 I name exploitation and marginalization. As Carol Gould (1988, pp. 133–34) points out, rarely do theories of justice take such structures as an explicit focus. In the chapters that follow I raise several specific issues of decisionmaking structure, and argue for democratic decisionmaking procedures as an element and condition of social justice.

Division of labor can be understood both distributively and nondistributively. As a distributive issue, division of labor refers to how pregiven occupations, jobs, or tasks are allocated among individuals or groups. As a nondistributive issue, on the other hand, division of labor concerns the definition of the occupations themselves. Division of labor as an institutional structure involves the range of tasks performed in a given position, the definition of the nature, meaning, and value of those tasks, and the relations of cooperation, conflict, and authority among positions. Feminist claims about the justice of a sexual division of labor, for example, have been posed both distributively and nondistributively. On the one hand, feminists have questioned the justice of a pattern of distribution of positions that finds a small proportion of women in the most prestigious jobs. On the other hand, they have also questioned the conscious or unconscious association of many occupations or jobs with masculine or feminine characteristics, such as instrumentality or affectivity, and this is not itself a distributive issue. In Chapter 2 I will discuss the justice of the division of labor in the context of exploitation. In Chapter 7 I consider the most important division of labor in advanced industrial societies, that between task definition and task execution.

Culture is the most general of the three categories of nondistributive issues I focus on. It includes the symbols, images, meanings, habitual comportments, stories, and so on through which people express their experience and communicate with one another. Culture is ubiquitous, but nevertheless deserves distinct consideration in discussions of social justice. The symbolic meanings that people attach to other kinds of people and to actions, gestures, or institutions often significantly affect the social standing of persons and their opportunities. In Chapters 2, 4, 5, and 6 I

explore the injustice of the cultural imperialism which marks and stereotypes some groups at the same time that it silences their self-expression.

## Overextending the Concept of Distribution

The following objection might be made to my argument thus far. It may be true that philosophical discussions of justice tend to emphasize the distribution of goods and to ignore institutional issues of decisionmaking structure and culture. But this is not a necessary consequence of the distributive definition of justice. Theories of distributive justice can and should be applied to issues of social organization beyond the allocation of wealth, income, and resources. Indeed, this objection insists, many theorists explicitly extend the scope of distributive justice to such nonmaterial goods.

Rawls, for example, regards the subject of justice as "the way in which the major social institutions distribute fundamental rights and duties" (Rawls, 1971, p. 7), and for him this clearly includes rights and duties related to decisionmaking, social positions, power, and so on, as well as wealth or income. Similarly, David Miller specifies that "the 'benefits' the distribution of which a conception of justice evaluates should be taken to include intangible benefits such as prestige and self-respect" (Miller, 1976, p. 22). William Galston, finally, insists that "issues of justice involve not only the distribution of property or income, but also such non-material goods as productive tasks, opportunities for development, citizenship, authority, honor, and so on" (Galston, 1980, p. 6; cf. p. 116).

The distributive paradigm of justice may have a bias toward focusing on easily identifiable distributions, such as distributions of things, income, and jobs. Its beauty and simplicity, however, consists in its ability to accommodate any issue of justice, including those concerning culture, decisionmaking structures, and the division of labor. To do so the paradigm simply formulates the issue in terms of the distribution of some material or nonmaterial good among various agents. Any social value can be treated as some thing or aggregate of things that some specific agents possess in certain amounts, and alternative end-state patterns of distribution of that good among those agents can be compared. For example, neoclassical economists have developed sophisticated schemes for reducing all intentional action to a matter of maximizing a utility function in which the utility of all conceivable goods can be quantified and compared.

But this, in my view, is the main problem with the distributive paradigm: it does not recognize the limits to the application of a logic of distribution. Distributive theorists of justice agree that justice is the primary normative concept for evaluating all aspects of social institutions, but at the same time they identify the scope of justice with distribution. This entails applying a logic of distribution to social goods which are not mate-

rial things or measurable quantities. Applying a logic of distribution to such goods produces a misleading conception of the issues of justice involved. It reifies aspects of social life that are better understood as a function of rules and relations than as things. And it conceptualizes social justice primarily in terms of end-state patterns, rather than focusing on social processes. This distributive paradigm implies a misleading or incomplete social ontology.

But why should issues of social ontology matter for normative theorizing about justice? Any normative claims about society make assumptions about the nature of society, often only implicitly. Normative judgments of justice are about something, and without a social ontology we do not know what they are about. The distributive paradigm implicitly assumes that social judgments are about what individual persons have, how much they have, and how that amount compares with what other persons have. This focus on possession tends to preclude thinking about what people are doing, according to what institutionalized rules, how their doings and havings are structured by institutionalized relations that constitute their positions, and how the combined effect of their doings has recursive effects on their lives. Before developing this argument further, let us look at some examples of the application of the distributive paradigm to three nonmaterial goods frequently discussed by theorists of justice: rights, opportunity, and self-respect.

I quoted Rawls earlier to the effect that justice concerns the distribution of "rights and duties," and talk of distributing rights is by no means limited to him. But what does distributing a right mean? One may talk about having a right to a distributive share of material things, resources, or income. But in such cases it is the good that is distributed, not the right. What can it mean to distribute rights that do not refer to resources or things, like the right of free speech, or the right of trial by jury? We can conceive of a society in which some persons are granted these rights while others are not, but this does not mean that some people have a certain "amount" or "portion" of a good while others have less. Altering the situation so that everyone has these rights, moreover, would not entail that the formerly privileged group gives over some of its right of free speech or trial by jury to the rest of society's members, on analogy with a redistribuion of income.

Rights are not fruitfully conceived as possessions. Rights are relationships, not things; they are institutionally defined rules specifying what people can do in relation to one another. Rights refer to doing more than having, to social relationships that enable or constrain action.

Talk of distributing opportunities involves a similar confusion. If by opportunity we mean "chance," we can meaningfully talk of distributing opportunities, of some people having more opportunities than others, while

some have none at all. When I go to the carnival I can buy three chances to knock over the kewpie doll, and my friend can buy six, and she will have more chances than I. Matters are rather different, however, with other opportunities. James Nickel (1988, p. 110) defines opportunities as "states of affairs that combine the absence of insuperable obstacles with the presences of means—internal or external—that give one a chance of overcoming the obstacles that remain." Opportunity in this sense is a condition of enablement, which usually involves a configuration of social rules and social relations, as well as an individual's self-conception and skills.

We may mislead ourselves by the fact that in ordinary language we talk about some people having "fewer" opportunities than others. When we talk that way, the opportunities sound like separable goods that can be increased or decreased by being given out or withheld, even though we know that opportunities are not allocated. Opportunity is a concept of enablement rather than possession; it refers to doing more than having. A person has opportunities if he or she is not constrained from doing things, and lives under the enabling conditions for doing them. Having opportunities in this sense certainly does often entail having material possessions, such as food, clothing, tools, land, or machines. Being enabled or constrained refers more directly, however, to the rules and practices that govern one's action, the way other people treat one in the context of specific social relations, and the broader structural possibilities produced by the confluence of a multitude of actions and practices. It makes no sense to speak of opportunities as themselves things possessed. Evaluating social justice according to whether persons have opportunities, therefore, must involve evaluating not a distributive outcome but the social structures that enable or constrain the individuals in relevant situations (cf. Simpson, 1980; Reiman, 1987).

Consider educational opportunity, for example. Providing educational opportunity certainly entails allocating specific material resources—money, buildings, books, computers, and so on—and there are reasons to think that the more resources, the wider the opportunities offered to children in an educational system. But education is primarily a process taking place in a complex context of social relations. In the cultural context of the United States, male children and female children, working-class children and middle-class children, Black children and white children often do not have equally enabling educational opportunities even when an equivalent amount of resources has been devoted to their education. This does not show that distribution is irrelevant to educational opportunity, only that opportunity has a wider scope than distribution.

Many writers on justice, to take a final example, not only regard self-respect as a primary good that all persons in a society must have if the society is to be just, but also talk of distributing self-respect. But what can

it mean to distribute self-respect? Self-respect is not an entity or measurable aggregate, it cannot be parceled out of some stash, and above all it cannot be detached from persons as a separable attribute adhering to an otherwise unchanged substance. Self-respect names not some possession or attribute a person has, but her or his attitude toward her or his entire situation and life prospects. While Rawls does not speak of self-respect as something itself distributed, he does suggest that distributive arrangements provide the background conditions for self-respect (Rawls, 1971, pp. 148–50). It is certainly true that in many circumstances the possession of certain distributable material goods may be a condition of self-respect. Self-respect, however, also involves many nonmaterial conditions that cannot be reduced to distributive arrangements (cf. Howard, 1985).

People have or lack self-respect because of how they define themselves and how others regard them, because of how they spend their time, because of the amount of autonomy and decisionmaking power they have in their activities, and so on. Some of these factors can be conceptualized in distributive terms, but others cannot. Self-respect is at least as much a function of culture as it is of goods, for example, and in later chapters I shall discuss some elements of cultural imperialism that undermine the self-respect of many persons in our society. The point here is that none of the forms and not all of the conditions of self-respect can meaningfully be conceived as goods that individuals possess; they are rather relations and processes in which the actions of individuals are embedded.

These, then, are the general problems with extending the concept of distribution beyond material goods or measurable quantities to nonmaterial values. First, doing so reifies social relations and institutional rules. Something identifiable and assignable must be distributed. In accord with its implicit social ontology that gives primacy to substance over relations, moreover, the distributive paradigm tends to conceive of individuals as social atoms, logically prior to social relations and institutions. As Galston makes clear in the passage I quoted earlier (Galston, 1980, p. 112), conceiving justice as a distribution of goods among individuals involves analytically separating the individuals from those goods. Such an atomistic conception of the individual as a substance to which attributes adhere fails to appreciate that individual identities and capacities are in many respects themselves the products of social processes and relations. Societies do not simply distribute goods to persons who are what they are apart from society, but rather constitute individuals in their identities and capacities (Sandel, 1982; Taylor, 1985). In the distributive logic, however, there is little room for conceiving persons' enablement or constraint as a function of their relations to one another. As we shall see in Chapter 2, such an atomistic social ontology ignores or obscures the importance of social groups for understanding issues of justice.

Second, the distributive paradigm must conceptualize all issues of justice in terms of patterns. It implies a static social ontology that ignores processes. In the distributive paradigm individuals or other agents lie as points in the social field, among whom larger or smaller packets of goods are assigned. One evaluates the justice of the pattern by comparing the size of the packages individuals have and comparing the total pattern to other possible patterns of assignment.

Robert Nozick (1974, chap. 7) argues that such a static or end-state approach to justice is inappropriately ahistorical. End-state approaches to justice, he argues, operate as though social goods magically appear and get distributed. They ignore the processes that create the goods and produce distributive patterns, which they find irrelevant for evaluating justice. For Nozick, only the process is relevant to evaluating distributions. If individuals begin with holdings they are justly entitled to, and undertake free exchanges, then the distributive outcomes are just, no matter what they are. This entitlement theory shares with other theories a possessively individualist social ontology. Society consists only of individuals with "holdings" of social goods which they augment or reduce through individual production and contractual exchange. The theory does not take into account structural effects of the actions of individuals that they cannot foresee or intend, and to which they might not agree if they could. Nevertheless, Nozick's criticism of end-state theories for ignoring social processes is apt.

Important and complex consequences ensue when a theory of justice adopts a narrowly static social ontology. Anthony Giddens claims that social theory in general has lacked a temporal conceptualization of social relations (Giddens, 1976, chap. 2; 1984, chaps. 3 and 4). Action theorists have developed sophisticated accounts of social relations from the point of view of acting subjects with intentions, purposes, and reasons, but they have tended to abstract from the temporal flow of everyday life, and instead talk about isolated acts of isolated individuals. For a theory of justice, this means ignoring the relevance of institutions to justice. Structuralism and functionalist social theories, on the other hand, provide conceptual tools for identifying and explaining social regularities and large-scale institutional patterns. Because they also abstract from the temporal flow of everyday interaction, however, they tend to hypostatize these regularities and patterns and often fail to connect them with accounts of individual action. For a theory of justice, this means separating institutions from choice and normative judgment. Only a social theory that takes process seriously, Giddens suggests, can understand the relation between social structures and action. Individuals are not primarily receivers of goods or carriers of properties, but actors with meanings and purposes, who act with, against, or in relation to one another. We act with

knowledge of existing institutions, rules, and the structural consequences of a multiplicity of actions, and those structures are enacted and reproduced through the confluence of our actions. Social theory should conceptualize action as a producer and reproducer of structures, which only exist in action; social action, on the other hand, has those structures and relationships as background, medium, or purpose.

This identification of a weakness in traditional social theory can be applied to the distributive paradigm of justice. I disagree with Nozick that end-state patterns are irrelevant to questions of justice. Because they inhibit the ability of some people to live and be healthy, or grant some people resources that allow them to coerce others, some distributions must come into question no matter how they came about. Evaluating patterns of distribution is often an important starting point for questioning about justice. For many issues of social justice, however, what is important is not the particular pattern of distribution at a particular moment, but rather the reproduction of a regular distributive pattern over time.

For example, unless one begins with the assumption that all positions of high status, income, and decisionmaking power ought to be distributed in comparable numbers to women and men, finding that very few top corporate managers are women might not involve any question of injustice. It is in the context of a social change involving more acceptance of women in corporate management, and a considerable increase in the number of women who obtain degrees in business, that a question of injustice becomes most apparent here. Even though more women earn degrees in business, and in-house policies of some companies aim to encourage women's careers, a pattern of distribution of managerial positions that clusters women at the bottom and men at the top persists. Assuming that justice ultimately means equality for women, this pattern is puzzling, disturbing. We are inclined to ask: what's going on here? why is this general pattern reproduced even in the face of conscious efforts to change it? Answering that question entails evaluation of a matrix of rules, attitudes, interactions, and policies as a social process that produces and reproduces that pattern. An adequate conception of justice must be able to understand and evaluate the processes as well as the patterns.

One might object that this account confuses the empirical issue of what causes a particular distribution with the normative issue of whether the distribution is just. As will be apparent in the chapters that follow, however, in the spirit of critical social theory I do not accept this division between empirical and normative social theory. While there is a distinction between empirical and normative statements and the kinds of reasons required for each, no normative theory meant to evaluate existing societies can avoid empirical inquiry, and no empirical investigation of social structures and relations can avoid normative judgments. Inquiry about

social justice must consider the context and causes of actual distributions in order to make normative judgments about institutional rules and relations.

The pattern orientation of the distributive paradigm, then, tends to lead to abstraction from institutional rules and relations and a consequent failure to bring them into evaluation. For many aspects of social structure and institutional context cannot be brought into view without examining social processes and the unintended cumulative consequences of individual actions. Without a more temporal approach to social reality, for example, as we shall see in Chapter 2, a theory of justice cannot conceptualize exploitation, as a social process by which the labor of some unreciprocally supports the privilege of others.

### Problems with Talk of Distributing Power

I have argued that regarding such social values as rights, opportunities, and self-respect as distributable obscures the institutional and social bases of these values. Some theorists of justice might respond to my criticism of the distributive paradigm as follows: What is in question is indeed not goods, but social power; the distributive paradigm, however, can accommodate these issues by giving more attention to the distribution of power. Certainly I agree that many of the issues I have said are confused or obscured by the distributive paradigm concern social power. While talk of the distribution of power is common, however, I think this is a particularly clear case of the misleading and undesirable implications of extending the concept of distribution beyond material goods.

Distributional theorists of justice disagree on how to approach power. Some explicitly exclude power from the scope of their theories. David Miller (1976, p. 22), for example, claims that questions of power are not questions of social justice per se, but concern the causes of justice and injustice. Ronald Dworkin (1983) explicitly brackets issues of power in his discussion of equality, and chooses to consider only issues of welfare, the distribution of goods, services, income, and so on.

Other philosophers and political theorists, however, clearly include questions of power within the scope of the concept of justice. Many would agree that a theory of justice must be concerned not only with end-state patterns, but also with the institutional relations that produce distributions. Their approach to such questions takes the form of assessing the distribution of power in a society or a specific institutional context.

Talk about power in terms of distribution is so common that it does not warrant special notice. The following passage from William Connolly's *Terms of Political Discourse* is typical:

> When one speaks of a power structure one conveys, first, the idea that power in at least some domains is distributed unequally; second, that those with more power in one domain are likely to have it in several important domains as well; third, that such a distribution is relatively persistent; and fourth (but not necessarily), that there is more than a random connection between the distribution of power and the distribution of income, status, privilege, and wealth in the system under scrutiny. (Connolly, 1983, p. 117)

Common though it is, bringing power under the logic of distribution, I suggest, misconstrues the meaning of power. Conceptualizing power in distributive terms means implicitly or explicitly conceiving power as a kind of stuff possessed by individual agents in greater or lesser amounts. From this perspective a power structure or power relations will be described as a pattern of the distribution of this stuff. There are a number of problems with such a model of power.

First, regarding power as a possession or attribute of individuals tends to obscure the fact that power is a relation rather than a thing (Bachrach and Baratz, 1969). While the exercise of power may sometimes depend on the possession of certain resources—money, military equipment, and so on—such resources should not be confused with power itself. The power consists in a relationship between the exerciser and others through which he or she communicates intentions and meets with their acquiescence.

Second, the atomistic bias of distributive paradigms of power leads to a focus on particular agents or roles that have power, and on agents over whom these powerful agents or roles have power. Even when they recognize its relational character, theorists often treat power as a dyadic relation, on the model of ruler and subject. This dyadic modeling of power misses the larger structure of agents and actions that mediates between two agents in a power relation (Wartenburg, 1989, chap. 7). One agent can have institutionalized power over another only if the actions of many third agents support and execute the will of the powerful. A judge may be said to have power over a prisoner, but only in the context of a network of practices executed by prison wardens, guards, recordkeepers, administrators, parole officers, lawyers, and so on. Many people must do their jobs for the judge's power to be realized, and many of these people will never directly interact with either the judge or the prisoner. A distributive understanding of power as a possession of particular individuals or groups misses this supporting and mediating function of third parties.

A distributive understanding of power, which treats power as some kind of stuff that can be traded, exchanged, and distributed, misses the structural phenomena of domination (Hartsock, 1983). By domination I mean structural or systemic phenomena which exclude people from participating in determining their actions or the conditions of their actions (cf. War-

tenburg, 1989, chap. 6). Domination must be understood as structural precisely because the constraints that people experience are usually the intended or unintended product of the actions of many people, like the actions which enable the judge's power. In saying that power and domination have a structural basis, I do not deny that it is individuals who are powerful and who dominate. Within a system of domination some people can be identified as more powerful and others as relatively powerless. Nevertheless a distributive understanding misses the way in which the powerful enact and reproduce their power.

The structured operation of domination whose resources the powerful draw upon must be understood as a process. A distributive conceptualization of power, however, can construct power relations only as patterns. As Thomas Wartenburg argues (1989, chap. 9), conceptualizing power as relational rather than substantive, as produced and reproduced through many people outside the immediate power dyad, brings out the dynamic nature of power relations as an ongoing process. A distributive understanding of power obscures the fact that, as Foucault puts it, power exists only in action (Foucault, 1980, p. 89; cf. Smart, 1983, chap. 5; Sawicki, 1986):

> What, by contrast, should always be kept in mind is that power, if we do not take too distant a view of it, is not that which makes the difference between those who exclusively possess and retain it, and those who do not have it and submit to it. Power must be analyzed as something that circulates, or rather something which only functions in the form of a chain. It is never localized here or there, never in anybody's hands, never appropriated as a commodity or piece of wealth. Power is employed and exercised through a net-like organization. And not only do individuals circulate between its threads; they are always in the position of simultaneously undergoing and exercising their power. (Foucault, 1980, p. 98)

The logic of distribution, in contrast, makes power a machine or instrument, held in ready and turned on at will, independently of social processes.

Finally, a distributive understanding of power tends to conceive a system of domination as one in which power, like wealth, is concentrated in the hands of a few. Assuming such a condition is unjust, a redistribution of power is called for, which will disperse and decentralize power so that a few individuals or groups no longer have all or most of the power. For some systems of domination such a model may be appropriate. As I will argue in the next two chapters, however, it is not appropriate for understanding the operation of domination and oppression in contemporary welfare corporate societies. For these societies witness the ironic situation in which power is widely dispersed and diffused, yet social relations are

tightly defined by domination and oppression. When power is understood as "productive," as a function of dynamic processes of interaction within regulated cultural and decisionmaking situations, then it is possible to say that many widely dispersed persons are agents of power without "having" it, or even being privileged. Without a structural understanding of power and domination as processes rather than patterns of distribution, the existence and nature of domination and oppression in these societies cannot be identified.

## Defining Injustice as Domination and Oppression

Because distributive models of power, rights, opportunity, and self-respect work so badly, justice should not be conceived primarily on the model of the distribution of wealth, income, and other material goods. Theorizing about justice should explicitly limit the concept of distribution to material goods, like things, natural resources, or money. The scope of justice is wider than distributive issues. Though there may be additional nondistributive issues of justice, my concerns in this book focus on issues of decisionmaking, division of labor, and culture.

Political thought of the modern period greatly narrowed the scope of justice as it had been conceived by ancient and medieval thought. Ancient thought regarded justice as the virtue of society as a whole, the well-orderedness of institutions that foster individual virtue and promote happiness and harmony among citizens. Modern political thought abandoned the notion that there is a natural order to society that corresponds to the proper ends of human nature. Seeking to liberate the individual to define "his" own ends, modern political theory also restricted the scope of justice to issues of distribution and the minimal regulation of action among such self-defining individuals (Heller, 1987, chap. 2; cf. MacIntyre, 1981, chap. 17).

While I hardly intend to revert to a full-bodied Platonic conception of justice, I nevertheless think it is important to broaden the understanding of justice beyond its usual limits in contemporary philosophical discourse. Agnes Heller (1987, chap. 5) proposes one such broader conception in what she calls an incomplete ethico-political concept of justice. According to her conception, justice names not principles of distribution, much less some particular distributive pattern. This represents too narrow and substantive a way of reflecting on justice. Instead, justice names the perspectives, principles, and procedures for evaluating institutional norms and rules. Developing Habermas's communicative ethics, Heller suggests that justice is primarily the virtue of citizenship, of persons deliberating about problems and issues that confront them collectively in their institutions and actions, under conditions without domination or oppression,

with reciprocity and mutual tolerance of difference. She proposes the following test of the justice of social or political norms:

> Every valid social and political norm and rule (every law) must meet the condition that the foreseeable consequences and side effects the general observance of that law (norm) exacts on the satisfaction of the needs of each and every individual would be accepted by everyone concerned, and that the claim of the norm to actualize the universal values of freedom and/or life could be accepted by each and every individual, regardless of the values to which they are committed. (Heller, 1987, pp. 240–41)

In the course of this book I shall raise some critical questions about the ideas of citizenship, agreement, and universality embedded in the radically democratic ideal which Habermas and Heller, along with others, express. Nevertheless, I endorse and follow this general conception of justice derived from a conception of communicative ethics. The idea of justice here shifts from a focus on distributive patterns to procedural issues of participation in deliberation and decisionmaking. For a norm to be just, everyone who follows it must in principle have an effective voice in its consideration and be able to agree to it without coercion. For a social condition to be just, it must enable all to meet their needs and exercise their freedom; thus justice requires that all be able to express their needs.

As I understand it, the concept of justice coincides with the concept of the political. Politics as I defined it in the Introduction includes all aspects of institutional organization, public action, social practices and habits, and cultural meanings insofar as they are potentially subject to collective evaluation and decisionmaking. Politics in this inclusive sense certainly concerns the policies and actions of government and the state, but in principle can also concern rules, practices, and actions in any other institutional context (cf. Mason, 1982, pp. 11–24).

The scope of justice, I have suggested, is much wider than distribution, and covers everything political in this sense. This coheres with the meaning of justice claims of the sort mentioned at the outset of this chapter. When people claim that a particular rule, practice, or cultural meaning is wrong and should be changed, they are often making a claim about social injustice. Some of these claims involve distributions, but many also refer to other ways in which social institutions inhibit or liberate persons.

Some writers concur that distribution is too narrow a focus for normative evaluation of social institutions, but claim that going beyond this distributive focus entails going beyond the norms of justice per se. Charles Taylor (1985), for example, distinguishes questions of distributive justice from normative questions about the institutional framework of society. Norms of justice help resolve disputes about entitlements and deserts

within a particular institutional context. They cannot evaluate that institutional context itself, however, because it embodies a certain conception of human nature and the human good. According to Taylor, confusions arise in theoretical and political discussion when norms of distributive justice are applied across social structures and used to evaluate basic structures. For example, both right and left critics of our society charge it with perpetrating injustices, but according to Taylor the normative perspective from which each side speaks involves a project to construct different institutional forms corresponding to specific conceptions of the human good, a project beyond merely articulating principles of justice.

From a somewhat different perspective, Seyla Benhabib (1986, pp. 330–36) suggests that a normative social theory which evaluates institutions according to whether they are free from domination, meet needs, and provide conditions of emancipation entails going beyond justice as understood by the modern tradition. Because this broader normative social theory entails a critique of culture and socialization in addition to critiques of formal rights and patterns of distribution, it merges questions of justice with questions of the good life.

I am sympathetic with both these discussions, as well as with Michael Sandel's (1982) related argument for recognizing the "limits" of justice and the importance of conceptualizing normative aspects of the self in social contexts that lie beyond those limits. But while I share these writers' general critique of liberal theories of distributive justice, I see no reason to conclude with Taylor and Sandel that this critique reveals the limits of the concept of justice which a normative social philosophy must transcend. I disagree to some extent, moreover, with Taylor's and Benhabib's suggestion that such a wider normative social philosophy merges questions of justice with questions of the good life.

Like many other writers cited earlier in this chapter, Taylor assumes that justice and distribution are coextensive, and therefore that broader issues of institutional context require other normative concepts. Many Marxist theorists who argue that justice is a merely bourgeois concept take a similar position. Whether normative theorists who focus attention on issues of decisionmaking, division of labor, culture, and social organization beyond the distribution of goods call these issues of justice or not is clearly a matter of choice. I can give only pragmatic reasons for my own choice.

Since Plato "justice" has evoked the well-ordered society, and it continues to carry those resonances in contemporary political discussion. Appeals to justice still have the power to awaken a moral imagination and motivate people to look at their society critically, and ask how it can be made more liberating and enabling. Philosophers interested in nurturing

this emancipatory imagination and extending it beyond questions of distribution should, I suggest, lay claim to the term justice rather than abandon it.

To a certain extent Heller, Taylor, and Benhabib are right that a postmodern turn to an enlarged conception of justice, reminiscent of the scope of justice in Plato and Aristotle, entails more attention to the definition of ends than the liberal conception of justice allows. Nevertheless, questions of justice do not merge with questions of the good life. The liberal commitment to individual freedom, and the consequent plurality of definitions of the good, must be preserved in any reenlarged conception of justice. The modern restriction of the concept of justice to formal and instrumental principles was meant to promote the value of individual self-definition of ends, or "plans of life," as Rawls calls them. In displacing reflection about justice from a primary focus on distribution to include all institutional and social relations insofar as they are subject to collective decision, I do not mean to suggest that justice should include all moral norms in its scope. Social justice in the sense I intend continues to refer only to institutional conditions, and not to the preferences and ways of life of individuals or groups.

Any normative theorist in the postmodern world is faced with a dilemma. On the one hand, we express and justify norms by appealing to certain values derived from a conception of the good human life. In some sense, then, any normative theory implicitly or explicitly relies on a conception of human nature (cf. Jaggar, 1983, pp. 18–22). On the other hand, it would seem that we should reject the very idea of a human nature as misleading or oppressive.

Any definition of a human nature is dangerous because it threatens to devalue or exclude some acceptable individual desires, cultural characteristics, or ways of life. Normative social theory, however, can rarely avoid making implicit or explicit assumptions about human beings in the formulation of its vision of just institutions. Even though the distributive paradigm carries an individualist conception of society, which considers individual desires and preferences private matters outside the sphere of rational discourse, it assumes a quite specific conception of human nature. It implicitly defines human beings as primarily consumers, desirers, and possessors of goods (Heller, 1987, pp. 180–82). C. B. Macpherson (1962) argues that in presupposing such a possessively individualist view of human nature the original liberal theorists hypostatized the acquisitive values of emergent capitalist social relations. Contemporary capitalism, which depends more upon widespread indulgent consumption than its penny-pinching Protestant ancestor, continues to presuppose an understanding of human beings as primarily utility maximizers (Taylor, 1985).

The idea of human beings that guides normative social theorizing under the distributive paradigm is an image, rather than an explicit theory of human nature. It makes plausible to the imagination both the static picture of social relations entailed by this distributive paradigm and the notion of separate individuals already formed apart from social goods. Displacing the distributive paradigm in favor of a wider, process-oriented understanding of society, which focuses on power, decisionmaking structures, and so on, likewise shifts the imagination to different assumptions about human beings. Such an imaginative shift could be as oppressive as consumerist images if it is made too concrete. As long as the values we appeal to are abstract enough, however, they will not devalue or exclude any particular culture or way of life.

Persons certainly are possessors and consumers, and any conception of justice should presume the value of meeting material needs, living in a comfortable environment, and experiencing pleasures. Adding an image of people as doers and actors (Macpherson, 1973; Bowles and Gintis, 1986) helps to displace the distributive paradigm. As doers and actors, we seek to promote many values of social justice in addition to fairness in the distribution of goods: learning and using satisfying and expansive skills in socially recognized settings; participating in forming and running institutions, and receiving recognition for such participation; playing and communicating with others, and expressing our experience, feelings, and perspective on social life in contexts where others can listen. Certainly many distributive theorists of justice would recognize and affirm these values. The framework of distribution, however, leads to a deemphasizing of these values and a failure to inquire about the institutional conditions that promote them.

This, then, is how I understand the connection between justice and the values that constitute the good life. Justice is not identical with the concrete realization of these values in individual lives; justice, that is, is not identical with the good life as such. Rather, social justice concerns the degree to which a society contains and supports the institutional conditions necessary for the realization of these values. The values comprised in the good life can be reduced to two very general ones: (1) developing and exercising one's capacities and expressing one's experience (cf. Gould, 1988, chap. 2; Galston, pp. 61–69), and (2) participating in determining one's action and the conditions of one's action (cf. Young, 1979). These are universalist values, in the sense that they assume the equal moral worth of all persons, and thus justice requires their promotion for everyone. To these two general values correspond two social conditions that define injustice: oppression, the institutional constraint on self-development, and domination, the institutional constraint on self-determination.

Oppression consists in systematic institutional processes which prevent some people from learning and using satisfying and expansive skills in socially recognized settings, or institutionalized social processes which inhibit people's ability to play and communicate with others or to express their feelings and perspective on social life in contexts where others can listen. While the social conditions of oppression often include material deprivation or maldistribution, they also involve issues beyond distribution, as I shall show in Chapter 2.

Domination consists in institutional conditions which inhibit or prevent people from participating in determining their actions or the conditions of their actions. Persons live within structures of domination if other persons or groups can determine without reciprocation the conditions of their action, either directly or by virtue of the structural consequences of their actions. Thorough social and political democracy is the opposite of domination. In Chapter 3 I discuss some of the issues of decisionmaking that contemporary welfare state politics ignores, and show how insurgent social movements frequently address issues of domination rather than distribution.

As will become clear in the chapters that follow, I think the concepts of oppression and domination overlap, but there is nevertheless reason to distinguish them. Oppression usually includes or entails domination, that is, constraints upon oppressed people to follow rules set by others. But each face of oppression that I shall discuss in Chapter 2 also involves inhibitions not directly produced by relations of domination. As should become clear in that chapter, moreover, not everyone subject to domination is also oppressed. Hierarchical decisionmaking structures subject most people in our society to domination in some important aspect of their lives. Many of those people nevertheless enjoy significant institutionalized support for the development and exercise of their capacities and their ability to express themselves and be heard.

# Introduction

WHAT are the implications for political philosophy of the claims of new group-based social movements associated with left politics—such movements as feminism, Black liberation, American Indian movements, and gay and lesbian liberation? What are the implications for political philosophy of postmodern philosophy's challenge to the tradition of Western reason? How can traditional socialist appeals to equality and democracy be deepened and broadened as a result of these developments in late twentieth-century politics and theory? Justice is the primary subject of political philosophy. These questions are thus inseparable from questions about justice. What conceptions of social justice do these new social movements implicitly appeal to, and how do they confront or modify traditional conceptions of justice?

These are some of the questions that propel the inquiry in this book. In addressing them I explore some problems of positivism and reductionism in political theory. The positivism of political theory consists in too often assuming as given institutional structures that ought to be brought under normative evaluation. The reductionism I expose is modern political theory's tendency to reduce political subjects to a unity and to value commonness or sameness over specificity and difference.

I argue that instead of focusing on distribution, a conception of justice should begin with the concepts of domination and oppression. Such a shift brings out issues of decisionmaking, division of labor, and culture that bear on social justice but are often ignored in philosophical discussions. It also exhibits the importance of social group differences in structuring social relations and oppression; typically, philosophical theories of justice have operated with a social ontology that has no room for a concept of social groups. I argue that where social group differences exist and some groups are privileged while others are oppressed, social justice requires explicitly acknowledging and attending to those group differences in order to undermine oppression.

Although I discuss and argue about justice, I do not construct a theory of justice. A theory of justice typically derives fundamental principles of justice that apply to all or most societies, whatever their concrete configuration and social relations, from a few general premises about the nature of human beings, the nature of societies, and the nature of reason. True to the meaning of *theoria*, it wants to see justice. It assumes a point of view

outside the social context where issues of justice arise, in order to gain a comprehensive view. The theory of justice is intended to be self-standing, since it exhibits its own foundations. As a discourse it aims to be whole, and to show justice in its unity. It is detemporalized, in that nothing comes before it and future events will not affect its truth or relevance to social life.

Theorists of justice have a good reason for abstracting from the particular circumstances of social life that give rise to concrete claims of justice, to take a position outside social life that rests on reason. Such a self-standing rational theory would be independent of actual social institutions and relations, and for that reason could serve as a reliable and objective normative standard for evaluating those institutions and relations. Without a universal normative theory of justice grounded independently of the experience of a particular society, it is often assumed, philosophers and social actors cannot distinguish legitimate claims of justice from socially specific prejudices or self-interested claims to power.

The attempt to develop a theory of justice that both stands independent of a given social context and yet measures its justice, however, fails in one of two ways. If the theory is truly universal and independent, presupposing no particular social situations, institutions, or practices, then it is simply too abstract to be useful in evaluating actual institutions and practices. In order to be a useful measure of actual justice and injustice, it must contain some substantive premises about social life, which are usually derived, explicitly or implicitly, from the actual social context in which the theorizing takes place. Many have argued that Rawls's theory of justice, for example, must have some substantive premises if it is to ground substantive conclusions, and these premises implicitly derive from experience of people in modern liberal capitalist societies (see Young, 1981; Simpson, 1980; Wolff, 1977, pt. IV).

A theory of justice that claims universality, comprehensiveness, and necessity implicitly conflates moral reflection with scientific knowledge (Williams, 1985, chap. 6). Reflective discourse about justice, however, should not pose as knowledge in the mode of seeing or observing, where the knower is initiator and master of the known. Discourse about justice is not motivated originally by curiosity, a sense of wonder, or the desire to figure out how something works. The sense of justice arises not from looking, but as Jean-François Lyotard says, from listening:

> For us, a language is first and foremost someone talking. But there are language games in which the important thing is to listen, in which the rule deals with audition. Such a game is the game of the just. And in this game, one speaks only inasmuch as one listens, that is, one speaks as a listener, and not as an author. (Lyotard, 1985, pp. 71–72)

While everyday discourse about justice certainly makes claims, these are not theorems to be demonstrated in a self-enclosed system. They are instead calls, pleas, claims *upon* some people by others. Rational reflection on justice begins in a hearing, in heeding a call, rather than in asserting and mastering a state of affairs, however ideal. The call to "be just" is always situated in concrete social and political practices that precede and exceed the philosopher. The traditional effort to transcend that finitude toward a universal theory yields only finite constructs which escape the appearance of contingency usually by recasting the given as necessary.

Rejecting a theory of justice does not entail eschewing rational discourse about justice. Some modes of reflection, analysis, and argument aim not at building a systematic theory, but at clarifying the meaning of concepts and issues, describing and explaining social relations, and articulating and defending ideals and principles. Reflective discourse about justice makes arguments, but these are not intended as definitive demonstrations. They are addressed to others and await their response, in a situated political dialogue. In this book I engage in such situated analysis and argument in the mode of critical theory.

As I understand it, critical theory is a normative reflection that is historically and socially contextualized. Critical theory rejects as illusory the effort to construct a universal normative system insulated from a particular society. Normative reflection must begin from historically specific circumstances because there is nothing but what is, the given, the situated interest in justice, from which to start. Reflecting from within a particular social context, good normative theorizing cannot avoid social and political description and explanation. Without social theory, normative reflection is abstract, empty, and unable to guide criticism with a practical interest in emancipation. Unlike positivist social theory, however, which separates social facts from values, and claims to be value-neutral, critical theory denies that social theory must accede to the given. Social description and explanation must be critical, that is, aim to evaluate the given in normative terms. Without such a critical stance, many questions about what occurs in a society and why, who benefits and who is harmed, will not be asked, and social theory is liable to reaffirm and reify the given social reality.

Critical theory presumes that the normative ideals used to criticize a society are rooted in experience of and reflection on that very society, and that norms can come from nowhere else. But what does this mean, and how is it possible for norms to be both socially based and measures of society? Normative reflection arises from hearing a cry of suffering or distress, or feeling distress oneself. The philosopher is always socially situated, and if the society is divided by oppressions, she either reinforces or struggles against them. With an emancipatory interest, the philosopher

apprehends given social circumstances not merely in contemplation but with passion: the given is experienced in relation to desire. Desire, the desire to be happy, creates the distance, the negation, that opens the space for criticism of what is. This critical distance does not occur on the basis of some previously discovered rational ideas of the good and the just. On the contrary, the ideas of the good and the just arise from the desiring negation that action brings to what is given.

Critical theory is a mode of discourse which projects normative possibilities unrealized but felt in a particular given social reality. Each social reality presents its own unrealized possibilities, experienced as lacks and desires. Norms and ideals arise from the yearning that is an expression of freedom: it does not have to be this way, it could be otherwise. Imagination is the faculty of transforming the experience of what is into a projection of what could be, the faculty that frees thought to form ideals and norms.

Herbert Marcuse describes this genesis of ideals from an experience of the possibilities desired but unrealized in the given:

> There are a large class of concepts—we dare say, philosophically relevant concepts—where the quantitative relation between the universal and the particular assumes a qualitative aspect, where the abstract, universal seems to designate potentialities in a concrete, historical sense. However "man," "nature," "justice," "beauty," or "freedom" may be defined, they synthesize experiential contents into ideas which transcend their particular realizations as something to be surpassed, overcome. Thus the concept of beauty comprehends all the beauty not *yet* realized; the conception of freedom all the liberty not *yet* attained. . . .
>
> Such universals thus appear as conceptual instruments for understanding the particular conditions of things in light of their potentialities. They are historical and supra-historical; they conceptualize the stuff of which the experienced world consists, and they conceptualize it with a view of its possibilities, in the light of their actual limitation, suppression, and denial. Neither the experience nor judgment is private. The philosophic concepts are formed and developed in the consciousness of a general condition in a historical continuum; they are elaborated from an individual position within a specific society. The stuff of thought is historical stuff—no matter how abstract, general, or pure it may become in philosophic or scientific theory. (Marcuse, 1964, pp. 214–15)

In his notion of interpretation as social criticism, Michael Walzer endorses a similar approach to moral reflection. The social critic is engaged in and committed to the society he or she criticizes. She does not take a detached point of view toward the society and its institutions, though she does stand apart from its ruling powers. The normative basis for her criticism comes from the ideals and tensions of the society itself, ideals already there in some form, in espoused principles that are violated, for example,

or in social movements that challenge hegemonic ideas. The criticism of the social critic "does not require either detachment or enmity, because he finds a warrant for critical engagement in the idealism, even if it is a hypothetical idealism, of the actually existing moral world" (Walzer, 1987, p. 61).

This book has its philosophical starting point in claims about social domination and oppression in the United States. Ideas and experience born in the new left social movements of the 1960s and 1970s continue to inform the thoughts and actions of many individuals and organizations in contemporary American political life: democratic socialist, environmentalist, Black, Chicano, Puerto Rican, and American Indian movements; movements against U.S. military intervention in the Third World; gay and lesbian liberation; movements of the disabled, the old, tenants, and the poor; and the feminist movement. These movements all claim in varying ways that American society contains deep institutional injustices. But they find little kinship with contemporary philosophical theories of justice.

My aim is to express rigorously and reflectively some of the claims about justice and injustice implicit in the politics of these movements, and to explore their meaning and implications. I identify some bases for disparity between contemporary situated claims and theoretical claims about justice in fundamental assumptions of modern Western political philosophy. This project requires both criticism of ideas and institutions and the assertion of positive ideals and principles. I criticize some of the language and principles of justice that dominate in contemporary philosophy and offer alternative principles. I examine a number of policies, institutions, and practices of U.S. society, and show how some of the philosophical principles I criticize are also ideological insofar as they reinforce these institutions and practices. I offer, finally, some alternative visions of ideal social relations.

Though my method is derived from critical theory, I reject some tenets of critical theorists. While I follow Habermas's account of advanced capitalism and his general notion of communicative ethics, for example, I nevertheless criticize his implicit commitment to a homogeneous public. I am also indebted to several other approaches to philosophy and political theory. I extend some contemporary feminist analyses of the male bias implicit in the ideals of rationality, citizenship, and equality central to modern moral and political theory. My inquiry about a positive sense of group difference and a politics that attends to rather than represses difference owes much to discussions of the meaning of difference in such postmodern writers as Derrida, Lyotard, Foucault, and Kristeva. From this postmodern orientation, in which I also include some of the writings of Adorno and Irigaray, I appropriate a critique of unifying discourse to analyze and criticize such concepts as impartiality, the general good, and community.

From the lessons of these critiques I derive an alternative conception of differentiated social relations. The analyses and arguments in this book also draw on analytic moral and political philosophy, Marxism, participatory democratic theory, and Black philosophy.

Recent years have witnessed much discussion about the virtues and vices of each of these theoretical approaches, and many would find them incompatible. A debate about modernism versus postmodernism has recently raged among critical theorists, for example—a debate which has an analogue among feminist theorists. In this book I do not explicitly treat metatheoretical questions about the criteria for evaluating theoretical approaches to social and normative theorizing. When social theorists and social critics focus on such epistemological questions, they often abstract from the social issues that originally gave rise to the disputes and impart an intrinsic value to the epistemological enterprise. Methodological and epistemological issues do arise in the course of this study, but I treat them always as interruptions of the substantive normative and social issues at hand. I do not regard any of the theoretical approaches which I take up as a totality that must be accepted or rejected in its entirety. Each provides useful tools for the analyses and arguments I wish to make.

I begin in Chapter 1 by distinguishing between an approach to social justice that gives primacy to having and one that gives primacy to doing. Contemporary theories of justice are dominated by a distributive paradigm, which tends to focus on the possession of material goods and social positions. This distributive focus, however, obscures other issues of institutional organization at the same time that it often assumes particular institutions and practices as given.

Some distributive theories of justice explicitly seek to take into account issues of justice beyond the distribution of material goods. They extend the distributive paradigm to cover such goods as self-respect, opportunity, power, and honor. Serious conceptual confusion results, however, from attempting to extend the concept of distribution beyond material goods to phenomena such as power and opportunity. The logic of distribution treats nonmaterial goods as identifiable things or bundles distributed in a static pattern among identifiable, separate individuals. The reification, individualism, and pattern orientation assumed in the distributive paradigm, moreover, often obscure issues of domination and oppression, which require a more process-oriented and relational conceptualization.

Distributive issues are certainly important, but the scope of justice extends beyond them to include the political as such, that is, all aspects of institutional organization insofar as they are potentially subject to collective decision. Rather than attempting to stretch distribution to cover these, I argue that the concept of distribution should be limited to mate-

rial goods, and that other important aspects of justice include decision-making procedures, the social division of labor, and culture. Oppression and domination, I argue, should be the primary terms for conceptualizing injustice.

The concept of oppression is central to the discourse of the contemporary emancipatory social movements whose perspectives inspire the critical questions of this book. Yet there exists no sustained theoretical analysis of the concept of oppression as understood by these movements. Chapter 2 fills this conspicuous gap in social theory by defining oppression. Actually a family of concepts, oppression has five aspects which I explicate: exploitation, marginalization, powerlessness, cultural imperialism, and violence. Distributive injustices may contribute to or result from these forms of oppression, but none is reducible to distribution and all involve social structures and relations beyond distribution.

Oppression happens to social groups. But philosophy and social theory typically lack a viable concept of the social group. Notably in the context of affirmative action debate, some philosophers and policymakers even refuse to acknowledge the reality of social groups, a denial that often reinforces group oppressions. In Chapter 2 I develop a specific concept of the social group. While groups do not exist apart from individuals, they are socially prior to individuals, because people's identities are partly constituted by their group affinities. Social groups reflect ways that people identify themselves and others, which lead them to associate with some people more than others, and to treat others as different. Groups are identified in relation to one another. Their existence is fluid and often shifting, but nevertheless real.

The concept of justice is coextensive with the political. Politics, in Hannah Pitkin's words is "the activity through which relatively large and permanent groups of people determine what they will collectively do, settle how they will live together, and decide their future, to whatever extent this is within their power" (Pitkin, 1981, p. 343). Roberto Unger defines politics as "struggle over the resources and arrangements that set the basic terms of our practical and passionate relations. Preeminent among these arrangements," he observes, "is the formative institutional and imaginative context of social life" (Unger, 1987a, p. 145). Politics in this sense concerns all aspects of institutional organization, public action, social practices and habits, and cultural meanings insofar as they are potentially subject to collective evaluation and decisionmaking. When people say a rule or practice or cultural meaning is wrong and should be changed, they are usually making a claim about social justice. This is a wider understanding of the meaning of politics than that common among most philosophers and policymakers, who tend to identify politics as the activities of government or formal interest-group organizations. Chapter 3 takes up a

primary contribution of new left social movements, their continuing effort to politicize vast areas of institutional, social, and cultural life in the face of forces of welfare state liberalism which operate to depoliticize public life.

With many critical theorists and democratic theorists, I criticize welfare capitalist society for depoliticizing the process of public policy formation. Welfare state practices define policy as the province of experts, and confine conflict to bargaining among interest groups about the distribution of social benefits. The distributive paradigm of justice tends to reflect and reinforce this depoliticized public life, by failing to bring issues of decisionmaking power, for example, into explicit public discussion. Democratic decisionmaking processes, I argue, are an important element and condition of social justice.

Some feminist and postmodern writers have suggested that a denial of difference structures Western reason, where difference means particularity, the heterogeneity of the body and affectivity, or the inexhaustibility of linguistic and social relations without a unitary, undifferentiated origin. This book seeks to show how such a denial of difference contributes to social group oppression, and to argue for a politics that recognizes rather than represses difference. Thus Chapter 4 argues that the ideal of impartiality, a keystone of most modern moral theories and theories of justice, denies difference. The ideal of impartiality suggests that all moral situations should be treated according to the same rules. By claiming to provide a standpoint which all subjects can adopt, it denies the difference between subjects. By positing a unified and universal moral point of view, it generates a dichotomy between reason and feeling. Usually expressed in counterfactuals, the ideal of impartiality expresses an impossibility. It serves at least two ideological functions, moreover. First, claims to impartiality feed cultural imperialism by allowing the particular experience and perspective of privileged groups to parade as universal. Second, the conviction that bureaucrats and experts can exercise their decisionmaking power in an impartial manner legitimates authoritarian hierarchy.

Impartiality, I also suggest in Chapter 4, has its political counterpart in the ideal of the civic public. Critical theory and participatory democratic theory share with the liberal theory they challenge a tendency to suppress difference by conceiving the polity as universal and unified. This universalist ideal of the civic public has operated to effectively exclude from citizenship persons identified with the body and feeling—women, Jews, Blacks, American Indians, and so on. A conception of justice which challenges institutionalized domination and oppression should offer a vision of a heterogeneous public that acknowledges and affirms group differences.

One consequence of the ideal of moral reason as impartiality is the theoretical separation of reason from body and feeling. In Chapter 5 I discuss

some implications of modern society's denigration of the body. In its identification of some groups with despised or ugly bodies, rationalistic culture contributes to the oppressions of cultural imperialism and violence. The cultural logic that hierarchizes bodies according to a "normative gaze" locates bodies on a single aesthetic scale that constructs some kinds of bodies as ugly, disgusting, or degenerate. Using Kristeva's theory of the abject, I analyze the political importance of feelings of beauty and ugliness, cleanliness and filth, in the interactive dynamics and cultural stereotyping of racism, sexism, homophobia, ageism, and ableism.

In our society aversive or anxious reactions to the bodily presence of others contribute to oppression. Such cultural reactions are usually unconscious, however, often exhibited by liberal-minded people who intend to treat everyone with equal respect. Because moral theories tend to focus on deliberate action for which they seek means of justification, they usually do not bring unintended social sources of oppression under judgment. A conception of justice that fails to notice and seek institutional remedy for these cultural sources of oppression, however, is inadequate. I discuss some remedies in processes of consciousness raising and cultural decision-making.

Such cultural change occurs partly when despised groups seize the means of cultural expression to redefine a positive image of themselves. In the last twenty years feminists, Black liberation activists, American Indians, disabled people, and other groups oppressed by being marked as fearful bodies have asserted such images of positive difference. Such movements of group pride have come to challenge an ideal of liberation as the elimination of group difference from political and institutional life. In Chapter 6 I argue for principles and practices that instead identify liberation with social equality that affirms group difference and fosters the inclusion and participation of all groups in public life.

The principle of equal treatment originally arose as a formal guarantee of fair inclusive treatment. This mechanical interpretation of fairness, however, also suppresses difference. The politics of difference sometimes implies overriding a principle of equal treatment with the principle that group differences should be acknowledged in public policy and in the policies and procedures of economic institutions, in order to reduce actual or potential oppression. Using examples from contemporary legal debate, including debates about equality and difference in women's liberation, bilingual education, and American Indian rights, I argue that sometimes recognizing particular rights for groups is the only way to promote their full participation. Some fear that such differential treatment again stigmatizes these groups. I show how this is true only if we continue to understand difference as opposition—identifying equality with sameness and difference with deviance or devaluation. Recognition of group difference

also requires a principle of political decisionmaking that encourages autonomous organization of groups within a public. This entails establishing procedures for ensuring that each group's voice is heard in the public, through institutions of group representation.

Within the context of a general principle that promotes attending to group differences in order to undermine oppression, affirmative action programs do not appear so extraordinary as contemporary rhetoric often makes them seem. In Chapter 7 I support affirmative action programs, not on grounds of compensation for past discrimination, but as important means for undermining oppression, especially oppression that results from unconscious aversions and stereotypes and from the assumption that the point of view of the privileged is neutral. Discussion of affirmative action, however, tends to exhibit the distributive paradigm of justice. Concerned only with the distribution of positions of high reward and prestige among groups, this discussion tends to presuppose institutions and practices whose justice it does not question. I examine two such assumptions in particular: the idea that positions can and should be distributed according to merit criteria, and the hierarchical division of labor that makes some scarce positions highly rewarded and most positions less desirable.

The ideal of merit distribution of positions is an instance of the ideal of impartiality. Criteria of merit assume that there are objective measures and predictors of technical work performance independent of cultural and normative attributes. But I argue that no such measures exist; job allocation is inevitably political in the sense that it involves specific values and norms which cannot be separated from issues of technical competence. If merit distribution of scarce positions is impossible, the legitimacy of those positions themselves is brought into question. A hierarchical division of labor that separates task-defining from task-executing work enacts domination, and produces or reinforces at least three forms of oppression: exploitation, powerlessness, and cultural imperialism. Some of this injustice can be mitigated indirectly by democratizing workplaces. But the division between task-defining and task-executing work must also be attacked directly to eliminate the privileges of specialized training and ensure that all persons have skill-developing work.

Critics of liberalism and welfare bureaucracy often appeal to the ideal of community as an alternative vision of social life. Community represents an ideal of shared public life, of mutual recognition and identification. The concluding chapter argues that the ideal of community also suppresses difference among subjects and groups. The impulse to community often coincides with a desire to preserve identity and in practice excludes others who threaten that sense of identity. I develop another ideal of social relations and politics, which begins from our positive experience of city

life. Ideally city life embodies four virtues that represent heterogeneity rather than unity: social differentiaion without exclusion, variety, eroticism, and publicity.

Far short of the ideal, contemporary American cities actually contain many injustices. Capital movement and land use decisions produce and reproduce injustices not well captured by a theory that focuses primarily on patterns of end-state distribution. Additional injustices arise from the separation of functions and segregation of groups produced by zoning and suburbanization. Contrary to many democratic theorists, however, I think that increasing local autonomy would exacerbate these problems. The normative ideal of city life would be better realized through metropolitan regional government founded in representational institutions that begin in neighborhood assemblies. I end the book with a short discussion of how the issues raised in this book may be extended to considerations of international justice.

In pursuit of a systematic theory, much philosophical writing addresses an audience made up abstractly of all reasonable persons from the point of view of any reasonable person. Because I understand critical theory as starting from a specific location in a specific society, I can claim in this writing to be neither impartial nor comprehensive. I claim to speak neither for everyone, to everyone, nor about everything.

My personal political passion begins with feminism, and it is from my participation in the contemporary women's movement that I first learned to identify oppression and develop social and normative theoretical reflection on it. My feminism, however, has always been supplemented by commitment to and participation in movements against military intervention abroad and for systematic restructuring of the social circumstances that keep so many people poor and disadvantaged at home. The interaction of feminism with Marxism and participatory democratic theory and practice accounts for the plural understanding of oppression and domination I present in these pages.

My own reflections on the politics of difference were ignited by discussions in the women's movement of the importance and difficulty of acknowledging differences of class, race, sexuality, age, ability, and culture among women. As women of color, disabled women, old women, and others increasingly voiced their experiences of exclusion, invisibility, or stereotyping by feminist discourse, the assumption that feminism identifies and seeks to change the common position of women became increasingly untenable. I do not at all think this means the end of specifically feminist discourse, because I still experience, as do many other women, the affinity for other women which we have called sisterhood, even across differences. Nevertheless this discussion has compelled me to move out of

a focus specifically on women's oppression, to try to understand as well the social position of other oppressed groups.

As a white, heterosexual, middle-class, able-bodied, not old woman, I cannot claim to speak for radical movements of Blacks, Latinos, American Indians, poor people, lesbians, old people, or the disabled. But the political commitment to social justice which motivates my philosophical reflection tells me that I also cannot speak without them. Thus while my personal passion begins with feminism, and I reflect on the experience and ideas of the peace, environmental, and anti-intervention movements in which I have participated, the positions I develop in this book emerge from reflection on the experience and ideas of movements of other oppressed groups, insofar as I can understand that experience by reading and by talking with people in them. Thus while I do not claim here to speak for all reasonable persons, I do aim to speak from multiple positions and on the basis of the experience of several contemporary social movements.

Philosophers acknowledge the partiality of the audience to which their arguments are addressed, it seems to me, often even less than they acknowledge the particularity of the voice of their writing. In this book I make some assumptions that perhaps not all reasonable persons share: that basic equality in life situation for all persons is a moral value; that there are deep injustices in our society that can be rectified only by basic institutional changes; that the groups I have named are oppressed; that structures of domination wrongfully pervade our society. Certainly many intellectuals and policymakers today are sympathetic enough with these assumptions to want to participate in discussion of some of their implications for conceiving and imagining social justice. For those who do not share one or more of these assumptions, I hope the analyses and arguments in this book will nevertheless stimulate a fruitful political dialogue.

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