Towards a relational approach to social justice: liberals, radicals, and Brazil’s ‘new social contract’

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Towards a relational approach to social justice: liberals, radicals, and Brazil’s ‘new social contract’

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Portuguese acronyms and terms (Chapters 7 and 8)

CDES – Conselho de Desenvolvimento Econômico e Social (Council of Economic and Social Development)

CEAS – Conselho Estadual de Assistência Social (State Council of Social Assistance)

CMAS – Conselho Municipal de Assistência Social (Municipal Council of Social Assistance)

CNAS – Conselho Nacional de Assistência Social (National Council of Social Assistance)

CPF Number – Individual taxpayers’ registry number in the Cadastro de Pessoas Físicas (Register of Natural Persons)

CRAS – Centro de Referência de Assistência Social (Reference Center for Social Assistance)

CREAS – Centro de Referência Especializado de Assistência Social (Specialised Reference Center for Social Assistance)

LOAS – Lei Orgânica de Assistência Social (Organic Law of Social Assistance of 1993)

MNPR – Movimento Nacional da População de Rua (National Movement of the Street Population)

MST – Movimento dos Trabalhadores Rurais Sem Terra (Landless Rural Workers’ Movement)

MTST – Movimento dos Trabalhadores Sem Teto (Homeless Urban Workers’ Movement)

PSDB – Partido da Social Democracia Brasileira (Social Democratic Party of Brazil)

PT – Partido dos Trabalhadores (Workers’ Party)

Assistencialismo; assistencialista: welfarism; the ideology of charitable/paternalistic assistance (with a connotation of non-attention to political/structural questions)

Benefício de Prestação Continuada (BPC) – Continuous Cash Benefit

Bolsa Escola – the ‘School Grant’, one precursor to Bolsa Família

Bolsa Família – the ‘Family Grant’, Brazil’s celebrated conditional cash transfer programme

Cadastro Único – ‘Single Registry’ electronic database of cash transfer recipients
Coronelismo – System of political power characteristic of the Old Republic (and later) in Brazil, based on the dominance of local political barons, styled coroneís (colonels)

Estado Novo – the ‘New State’ phase of the rule of Getúlio Vargas from 1937-45

Latifundia – very large tracts of land awarded to nobles, an important mode of Portuguese colonialism

Latifundistas – Large landowners (including up to the present day)

Plano Real – the ‘Real Plan’, the 1994 anti-inflation plan involving the transition to the Real currency

População em situação de rua – Street population/homeless people

Previdência Social Rural – Rural Social Insurance programme

Programa Renda Melhor – Improved Income Programme (state of Rio de Janeiro)

ProJovem Adolescente – Socioeducational Services for Adolescents

Pro-Rural/FUNRURAL – fund for health insurance and pensions for rural workers

Programa de Antenção Integral à Família (PAIF) – Comprehensive Family Care Programme

Renda Mensal Vitalícia – Lifelong Monthly Income programme

Sem documentação – ‘without documentation’, i.e. living ‘off the grid’ outside official state registries
Abstract

Towards a relational approach to social justice: liberals, radicals, and Brazil’s ‘new social contract’

Recent literature in various practical fields calls for a ‘relational approach’ to social justice, as a theoretical alternative that transcends limitations with liberal contractarianism to offer more penetrating analysis of social justice.

I critically engage literature from radical intellectual-political traditions such as Marxism, feminism, and critical race theory to propose what can – and can’t – form the basis of a cogent relational critique of liberalism and an alternative positive account. I hone this through dialogue with Rawlsian ‘justice as fairness’, as well as more recent developments such as relational egalitarianism.

The most distinguishing feature of a relational approach is ontological: its social-theoretic account of injustice comprises supra-individual phenomena – relations, social groups, structure, historical causality – as opposed to individual locations hosting portions of a distribuend. Moreover, I define an intermediate position in the ideal vs non-ideal theory debate, arguing that a persuasive relational approach would ‘start from injustice’: it would identify the primary desideratum incumbent on social justice theory as being that it enhances understanding of real injustice and thereby informs counteraction. One upshot is a closer relationship between political philosophy and social theory; in turn this reflects how a relational approach to social justice can enjoy symbiosis with the broader ‘relational turn’ in humanities and social sciences.

The argument is furthered through exemplificatory reference to the empirical context of Brazil’s post-redemocratisation experimentation with participatory democracy in the social assistance sector, as an aspect of the country’s putative ‘new social contract’.
Declaration

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1. Introduction

In 2014, the Brazilian Supreme Federal Tribunal published an Opinion justifying its decision to uphold as constitutional the University of Brasília’s use of race-based affirmative action (Junior and Lewandowski 2014). The constitutional challenge was initiated by the conservative ‘Democratas’ party, who argued that the policy infringed important constitutional principles of equality, meritocracy, and non-discrimination (Suk 2013), but was rejected by the Tribunal. Citing prominent theorists of social justice such as Rawls, Fraser, Habermas, and Honneth, among others, the Opinion provides a detailed and remarkable defence of the Tribunal’s decision. For instance, it states:

According to Article 5 of the Constitution, “all are equal before the law, without distinction of any kind”. With this expression, the original constitutional legislators embraced the idea – which stems from the liberal tradition, especially the French Declaration of the Rights of Man and of the Citizen of 1789 – that the State may not make any distinction between those it finds under its shelter.

It goes without saying, though, that the Constitution of 1988 – given all of the political, doctrinal, and jurisprudential evolution through which its conception passed – is not restricted merely to solemnly proclaiming, in grandiloquent terms, the equality of all before the law.

Considering all evidence, the Constitution does not stop at simply proclaiming the principle of isonomy on the formal level, but rather seeks to give the maximum concretisation to this important postulate, in order to assure material or substantial equality for all Brazilians or foreigners living in the country, taking into consideration, it is clear, natural, cultural, social, economic, or even accidental differences distinguishing them, in addition to paying special attention to the disequalisation that occurs, in the actual world, between distinct social groups.

In order to enable material equality between people to be realised, the State can use either policies of a universalistic form, encompassing an indeterminate number of individuals through actions of a structural nature, or in the form of affirmative actions that reach particular social groups in a specific way, and designate to these certain advantages for a limited time, in a way that allows the overcoming of inequalities arising from particular historical situations.
Although this episode is not specifically the subject of this thesis, it vividly illustrates the importance of many of its major themes: the meaning of social justice in the non-ideal world; possible disjunctions between formal-legal institutions of equality and substantial outcomes; the centrality of social groups and difference to justice and equality in practice; the importance of historical legacies to understanding questions in the present; the ongoing and somewhat ambivalent role of the tradition of liberalism; and, additionally, the salience of these questions in contemporary Brazil as its still-young democratic ‘Third Republic’ charts a course that should be followed with fascination by those interested in the question of how social justice – as well as other fundamental normative-theoretical concerns such as equality and democracy – play out in practice in a specific historical setting.

As this example demonstrates, competing understandings of social justice both point to differences over important philosophical questions, and lead to significant divergences in decisions, policies, and modes of political action. For both these reasons the topic remains subject to contestation between advocates of different approaches.

Here I make a case for what can be called a ‘relational’ approach to social justice. The approach I advocate takes its bearings from the critical counter-tradition of politically radical responses to the influential liberal contractarian paradigm of social justice; it emphasises as a primary desideratum for theory the importance of enhancing understanding of actually-existing injustices and thereby informing counteraction; it is particularly distinguished from other approaches by an ontological picture comprising supra-individual social phenomena such as relations, groups, and structures; and practically it points to the social-theoretic analysis of underlying processes and mechanisms of injustice, across plural ‘spaces’ of assessment, in light of particular historical contexts.

This is not an attempt to outline a full theory of justice, a task beyond this project. Instead I critically engage existing work, in some respects extending or clarifying it, to draw together a proposal of the chief theoretical bases that would distinguish a coherent and persuasive relational approach, and in this way contribute a further voice to the ongoing debate over social justice.
The greater portion of the discussion is theoretical, engaging with literature in traditions of political philosophy and critical theory, but in Chapters 7 and 8 I also further investigate the central themes of the thesis in relation to the Brazilian context.

1.2 Theoretical context

Recent literature across an array of practical and policy-related fields has featured calls for a ‘relational’ approach to social justice, with writers advocating that such an approach be adopted as a conceptual basis for and guiding framework to addressing issues in these fields. Arguments to this end have been put forward in relation to, for example, education policy (Gewirtz 1998; Hill et al. 2012; Robertson and Dale 2013), public health (e.g. Baylis et al 2008; Kenny et al 2010), environmental planning (e.g. Day 2010), social work (e.g. Hölscher and Bozalek 2012), nursing (e.g. Yanicki et al 2014), poverty reduction in international development (e.g. Hickey and Bracking 2005), social protection programmes (e.g. Hickey 2014), and state social policy as a whole (e.g. Marston and Dee 2012). What all of these diverse examples share is a) a sense that it is important to conceive of their topic as an issue of social justice (rather than just, say, of proficient programme design and maintenance of high standards in individual cases), and b) a feeling that the most influential understandings of social justice – by which is usually meant work within the compass of liberalism and the enduring influence of John Rawls – are not entirely successful in capturing what is really at issue in cases of injustice in these fields and in suggesting appropriate responses. A relational understanding of social justice would, they argue, remedy this.

This sounds promising, but it is not immediately obvious what an alternative, relational approach actually entails. There is not a canonical literature explicitly supporting such a stance, and these calls for a relational approach far outnumber attempts to define one in any detail. This thesis attempts to address that lacuna. I argue that the closest thing to a home literature for a relational approach is found in radical intellectual-political traditions such as Marxism, feminism, and critical race theory which have critiqued liberal and contractarian understandings of social justice. I analyse literature from these traditions, as well as more recent trends such as relational egalitarianism, to propose what can – and can’t – form the basis of a cogent relational critique of liberal contractarian justice and an alternative positive account. The argument is furthered through exemplificatory reference to Brazil’s post-redemocratisation experimentation with participatory democracy in the social assistance sector, as an aspect of the country’s putative ‘new
social contract’. In various ways this context resonates with the theoretical discussion and helps to make vivid what is at stake. In this I follow suggestions such as those of Young (2006b) and Wolff (2008) that theoretical work on social justice that is anxious to contribute to the understanding of injustice would benefit from closer engagement with empirical applications.

Indeed, it is not by chance that the appeals for a relational approach mentioned above come from within more practice-oriented disciplines. A central claim of the account I compile in this thesis is that, armed with an ontology and social-theoretic ‘factual picture’ of the world informed by the insights of critical social science and theory, a relational approach can transcend limitations of the liberal contract paradigm in understanding actually-existing social injustice. This provides an important part of the overarching motivation for undertaking the research.

This move would also bring social justice thought and political philosophy into closer contact with recent currents in social theory and sciences more broadly. In calling for a relational approach, the writers mentioned above chime in with a wider trend of relational thinking, which takes different forms in different disciplines. For instance, in the relational psychology of Kenneth Gergen it is to do with an eschewal of the assumption of the atomistic self and a corresponding view instead of individuals, and their morality and rationality, as arising out of and entirely constituted by relationships (Gergen 2009, xiii–xxix). In the anti-essentialist ‘philosophical hermeneutics’ of Richard Rorty, relationality is the prevailing epistemological condition, where “there is nothing to be known about [any object] except an initially large, and forever expandable, web of relations, and so on for ever” (Rorty 1999, 53). The currently influential Actor Network Theory approach of Bruno Latour and others involves the parallel ontological stance, that entities have no properties and ontological status other than in relation to other entities (Breslau 2000), while in the relational sociology of, for instance, Harrison White, Charles Tilly, and Mustafa Emirbayer, a ‘relational ontology’ is also key; social actors and ideas are seen as constituted in (by) relation to other actors and ideas, and social relationships are understood as the base material of social structure (Emirbayer 1997; Steinmetz 2010; Fuhse 2013).

Such work has led to talk of a ‘relational turn’ underway across the social sciences and humanities (Dépelteau 2013). Similarly, such a ‘turn’ has been identified within
contemporary progressive politics, as discussed in the Juncture special edition entitled “The Left Takes a Relational Turn” (Lodge et al. 2014), reflecting the rise of this mode of thought among theorists of equality and public policy. As such, the project of exploring a relational approach to social justice can enjoy cross-disciplinary synergies, as well as adding a voice to the broader discussion of the current state and directions of left theory and praxis. Despite the centrality that the concept of social justice has come to have in the left’s self-understanding, accounts of justice span the full ideological spectrum and the idea is also not immune to co-optation. See, for instance, the recent attempts of the UK Conservative party to garland itself with the language of social justice (Maguire 2017; May 2017) while overseeing austerity policies that have harmed disadvantaged groups and widened inequality (Ginn 2013) to the extent that a recent United Nations report voiced ‘serious concern’ about the human rights of marginalised individuals and groups within the country (ECOSOC 2016). To anyone who views this as a rather bitter irony, therefore, it is important that the idea of social justice is strengthened and specified through rigorous and critical discussion.

Similarly, further afield, within international development the road from progressive and incisive concept to platitudinous ‘buzzword’ is well-travelled (Cornwall and Brock 2005). In recent years the idea of social justice, too, has begun to gain prominence in the discourse of mainstream development agencies (ODI 2008; World Bank 2017; United Nations 2017). In one sense this is promising within the context of broader efforts to imagine what should follow the era of neoliberalism and the so-called ‘Washington consensus’. However, equally there is a need to ensure that social justice, if it is to form part of the guiding normative paradigm for development, is defined in a way that is precise and critically-minded, and apt to actually inform practice, rather than simply be used as a warm-sounding rhetorical flourish that can be appended to any intervention or policy. If this is achieved, then social justice theory can play a valuable role in informing debates over public policy and development strategy (Hickey 2014), making implicit normative choices explicit and subject to contestation and justification, and countermanding tendencies to conceive of such choices as spuriously technical decisions. For instance, in relation to the case of social protection policy (I consider the now internationally-known Brazilian sector in Chapter 8), Devereux and Sabates-Wheeler (2004; 2007; 2008) have argued at length that social protection cannot be understood as a technocratic exercise where policy quandaries can be resolved simply by reference
to the right empirical data. Instead it is fundamentally a normative enterprise where choices express a vision of society; Devereux and Sabates-Wheeler themselves argue for the pursuit of ‘transformative’ social protection conceived as an issue of social justice.

As such, researchers and practitioners in a range of more practical areas are engaging with the idea of social justice in a way that poses a challenge for the political philosophy literature. Of course, political philosophers have in recent years become increasingly concerned with the questions of both relevance to non-ideal cases of injustice (e.g. Farrelly 2007; Stemplowska 2008; Sen 2009; Valentini 2012; Wolff 2015b) and the possibility for a relational (e.g. Young 1990; E. Anderson 1999; Forst 2001; Scheffler 2003; Schemmel 2012) and/or more broadly critical or radical alternative to liberal contractarian approaches (e.g. Fraser 2009; S. O'Neill 2010; Young 2013; Zack 2016; Mills 2017; Marin forthcoming). I aim to contribute further to this discussion, arguing that a relational approach should seek to inhabit an intermediate position in the ideal/non-ideal debate such that it ‘starts from injustice’ (Zack 2016) and dissolves the usual assumed logical hierarchy between ideal and non-ideal (Wolff 2015b), but doesn’t reject outright the role of ideal theory (or ‘theory of ideals’ (Hamlin and Stemplowska 2012)). I also assess the implications of prominent recent currents in political philosophy such as capabilitarianism and relational egalitarianism, as well as re-considering in depth some slightly older contributions. Chapters 3 and 4 offer a reading of the later Rawls’s *Justice as Fairness: A Restatement* that draws out several under-appreciated implications running contrary to common representations of Rawls’s theoretical stance, while one implicit theme running through the thesis is to urge the ongoing value and relevance of the work of Iris Marion Young.

In general, then, my aim is that this research contributes both to ongoing discussions in political philosophy and theory, and goes some way to answering the calls for a relational approach heard from practical disciplines, as well as resonating with recent currents in the social sciences more widely. However, not all of the broader relational literature mentioned above is necessarily harmonious at all levels of epistemology, ontology, and so on; the relational trend in the social sciences, such as it is, is not a unified approach that is simply being replicated *mutatis mutandis* in different disciplines. Similarly, again, at present a ‘relational approach to social justice’ could mean any number of different things. I aim to help further clarify discussions by assessing what might be meant by a relational approach, asking whether this successfully critiques the liberal contractarian
tradition of social justice, offering an outline of the theoretical bases of what I consider to be a compelling relational account, and further exploring the implications of this in relation to the specific Brazilian context. This is the basis for the particular set of guiding research questions, as follows.

1.3 Research questions

Primary RQ:
Can a relational approach to social justice provide a coherent and persuasive alternative to the liberal social contract account?

Addressing this primary research question involves answering several smaller questions. Firstly, as above, it is not completely clear to what talk of a relational approach is actually referring, both in the sense of content and of relevant authors. As such, an initial question is simply to clarify what might currently be meant by a relational approach. Following that identificatory question, establishing whether a relational approach can successfully provide an alternative to liberal social contract accounts of social justice involves two further broad questions. One is whether an alternative is even called for; is the relational critique of liberal theories accurate and decisive? The other is whether a relational approach can provide not only critique but a viable positive account of or approach to social justice in its own right. This involves outlining what the essential features of a strong version of such an account would be (although it is beyond the scope of this project to give a more extensively elaborated theory). Thus, the primary research question can be split into three smaller contributory questions:

RQ¹: What is meant by a relational approach to social justice?

RQ²: Does a relational approach to social justice successfully critique limitations of the liberal social contract account?

RQ³: Can a relational approach provide a viable positive account of social justice? (And what would the essential distinguishing features of this be?)

The subsidiary research focus relating the theoretical issues to the empirical context of Brazil’s ‘new social contract’ also contributes to the latter two of these questions. This area can be split into two broad questions:
RQ4: What insights are provided by a critical investigation of the historical narrative of Brazil’s ‘new social contract’?

RQ5: Can a relational approach provide a basis for understanding the social justice issues in a specific empirical window onto this broad context, the decentralised and participatory-democratic management of social assistance?

1.4 The structure of the thesis in outline

As per the primary research question, my task is to investigate whether a relational approach successfully critiques the liberal social contract tradition of social justice thought, and whether it can provide an alternative. Broadly speaking, I argue in the affirmative on both counts. I make the case for this position in a two-fold way. Primarily the argument is theoretical, and the earlier chapters operate purely in that vein. However, I also aim to illuminate the theoretical discussion through relating it to a particular context. For a number of reasons, contemporary Brazil and its recent history are resonant from the perspective of social justice, and an investigation of these issues can shed light on various strands of the theoretical discussion. Moreover, certain features that I argue a relational approach would have mean that it is helpful to further explain such an approach in relation to a particular historical context. This is the basis for the subsidiary research focus. The primary and contributory questions together necessitate the structure of the thesis, as follows.

Addressing the primary research question requires understanding the essence of disagreement between the two traditions, and what the differentiating contribution of a relational approach would be. For this I need a framework to help understand theories of social justice comparatively.

Chapter 2 develops this framework through the idea of different ‘dimensions’ of theories of justice. The basic idea is that theories of justice can be seen as typically answering various questions, such as, for instance, regarding the ‘space’ in which justice is to be assessed (e.g. income, capabilities, primary goods, opportunity, social relations?), the normative\(^1\) basis of justice (e.g. freedom, human rights, Aristotelian flourishing, utility,

\(^1\) Throughout the thesis I use the words normative, normativity, etc. In some sociological uses the term is used primarily in talking about the role of norms or normalisation in society. However, in this thesis I use the idea of normativity exclusively in the sense common in philosophy, namely as a characteristic of statements or discourse such that they have (or are intended to have) prescriptive or evaluative force.
need?), and the purpose and mode of theory (e.g. ideal, non-ideal, both, something else?). These questions inaugurate the dimensions of theories; space (see §2.23), normative basis (§2.24), purpose and mode of theory (§2.21), and so on. The answers that a theory gives in each of the dimensions define the overall identity of the theory. When theories give different answers in a dimension, this represents a point of difference. Sometimes there may be many points of difference between theories, sometimes only one.

I use this framework throughout the thesis to understand the dimensions in which the divergences between relational and liberal approaches are located, and, conversely, which dimensions feature agreement.

The primary research question also necessitates an understanding of relational and liberal social contract approaches as intellectual-political traditions. While stylised as cohesive ‘approaches’ for the dramaturgy of the discussion, both are broad and variegated traditions with numerous tributaries, some of them in tension with each other. Chapter 3 draws out features of each salient to the research question. I first examine the lineage of social contract thinking within the tradition of liberalism, and its use in the treatment of social justice (§3.2). Subsequently I consider a number of critiques of liberal thought on social justice stemming from thinking in the vein of, for instance, socialism, feminism and critical race theory (§3.3). I argue that these tend to share characteristic conceptual bases cognate with a relational approach, and identify four significant strands of common critique. I assess the validity of these primarily in relation to a detailed reading of the account presented by John Rawls in his late work Justice as Fairness: A Restatement. This is a version of the liberal social contract approach that is a useful interlocutor, being both strong, having been refined by years of rethought in response to criticisms, and comprehensive, presenting a wide-ranging and detailed account of social justice. Most of the critiques can be met with initially persuasive answers by this account.

Normative speech is concerned with what ought or ought not to be, rather than what is; with goodness, badness, rightness, wrongness, un/justifiability, un/fairness, in/justice, and so on. It is related to the idea of morality but is not simply coextensive with it. Morality tends mainly to connote the praiseworthiness or blameworthiness of the acts of individuals. Normativity casts a slightly broader net in that it can take in ideas of morality, justice, politics, rationality, practice; arenas where discourse has an evaluative and/or prescriptive character.
This means that assessing the merits of the critiques can lead to further refinement of the overall critical stance, including clarifying in which dimensions the criticisms are, or should be, located, as I argue in Chapter 4. Simultaneously this exercise helps in further identifying what the distinctive features of a relational approach – offered as a positive alternative approach rather than only a critique – might be.

In Chapter 5 I draw together considerations from the discussions up to that point to attempt to outline the features of a cohesive relational approach to social justice. This is, of course, not a fully-fledged theory in extensive detail, but rather an attempt to identify the distinctive theoretical bases of an approach, using the comparative framework introduced in Chapter 2. For instance, a particularly distinguishing feature of a relational approach is the assumption of a specific social ontology (§5.22) for understanding injustice, namely one comprising social groups or positions and the structurally-derived relations between them, rather than individual points and the goods located at them, as per distributive ontologies. This and other basic theoretical starting points result in a number of practical and evaluative implications and typical investigatory preoccupations for work within a relational approach (§5.3). One outlying question concerns the normative basis or value foundations of such an approach (§5.24). I argue that this reveals one area in which the relationship with the tradition of political liberalism displays some useful continuities, despite disagreements in other areas.

One key upshot of adopting such an approach would be that a social theory of injustice becomes at least as important as an ideal theory of principles of justice. This stems from the idea, argued for in Chapter 4 and expanded on in Chapter 5, that a desideratum incumbent upon theoretical work on social justice is that it should facilitate practical understanding of real-world injustice. This raises methodological questions over how the theoretical bases of a relational approach would relate to such investigatory social scientific work. In Chapter 6 I address these, looking at the need for an intermediary-level framework to bring some categorial order to the complexity of real-world social justice questions. For this purpose I argue (§6.2) that a framework developed from the work of critical theorist Nancy Fraser represents the best candidate currently available from within a relational approach. I also consider general methodological questions pertaining to this particular project (§6.3), such as the relationship between normative theory and empirical investigation, and specific practical details (§6.4).
I argue that because of the aforementioned emphasis on social-theoretic understanding of injustice, as well as the more general imperative of theories of justice engaging with problems of real world contexts, the task of the primary research question can be more fully addressed by relating the discussion to a specific social-historical context. A relational approach offers a number of advantages in considering social justice in a context like that of contemporary Brazil and its recent history, and doing so can also help to further explain and make the case for the distinctive contributions of such an approach. The relationship between the empirical material and the normative theory is, therefore, exemplificatory rather than evidentiary; the empirics do not ‘prove’ the theory. At the same time, it is not the case that the theory has entirely pre-defined the discussion of the empirical context. Firstly, the social-theoretic (in addition to normative) aspect of a relational approach means that the particular features of a context become important in considering questions of social justice in that context. Secondly, the consideration of particular worldly questions of justice – such as those within the distinctive historical and social features of a country like Brazil – will always be a contributor, iteratively, to the contents of one’s more general theoretical understanding of social justice. This is, in theory, a never-ending process, as is well-characterised by Rawls’s idea of the ongoing practice of ‘reflective equilibrium’ (1971 [1999] 40-46). Such is the case with the position argued for in this thesis. However, being the ‘final report’ of a research process, the thesis presents that position as a stable account and outlines it in chapters that for expository reasons precede the discussion of the particular Brazilian context.

In Chapter 7 I explain further the idea of historicised investigation within a relational approach to social justice, through a critical assessment of the ‘new social contract’ narrative of Brazil’s redemocratisation and development ‘success story’ of recent decades. (An account that is also unavoidably problematized by the actual events of the ongoing political crisis in Brazil since 2015.) The contract narrative is analytically questionable and normatively unhelpful, particularly in light of colonial legacies and of durable structural and non-distributive injustices that come more clearly into view through a relational focus. I argue that an understanding of such historical residues must be incorporated into an investigation of a more specific context.

This sets the scene for Chapter 8, in which I aim to view the theoretical and historical considerations of Chapters 5 and 7 respectively through a comparatively more specific empirical window. This is the system of decentralised and participatory governance of
Brazil’s social assistance sector, seen particularly in state-society policy councils and conferences. Alongside secondary source research, extra insight into this context was gained through visits and interviews with participants. These institutional initiatives can be seen as being concerned with questions of social justice, and I argue that a relational approach offers a useful basis for revealing the relevant questions and their complex facets. In other words, the aim (here) is not primarily to evaluate the initiatives discussed (this project has not involved the research that would be required for that), but rather to explain what a relational approach does to the normative parameters used in evaluation. Such an approach provides a basis for distinctive insights into both the possibilities and the challenges of this participatory experiment. My aim is that this chapter will have provided a different kind of insight into what would be involved in a relational approach and why one might advocate this, thereby offering a useful counterpart to the earlier purely theoretical chapters. However, I also hope that the discussion has, in an admittedly limited fashion, things to say about the Brazilian context itself that are of interest.

In Chapter 9 I summarise the overall conclusions and broader implications of the thesis.
2. Why we disagree about social justice: different dimensions of theories

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2.1 Introduction

Addressing the primary research question of this project involves understanding what is at stake between different approaches to the question of social justice,\(^2\) and as such it is useful to have a framework for mapping such differences. In this chapter I propose that we can identify various common ‘dimensions’ that make up theories of social justice, and that the different answers that theories offer to the questions in these various dimensions explain the divergences, sometimes dramatic, in their resultant understandings of what justice and injustice entail, and in the practical actions that they would support. A related argument is that through this exercise we also grasp how deep abstract and conceptual questions have significant implications for the real world of practical actions and decisions. I return to this framework in Chapter 5 to outline more definitively the distinctive theoretical basis of a relational approach.

Any schema that one might use to organise the broad and varied field of thought on social justice will inevitably involve a degree of simplification and some potentially controversial classifications, and thus should be undertaken cautiously. However, as a heuristic device, seeing theories in terms of component dimensions has the virtue of shedding some light on the question of how intelligent and well-intentioned people can

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\(^2\) For the remainder of this chapter I generally refer to all stances as ‘theories’ of social justice. This is arguably slightly inaccurate in some cases, where traditions such as, say, socialism, feminism or conservatism don’t necessarily possess canonical texts which offer complete theories explicitly labelled as theories of justice. I am considering established normative-political traditions insofar as they, in the framing used in this chapter, offer ‘answers’ to central social justice ‘questions’ and can thereby be said to at least suggest the contours of a theory of social justice.
often have such radically different responses to normative political quandaries in real life. It can help opposing parties in normative debates to locate the precise source of disagreement – or sometimes surprising common ground – rather than merely butting heads with apparently intractable surface-level opinions.

Below I suggest five dimensions, and for each briefly outline a salient debate from the literature, selected for its ability to tease out what is at stake in that dimension, before offering an overview mapping of the field, within which we can provisionally locate the stances and ideas most germane to the thesis’s central argument.

2.2 Dimensions of theories of social justice

2.21 Purpose and mode of theory

An initial question is over the purpose and aims of the enterprise of theoretical work on social justice and thus the mode in which work proceeds; what are the desiderata for valuable work and how are these best met? What is theory for?

A significant manifestation of this question in recent literature has been in the debate between proponents of ideal and non-ideal theoretical approaches. For instance, the central argument of Sen’s The Idea of Justice (2009) is for non-ideal, or in his terms ‘comparative’, theories of justice, over ideal or ‘transcendental’ theories.³ John Rawls is labelled a ‘transcendental institutionalist’ in that he attempts to reason out what the institutions of a perfectly just society would look like. For Sen, however, the initial anima of a cry of injustice is not the recognition that the world falls short of perfect justice, which few would reasonably expect, but rather that there are obvious and remediable injustices taking place. This, he argues, calls for a theory that can offer comparative guidance between non-ideal states of affairs rather than only portraying one ideal state of affairs next to which anything else inevitably falls short. By way of analogy, Sen says “[i]n arguing for a Picasso over a Dali we do not need to get steamed up about identifying the perfect picture in the world” (Sen 2006, 222 (similarly 2009, 16)). Even if we could

³ Sen uses the terms comparative and transcendental, and appears to consider this distinction a separate matter to the ideal/non-ideal distinction (Sen 2009, 90, and footnote). However, insofar as some of his chief complaints against Rawls are (among other things) assuming the strict compliance of agents, assuming ideal conditions for deliberations over justice, not providing sufficiently action-guiding theory, and seeking to identify a perfect or transcendental ‘picture’ of a just society, it seems accurate to read Sen as straightforwardly contributing to the ideal/non-ideal debate as it is more generally understood in the literature (Hamlin and Stemplowska 2012, 48–52; Valentini 2012).
agree on the perfect picture – which is doubtful – assigning that honour to, say, the
Mona Lisa is unlikely to help in our Picasso vs. Dali dispute.

However, this is not entirely fair on Rawls, whose theory does not deal in ‘pictures’,
perfect or otherwise, at all. Unlike Rawls, Sen is primarily a consequentialist thinker.4 The
motivation for his capabilities approach is the thought that it is the ‘functionings’ (‘beings
and doings’) that people have effective opportunity to undertake that ultimately are
normatively relevant. While this is not the same thing as being concerned with what
people actually do, it is nevertheless the case that under the capabilities approach
policies, acts, processes, and so on are to be judged comparatively by their
consequences for people’s actual capabilities; normatively Sen is in the ‘states of affairs’
business (e.g. Sen 1982). This presumably is why he is anxious to be able to rank
different possible states of affairs.

Rawls, meanwhile, more firmly in the Kantian deontological tradition, is not concerned
with this or that state of affairs, but rather with the principles according to which
decisions are made. As Rawls states, with my emphases added:

[W]e are not to think of the original contract as one to enter a particular society or to
set up a particular form of government. Rather, the guiding idea is that the principles
of justice for the basic structure of society are the object of the original agreement.
They are the principles that free and rational persons concerned to further their own
interests would accept in an initial position of equality as defining the fundamental
terms of their association. These principles are to regulate all further agreements;
they specify the kinds of social cooperation that can be entered into and the forms of
government that can be established. This way of regarding the principles of justice I
shall call justice as fairness. (Rawls 1999, 10, italics added)

As the italicised words suggest, Rawls is not aiming to depict a perfectly just society, but
rather to derive principles according to which we might arrive through the fair exercise of
public reason at just arrangements in our particular societies. To return to Sen’s
paintings analogy, clearly nobody arguing over a Picasso vs. a Dali gets worked up about
what some notional ‘perfect picture’ looks like, but, if the conversation progresses, what
they may well get worked up about are the abstract principles – or ideals, ‘perfect’ in a
sense – according to which one ought to evaluate works of art. Rawls’s project may not
be ‘comparative’ in the sense that Sen wants (comparative of outcomes or states of

4 Albeit of a relatively complicated type taking into account deontological notions such as rights and duties
(Sen 1982; Scanlon 2001).
affairs), but this by itself does not necessarily mean that it cannot fulfil Sen’s desideratum of “guiding practical reasoning about what should be done” (Sen 2009, ix); a deontological theory offers principles according to which actions, decisions, and evaluations may be undertaken, and, perhaps, further principles derived in light of specific situations. Thus, to characterise Rawls as outlining a ‘perfect picture’ of a just society is to misconstrue his deontological project as if it were a consequentialist one.

As such, in my view the initial step of Sen’s argument is highly persuasive: what motivates us is not that the world falls short of perfect justice but that we perceive clear and remediable injustices. However, the further implication that there is no use for ideal theory is not derivable from this; rather than assuming that point we must ask what ideal theory really entails and what the implications of a given ideal theory are, questions to which I return in Chapter 4.

2.22 Ontology

Theories of justice differ with regards to their assumptions over what the relevant parts and divisions of the social world are for the purposes of thinking about social justice. What kinds of entities and phenomena are taken to be salient, and, relatedly, what level or scope of analysis is appropriate?

This is best explained with reference to a number of critiques of liberalism, which allege that the tradition’s habitual social ontology of atomic individuals, conceived as abstract and therefore commensurable and interchangeable, is misguided.

This is, for instance, the central feature of the ‘communitarian’ critique of Rawlsian liberalism that gained prominence in the 1980s. Writers such as Sandel (e.g. 1982), Walzer (e.g. 1983) and Taylor (e.g. 1985, 187-210) argue that Rawls’s theory of justice, and other liberal and libertarian accounts, are founded on an atomised and asocial conception of the self that is incoherent and/or normatively undesirable. Real people, they argue, are defined and constituted by the communities in which they live, and thus it is incoherent to think of a person as an ‘unencumbered self’, devoid of any social ties, history and conditioning, and incoherent to think of society as a collection of such beings. A further, more practical, complaint is that liberalism is responsible for the lamentable state of current (liberal) societies, which feature a corrosive individualism and the loss of various things; a shared moral compass, traditions, valuable forms of social association,
The upshot for the communitarian stance is an insistence on the importance of communal context in the appraisal of many social justice issues, a conception of the person as embedded in social ties, and the possibility that on occasion it is appropriate to speak of whole communities as having justice-claims, bearing rights, etc.

An argument with some similarities is Young’s (1990, 15-38) critique of what she calls the ‘distributive paradigm’. (As outlined in subsequent chapters, this discussion of Young’s will be central to the relational account that I compile.) Young argues that the mainstream of liberal political philosophy has been defined by adherence to a social ontology that sees injustice and its remedies entirely in terms of the distribution of goods between atomic individuals. This, for Young, encourages a focus on material goods at the expense of attending to the contexts and processes that bring about particular distributions and which are frequently the subject of real-world movements for justice, such as campaigns for workplace democracy or against racist stereotypes. Moreover, to the extent that non-material goods are considered, the distributive framing leads to poor theory, where phenomena such as power, opportunity, self-respect, etc. are rendered as if they were divisible goods that can be possessed by individuals, rather than a function of social relations and contexts. Additionally, this paradigm, for Young, lacks any appreciation of the relevance of social groups or collectivities, such as class, gender, race, and so on, to injustice; an ontology exclusively comprising two classes of entity – individuals and goods – leaves no room for this. The upshot, Young concludes, is social justice theory that is only equipped to deal with the comparatively superficial level of goods distribution, rather than more fundamental questions about causal processes and about non-distributive types of injustice.

However, the issue is slightly more complicated in the case of Rawls, who defines his primary interest as being in the ‘basic structure’ of society: “the way in which the main political and social institutions of society fit together into one system of social cooperation [...] the background social framework within which the activities of associations and individuals take place” (Rawls 2001, 10). (Indeed, in a later work,

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5 As Walzer (1990), points out, if pressed in a strong way, these two criticisms can’t both be true, since they seem to involve competing empirical claims regarding what current societies are actually like; in one, atomism has (lamentably) become reality, whereas in the other atomism is ridiculous as an attempted description of reality. Walzer’s solution is to maintain that there is some partial accuracy to both arguments. Similarly, Sandel complains: “It is as though the unencumbered self presupposed by the liberal ethic had begun to come true – less liberated than disempowered” (1984, 94, emphasis added).
Young (2006b) argues that Rawls is correct in this, but fails to deliver on the promise of this insight and remains wedded to a predominantly distributive ontology of justice. This is considered in depth in §4.3.)

In this, Rawls pitches the level of analysis at the wide-lens scale of an entire society and its structure. The significance of this can be seen in contrast to a libertarian stance such as that of Nozick; while both share a focus on the abstract individual as the ontologically primary social entity and unit of normative concern, they are diametrically opposed in their level of analysis. Libertarians continue to focus exclusively on individuals and the in/justice that may inhere in their interactions. For instance, Nozick’s account of distributive justice (or ‘justice in holdings’) (Nozick 1974, 149-182), starts from the position that there are three relevant questions: the original acquisition of holdings (the appropriation by people of unheld things); the transfer of holdings from one person to another; and the rectification of injustice in either of the previous two categories. Indeed, Nozick complains (149-50) that the term ‘distributive justice’ is not neutral since it suggests some kind of central distribution mechanism, instead preferring ‘justice in holdings’ – which of course is also not neutral precisely because it turns the focus away from overall distributions between people and towards the behavioural histories of individuals. The implications of this for practical questions are clear, with Nozick rejecting any egalitarian redistribution of goods by the state and Rawls presenting the canonical argument for just that.

As such, Nozick’s and Rawls’s respective assumptions of the level of analysis for justice questions are at either end of a spectrum from micro and agency-focussed to macro and structure-focussed. Other accounts attempt to sit somewhere in between, as in Sen’s argument that a capabilities account manages to combine a recognition that sometimes injustices may be connected with ‘behavioural transgressions’ with the insight that people’s behaviour, values, and influences are shaped by their social context (Sen 2009, x-xi; 244-247).

2.23 Space

A major debate in the literature on social justice has asked in what ‘space’ justice should be considered; what is the currency or metric or stuff of justice? Following an influential discussion by Sen (1980) this is sometimes called the ‘equality of what?’ debate.
For instance, for Sen and similarly minded theorists such as Nussbaum (2003) and Robeyns (2003), the answer is capabilities. The capabilities stance initially developed as a critical response to Rawls’s use of ‘primary goods’ as the space of equality. Primary goods are conceived by Rawls as broadly valuable goods that any rational citizen is interested in having more rather than less of, no matter what their individual life plans; such goods are valuable for the pursuit of almost any conception of the good. They include items such as basic rights and liberties, freedom of movement and occupation, powers of office and responsibility, income and wealth, and the ‘social bases of self-respect’ (roughly, equal recognition by social institutions such that citizens have a sense of self-worth and concomitant confidence in pursuing their conception of a good life) (Rawls 2001, 58-60). In Sen’s view, this is inadequate; what really matters normatively is not the goods people possess, but what they are actually able to do and to be, and, given the vast diversity among individuals, the same primary goods may have different implications for the capabilities of different people. This is because in between goods and effective functionings stand ‘conversion factors’. These are often analysed as being of three types (Robeyns 2005, 99): personal (e.g. physical attributes, sex, education), social (e.g. norms, policies, power relations, gender roles), and environmental (e.g. geographical factors, infrastructure, built environment). These conversion factors condition the value of a good for an individual, meaning that simply measuring primary goods is not enough. Thus, the ‘effective freedom’ to achieve valuable functionings – ‘beings and doings’ – is the preferable space in which to assess equality or the justice of social arrangements.

A different critical response to the standard of primary goods as the space of equality is given by ‘relational egalitarians’ such as Elizabeth Anderson or Samuel Scheffler, who argue that social justice is ultimately a matter of appropriately egalitarian relations between citizens in a democracy. Equality is not principally a distributive ideal relating to goods, but rather “a moral ideal governing the relations in which people stand to one another” (Scheffler 2003, 21). More than certain distributions of goods, “equality of authority, status or standing” (E. Anderson 2010, 1) is the hallmark of egalitarian justice, where people can participate in democratic society without having to “bow and scrape before others”, because they “stand in relations of equality” to one another (E. Anderson 1999, 313). On this view, then, relations are the appropriate space in which to assess justice. A seemingly similar view is proposed by Young (1990, 15-38) and Forst (2013,
17–37), both of whom argue against a goods-fixated ‘distributive paradigm’ and instead for a relational view where relations of power, domination, oppression, and so on, are the basic conduits of injustice. Forst calls for a ‘political turn’ in social justice theorising, arguing that, ultimately, power is “the first question of justice” (2001, 167).

Clearly this discussion is important to understanding what is meant by the relational approach to social justice referred to in the literature cited in Chapter 1; I will also argue that differentiating between relational views is important to identifying the most persuasive approach. The view that I develop in this thesis has divergences with the relational egalitarianism that has been outlined in existing literature thus far, primarily relating to ontological questions (see §5.22; §9.31).

2.24 Normative basis

Theories of social justice also differ over the ethical or value foundations of justice; if the claims of justice have normative, ‘ought’-providing force, what is the source of this normativity? For instance, does it stem from the implications of injustice for certain valuable things, such as happiness, material wellbeing, intersubjective ‘recognition’, utility, and so on? Some stances debate different answers to this question of ethical grounding: what is truly important and of value in human affairs; what is the basis of the good life that efforts to counteract injustice aim at?

However, probably a more important divide still is between approaches that attempt to give any answer to this, and others which claim that a theory of justice must remain neutral and agnostic over such questions. The latter, free-floating, approach instead argues that any particular individual or group can bring to deliberations over justice their own ideas about what is ultimately valuable and important in life; the trick is to build a framework of justice that can be effective among many people and groups with diverse value-beliefs or conceptions of the good. However, this approach is contested by the other, foundational, approach, which sees the idea of an account lacking any sense of what the aim or ‘point’ of justice is as badly incomplete.

The debate is seen in a particularly clear form in the dispute between the socialist and feminist Nancy Fraser and the Frankfurt School critical theorist Axel Honneth. One aspect of the debate is Honneth’s insistence that injustice is bad because of something, namely ‘recognition’, which for Honneth is a fundamentally valuable aspect of and precondition
for good human life, and Fraser’s contrasting reluctance to give any comment over what is ultimately at stake and of importance in justice claims and in human life. The difference in approach is well characterised by Forst:

Theorists of the first tradition, like Nancy Fraser, keep reminding those of the second that happiness or ‘the good life’ is a contested term that cannot ground justice claims in pluralist and postmetaphysical times, whereas proponents of the second tradition, like Axel Honneth, keep reminding the others that the overall aim of struggles for justice ultimately is having the possibility of leading a fulfilled and good life (2007, 292).

In Honneth’s eyes “the lack of a substantive ideal of recognized life in the three spheres of love, equal rights and social esteem makes a theory of justice empty and formal, doomed to forget what justice is really about: the good life” (Forst 2007, 292). Honneth looks to the actual experience of being subjected to domination, suffering a lack of recognition, and having one’s ‘moral expectations’ violated, “to find the normative core for social critique” (Anderson 2011, 53). Injustice is bad because of what it actually does to people; the conditions – psychological, social, material – it subjects them to. For Honneth, what is of foundational value is the formation of rewarding and dignified self-other relations (e.g. community, intersubjectivity) and relations-to-self (e.g. self-esteem), allowing human flourishing in social interaction and ‘positive’ social liberty. (His view of the centrality of self-other relations to the basic constitution of the human person entails some commonalities with communitarianism, although there are other differences (Yar 2003; Deranty 2009, 383–93).)

Meanwhile for Fraser the tradition that eschews talk of the good life must sacrifice something to earn the right to its ‘ethical agnosticism’; “[a]n approach based on the notion of justice can only go as far as that concept allows for” (Forst 2007, 302) and should not overstretch its boundaries by trying to specify what is ultimately of value.

This conviction also underlies Rawls’s concern that a theory of justice that is to apply to a ‘modern’, liberal society marked by intractable pluralism over what is valuable and important in life must not be beholden to any particular ‘conception of the good’. Instead, it must seek a way to forge an ‘overlapping consensus’ between people and groups coming from very different ethical, religious, philosophical, cultural starting points (Rawls 1987). All citizens can have their beliefs, values, life plans, and conceptions of the good, but the theory itself must not embed any such features. If it did, it would fail its initial aim
of finding a way for diverse people to agree to live and cooperate together in society, and a basis on which they can all assess the justice of the political institutions that they live under. It is important to stress that this is not a rejection of foundational ethical beliefs but rather an attempt to remain free-floating of such contested matters while outlining a theory of justice. To the extent that the Rawlsian conception is founded on values, they are simply the traditional liberal ones of liberty and equality, conceived as ethically ‘thin’ norms with no content beyond the basic assumption of the a priori equal moral value and right to personal liberty of all individuals.

The foundational/free-floating distinction also bears a resemblance to the divide between consequentialist and deontological modes of normativity, although the two distinctions are not interchangeable. Consequentialism tends to imply a foundational approach, since the meaning of a good consequence or state of affairs needs to be specified. For instance, various consequentialists (Frankfurt 1988, 134–58; Parfit 2012; Arneson 2013) argue that there is not anything intrinsically wrong with inequality, differential distribution of capabilities, unequal basic social structure, and so on; that is, value and disvalue do not attach to distributions or social institutions themselves. Rather, actual states of affairs and conditions of human existence are the value-bearers, and judgements about distributions and social structures only gain normative charge by dint of causal relationships to these value-bearers. In a similar way, Sen’s view, mentioned earlier, that practical reasoning about justice should proceed by comparing possible states of affairs is primarily a consequentialist stance. By contrast, a deontological approach such as Rawls’s, focussed on the justice of principles, procedures, and so on, needn’t specify a good to be aimed at or maximised.

2.25 Practical implications

Like Honneth, Habermas (1995, 199) is sceptical of Rawls’s claim to neutrality over conceptions of the good, believing that this is neither possible nor desirable, and that either there are unacknowledged ethical assumptions in Rawls’s theory, or it faces the threat of an infinite regress inaugurated by further value-questions regarding how the theory has normative force. However, as Finlayson and Freyenhagen (2011) demonstrate, this arises from the fact that the two theorists actually undertake quite different theoretical enterprises, despite both using the concept of justice. Habermas’s discourse ethics offers a more expansive theory of rightness both for interpersonal conduct and for social organisation; Rawls’s account, by contrast, addresses justice in the tightly circumscribed ambit of the basic structure of social institutions. As such, Habermas’s critique of Rawls is not so much that of one theorist to another who has taken the same approach but derived different results, but rather is a case of pressing the merits of his own approach over Rawls’s different one.
The four theoretical dimensions outlined so far have ramifications for the practical measures and modes of political action that different theories tend to support, and associated typical preoccupations and characteristic discourse and language.

For instance, the capabilities approach’s preference, within the dimension that I have labelled ‘purpose and mode of theory’, for an exclusively non-ideal and comparative approach means that practical actions – such as those of policy makers, government departments, non-state service delivery organisations – taken within this framework emphasise looking at the real conditions and different personal characteristics that people live within and attempting to forecast the impact of a policy or action on the actual lives of the relevant population given these differential positions. If a proposal would have the practical effect of making up capability shortfalls, or increasing valuable capabilities then (perhaps providing that other ethical or social norms are not violated) it should be enacted. The non-ideal approach entails a strong emphasis on policy outcomes – perhaps as opposed to institutional principles – and on empirical measurement. This contrasts quite markedly with the implications of Rawls's approach. In one sense, his theory doesn’t actually have direct practical implications since it is ideal normative theory and Rawls (as discussed in §4.33) tends to designate as a matter for empirical social science the investigation of how the principles of justice are best realised in particular contexts. Nevertheless, the ideal nature of justice as fairness points away from measurements or predictions of particular outcomes in terms of social indicators and towards the establishment of institutions and procedures that function according to certain principles, such as wealth redistribution mechanisms following the difference principle or ‘maximin’ formula, employment legislation to ensure impartiality in recruitment, and regulation of political campaign finance to avoid the wealthy holding undue political influence.

However, while a right-libertarianism such as that of Nozick (1974) or Buchanan (1975) is similarly ideal in its approach, its extreme individualism in the dimension of ontology leads to radically different practical implications. The view that the only relevant entities are individual agents, and the only relevant level of analysis that of individual transactions, leads to the conclusion that justice or fairness is not a contextual feature but simply an internal trait of the behaviour and interactions of individuals. As such, as long as behavioural norms such as respect for private property and honouring contracts can be enforced by a minimal state (or perhaps any institutions), little other practical
realisation of justice is needed – hence the libertarian stance’s characteristic
preoccupation with liberty, self-autonomy, choice, and so on. At the other end of the
scale, if a theory’s social ontology views social structure as a really-existing phenomenon
that has causal effects then it becomes an object of normative scrutiny, which in turn
inaugurates responsibilities on the part of both governments and citizens who are
implicated in such structures (Young 2013, 27–35). Given the hypothesised nature of
social structures as phenomena that are highly durable, resistant to small fluctuations or
policy tweaks, and liable to reproduce over generations, if there are requirements of
justice associated with such phenomena then these will typically call for ‘transformative’
measures (Fraser 1995a, 82-6). Fraser gives the example of universal welfare
arrangements, public ownership of services, and democratic decision-making regarding
the state’s approach to basic economic priorities as potentially transformative measures
in the economic sphere, as opposed to income redistribution programmes and targeted
benefits transfers.

In the dimension that I have labelled ‘space’, different choices bring clear differences in
practical implications. For instance, Robeyns (2006, 362) cites a study of a female
literacy programme carried out in Pakistan that if evaluated in a traditional economic
space such as income or economic cost/benefit would seem to deserve no funding, but if
measured in the space of capabilities appears to be a highly effective and valuable
intervention. Meanwhile, in terms of distribution, Anderson’s view that relations are the
appropriate space of equality leads her to the ‘sufficientarian’ conclusion that justice
calls only for distributions sufficient to ensure that all citizens have the education and
material wherewithal to interact and participate in democratic society on a footing of
equality with one another, rather than requiring any more patterned or constrained
distribution. For instance, providing that primary education is of sufficient quality to
ensure this for all children as they develop into adult citizens, it is not normatively
interesting – not a matter for justice – if some parents choose to spend more money to
educate their children privately to a level above the line of sufficiency (E. Anderson
2004). However, this appears to overlook dynamics that are ‘relational’ in a more
structural sense, such as questions regarding the reproduction of social class, the
formation of elites, and the causal effects of these things on inequality, disadvantage,
concentration of political power, and so on, all of which appear to be at least relevant to
questions of social justice. As I discuss further in §5.22, this worry relates to the
dimension of ontology; Anderson’s assumptions vis-à-vis ontology colour the implications of her relational stance in the dimension of ‘space’.

As this last comment suggests, the ‘answers’ theories give in different dimensions combine interactively to produce the overall character of an account and its practical implications. While this suggests that the first four theoretical characteristics are prior to practical implications and agendas, I only mean this in a logical, theoretical sense; it could well be the case that many theoretical positions are arrived at in a praxis-led manner whereby practical convictions and intuitive responses to perceived injustices lead to an attempt to account for these theoretically if extant theories don’t seem to do so. Indeed, as will become evident, this is frequently the case with the critical tradition that I view as the home literature of a relational approach and with the relational account that I ultimately propose.

2.3 Map of theories of social justice and their dimensions

The interactions between dimensions and the theories they add up to can be illustrated in diagram form, as in Table 1 on the following page.
Table 1 – THEORIES OF SOCIAL JUSTICE AND DIMENSIONS IN WHICH THEY DIFFER

<table>
<thead>
<tr>
<th>Example theorists</th>
<th>Purpose and mode (why and how to theorise social justice)</th>
<th>Ontology (picture of the social world, level of analysis)</th>
<th>Space (the ‘stuff’ or currency of justice)</th>
<th>Normative basis (source of value/motivation)</th>
<th>Practical implications (strategies, typical preoccupations and language)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Young, Fraser (socialism, feminism, critical theory) Forst (Frankfurt school) Mills (critical race theory) Sen, Nussbaum, Robeyns (capabilities, critical liberalism) Anderson, Schefller (relational egalitarianism) Walzer, Taylor (communitarianism) Kymlicka (multiculturalism)</td>
<td>Critique, spur transformation; non-ideal/ideal mixed</td>
<td>Individuals (with different capabilities and needs) Interpersonal and communal relationships between individuals Individuals (abstract, commensurable) and goods, basic structure of society Individuals (abstract, commensurable) and goods/resources</td>
<td>Relations (e.g. economic, cultural, power) Capabilities Relations (interpersonal, communal), rights, community Primary social goods Goods/resources, risk, opportunity, individual behaviour Rights, individual behaviour, contracts/transactions between individuals</td>
<td>Ethically neutral/pluralist, avoiding oppression and domination, deontological Welfarist, consequentialist, personal dev., valuable ‘beings and doings’, Aristotelian Egalitarian social relations, recognition Ethically neutral (liberty and equality), deontological Liberty, utility, desert, enlightened self-interest: somewhat consequentialist (varied) Self-ownership, liberty, deontological</td>
<td>Transformation (structural), public ownership, radical democracy, deconstruction, difference, reflexivity, collective struggle Human development, empowerment, personal transformation, evaluate and change policy context Education, cultural change, recognition, identity, ending demeaning treatment and discrimination, solidarity Fairness, impartiality, equality of opportunity, redistribution, institutional reform, stability, consensus, social contract, tolerance Equality of opportunity, safety nets, alter behaviour through incentives, resilience against risks Deregulation, shrinking state, strong private property laws, free markets, choice, individual liberation</td>
</tr>
</tbody>
</table>
(This table is an extension of the idea of Hickey’s (2014) similar table.)

Organising theories and theorists into types risks over-simplifying complicated political positions. Although the table will give the impression of moving roughly from what would commonly be thought of as politically left through to politically right, it would be misguided to try to map all of these different stances very precisely onto that continuum. For instance, as I argue later, there are aspects of Anderson’s version of relational egalitarianism with somewhat conservative implications. Similarly, there is a plausible reading of Rawls that would make justice as fairness point to at least as radical a practical programme as the capabilities approach (§4.33). Meanwhile, there are accounts that are difficult to categorise, such as G.A. Cohen’s version of luck egalitarianism grounded in Marxism, or Axel Honneth’s recognition-based account that draws on aspects of the Frankfurt school tradition while also being somewhat reminiscent of communitarianism, as well as other tendencies not mentioned here such as socially liberal vs socially conservative strands within communitarianism, versions of feminism that espouse free market economics, or the tradition of left-libertarianism.

Nevertheless, the aim is to highlight the idea that differences in the theoretical dimensions discussed in this chapter underlie the different understandings of social justice abroad in state and society, which have very real practical implications. We understand that a society governed under a long-term consensus reflecting, say, free-market libertarianism would have very different outcomes to one governed under a long-term consensus of Rawlsian ‘difference principle’ distribution, or socialist radical democracy, and that many people’s lives would go very differently in each scenario. Using groupings like the above, then, is just a way of illuminating the direct line I wish to suggest exists between ontologies and practicalities. For the purposes of the thesis the important idea is that of dimensions of theories and the suggestion that we can pinpoint in which dimensions differing theories are alike or different and thus what the key areas of critical engagement should be.

In this chapter I have largely been concerned to review the broad terrain of thinking on social justice and to introduce the classificatory idea of dimensions, rather than to take an especially strong stance on specific arguments and claims. That is the task of the following chapters, where I focus specifically on the tradition of liberal contractarianism, the counter-tradition of radical critiques of it, and the prospects for compiling a cohesive
relational approach drawing on and refining the insights of the latter. Once that is done, at the end of Chapter 5, it is possible to present another, updated, table, directly comparing and contrasting the Rawlsian liberal social contract with my proposed refined relational view.
3. The liberal social contract tradition and its radical critics

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3.1 Introduction

The previous chapter argued that a fruitful way to understand theories of social justice comparatively is in terms of various dimensions within which theories may be similar or different. In this chapter I look specifically at the liberal social contract tradition, particularly as represented in the work of John Rawls, and at a critical counter-tradition often drawing on the impulses of politically radical strands of thought.

Liberal contractarianism represents a natural starting point in outlining a critical, relational alternative for theorising social justice. The social contract has been called “the founding metaphor of Western modernity’s social and political rationality” (B. de S. Santos 1999, 3). Its influence on several centuries of political thought and practice has been pervasive (Pateman 1988, 1; Hampton 2007), and this is true too of the contemporary Brazilian context considered later (Streck 2004; Dagnino 2007). Meanwhile, the influence of Rawls is almost impossible to overstate and his work remains the touchstone for consideration of social justice; a body of work with which subsequent, even objecting, contributions must unavoidably engage. Moreover, it is in the critical counter-tradition to contractarianism and its latter-day Rawlsian variant that the seeds of a relational approach are found. These critiques, I suggest, represent the main referent in existing literature of talk of a relational approach to social justice (see §1.12).
However, they form a diverse and incohesive body of thought. Through critically reviewing these critiques of the social contract tradition I aim to uncover which dimensions, as per Chapter 2, are, or should be, key sites of theoretical dispute or overlap with liberal approaches, and to move towards the identification of a coherent and persuasive relational critique and positive account in Chapters 4 and 5.

3.2 The tradition of social contract thought

The social contract has a long pre-history, with key ideas appearing in germinal form. Socrates’s stance in Plato’s Crito accepts the normatively-binding implications of membership of a polis. The ethics of Epicurus relies on the near-universal ‘ethic of reciprocity’ (formalised in the Christian tradition as the ‘Golden Rule’ to ‘do unto others as you would have done to yourself’). This, essentially addressing the basic philosophical problem of how to bridge the gap between concern for self and other, is expanded into the societal arena as mutual agreement to neither harm nor be harmed. Scholastics such as William of Ockham and Francisco Suárez understood political legitimacy as deriving from consent of the governed, which could be withdrawn under tyranny (Sheldon 2001, 277, 286–87, 307; Ratnapala 2013, 159–60). In the early 17th century Grotius analysed state institutions as forming out of individuals’ decisions to forego ‘natural rights’, meaning that “the power of the state is the result of collective agreement” (cited in Tuck 1993, 177). These ideas feature in subsequent more explicit and elaborate theories.

3.21 The ‘political’ social contract of the Enlightenment

The earlier contract theories typically concerned themselves with the nature of political legitimacy. The first fully-fledged contractarian account is that of Hobbes, attempting to defend the royalist preference for a single strong ruler, but without relying on the ‘divine right of kings’. The famous thought experiment given in Leviathan (1651) allows this. Hobbes starts from the idea of the ‘state of nature’, an imagined pre-society intended to model what life would be like without political rule. This is not a historical account, and thus is instead essentially a theory of human nature; a set of assumptions about what people are like without the trappings of social organisation. Hobbes thinks human beings are fundamentally a) self-interested and b) rational. Their self-interestedness means that absent any coercive rule and laws, the state of nature would amount to a continuous war of all against all, with individuals seeking only their own advantage and living in
permanent fear. However, their rationality means that eventually people see that their self-interest is better served by peaceful co-existence. This implies both (1) a system of laws to disallow unpeaceable actions, and (2) a sovereign with power sufficient to enforce the laws. This power of enforcement, in Hobbes’s view, is only properly effective if based in the overarching power of one strong individual. Together, consent in (1) and (2) forms the social contract and is both the source of legitimacy for the sovereign, and the source of obligation for the populace; they must respect the authority of the sovereign and the law as this is what keeps them from the state of nature.

Locke’s version of the social contract (as outlined in the second of the Two Treatises of Government of 1689) differs in important ways, particularly regarding Locke’s less bleak view of human nature. Nevertheless, the form is essentially similar: the state of nature would sometimes feature disputes, which, lacking recourse to a neutral judge, would degenerate into irresolvable conflict. This lack of security over life and property leads people to ‘delegate’ their natural rights to self-protection and to punishment of wrongdoers to a government, and thereby to leave the state of nature. Through this they gain an impartial judge and enforcer of laws. As with Hobbes, consent is important to Locke’s account and provides the source of the government’s legitimacy. However, Locke goes further in drawing the implication that when the government ceases to fulfil its function of securing life, liberty, and property – whether through incompetence or active tyranny – consent can be withdrawn, the state of nature temporarily re-entered, and a new contract negotiated.

The third major Enlightenment social contract theorist is Rousseau, who is importantly different again. In particular, Rousseau distinguishes between a descriptive/historical account, and a prescriptive/normative theory. The historical account, as outlined in the Discourse on the Origin and Basis of Inequality Among Men, is essentially a critique of the contemporaneous government. For Rousseau, inequality develops from the assertion of private property, and the real (secret) function of government was to preserve the current order. As such, Rousseau’s actual normative contract theory (of The Social Contract) is more a corrective to a current, bad, contract, insisting that legitimacy of rule and legislative powers can only be grounded in the ‘general will’ of a sovereign people. The ‘general will’ is, for Rousseau, different to simply the accumulation of many individuals’ self-interest, and has its own moral properties. This brings his account towards a more ethical, rather than simply prudential, understanding.
Kant takes this further, and his idea of the social contract is unsurprisingly closely related to his conception of (personal) ethics. Legislators are obliged to give laws that could in principle have “originated from the united will of the entire people” (cited in Murphy 1978, 72–3). However, the ‘original contract’ is just an ‘idea of reason’ rather than anything with even a hypothesised historical basis, and the ‘consent’ of the people is not actual consent, or even a supposed extrapolation from citizens’ opinions, but rather relates to what could be rationally consented to – as one would expect from a philosopher whose ethical system is rooted in the idea of the rationality of morality. Kant also begins to put the contract idea to some more ‘social’ uses, such as considering the content of just laws and institutions (rather than merely the political legitimacy of their enforcement).

As such, the contract device in Rousseau and, particularly, Kant displays features prefiguring the new tradition to be initiated, following a century and a half-long lull in social contract thought, by Rawls, which will focus on societal issues and incorporate ethical ideas alongside self-interest. Nevertheless, Rousseau and Kant still have in common with Hobbes and Locke that their primary focus is on the legitimacy of political rule, and that, as such, the chief related concepts tend to be ‘consent’ and ‘obligation’/’duty’; citizens’ consent to be governed inaugurates obligations for citizen and sovereign alike (D’Agostino et al 2014).

3.22  The ‘social’ social contract of Rawls and contemporary thought

By contrast, the new tradition chiefly initiated by Rawls focusses on the nature of just social institutions and order, and consent is replaced by agreement, legitimacy by justification. The lens shifts from sovereigns and citizens and their obligations, to social institutions and orders – resource distributions, rights and liberties, etc. – and their justifiability or not.

Rawls ultimately proposes, in his theory of ‘justice as fairness’, the two ‘principles of justice’: firstly, that each person has the same claim to the most extensive scheme of equal basic liberties compatible with a similar scheme for all; secondly, that the existence of inequalities is permissible only on condition that they a) work to the greatest benefit of the least-advantaged members of society (the ‘difference principle’), and b) are attached to offices and positions open to all through fair equality of opportunity (Rawls [1971] 1999, 52-3; 263-7). Rawls arrives at these principles by way of a resurrection of
social contract thought in the form of the famous ‘original position’ thought experiment. However, as just noted, there are differences with the older contract tradition; firstly, Rawls’s contractarian investigation is not concerned with the question of under what circumstances subjects would or should submit to the authority of a ruler, but instead with what principles of social order citizens could all agree to be justified; secondly, the contract device in Rawls is exclusively hypothetical in that it is a thought experiment designed to reveal certain insights, rather than there being any suggestion that there has been or could be any actual contract-like situation past, present or future, or that the contract device is in some way an abstraction from what must actually have been the case.

The basic impulse of the thought experiment is the idea that a consideration of what suitably-defined rational agents (the ‘parties’) in a suitably-defined fair situation of deliberation (the ‘original position’) would agree upon about the principles governing the society that they are to live in would reveal principles of social justice. In this way, the social contract, in Rawls, is a reason-revealing device in that it uncovers the principles that we (actual people) have reason to adopt with regards to the basic structure of society. ‘Suitably-defined’ here means that the parties and their situation of deliberation is so constructed as to model fairness; to build in fairness procedurally. Rawls does this by defining the original position as a kind of anteroom to actual society, with parties deliberating about the principles that will govern the basic structure of social institutions once society is entered into, and by conceiving the parties themselves as being behind a ‘veil of ignorance’ in the sense that they know no particular facts about themselves or the situation that they will find themselves in in society. The parties are rational and possessed of a ‘sense of justice’, but know nothing of their gender, wealth, status, occupation, physical strength, intellectual ability, and so on. Beyond this all they know is that they will have some configuration of these attributes and will be concerned to pursue their ‘conception of the good’ and interests. The ‘veil’ means that the deliberations in the original position cannot possibly proceed on the basis of bias and self-interest, for instance of the wealthy seeking to institute principles that will safeguard their wealth, or the powerless seeking to elevate themselves to the status of permanent rulers. Rawls’s contention is that, faced with these fairness-ensuring constraints, the parties will arrive at the two principles of justice.
The contract device, therefore, allows Rawls to attempt to solve the question of the justification of social order by converting it into a question of public deliberation (Rawls [1971] 1999, 16), albeit of a hypothetical kind.

Rawls’s theory has of course been enormously influential, both within philosophy and in more practical realms of policy and governance. The overall account is extensive, spanning not just his detailed 1971 book but several further books and many papers. As such any summary such as the above almost unavoidably leaves out important aspects. However, I return to an in-depth consideration of Rawls’s mature statement of ‘justice as fairness’ in Chapter 4.

More generally, the social contract has been a central ideational feature of the tradition of liberalism and of the ‘modern’ conception of liberal-democratic nation-states. It has been integral to the shift from the conception of political authority and social order as simply immutable and god-given to the view of these things as human-constructed and open to rational and normative assessment and potentially re-construction, which remains a radical idea. Moreover, with Rawls the idea becomes a theory of social justice.

3.3 The counter-tradition: critical perspectives on social contract thought

However, as is pointed out by Charles Mills, “[t]he social contract tradition has historically been viewed somewhat ambivalently by political progressives and radicals” (2000, 441). While the implications of the social contract – at least from Locke onwards – seem potentially both progressive and radical, many writers concerned with the possibility of thoroughgoing political and social change have found considerable reason for scepticism about contract thought, some even viewing it as an insidious force. Grasping the origins and motivations of this counter-tradition and assessing its arguments helps to tease out what is at issue between it and the liberal social contract view, and to work towards honing a refined relational account.

3.3.1 Origins of the critiques

Social contract theory rapidly met with opposition, such as from Robert Filmer, essentially based on the fact that the contract scenario seems unrealistic and it is difficult to argue absolute authority into existence from a prior position of non-existence (Hampton 1986, 263–65; Boucher and Kelly 1994, 16–19). David Hume, meanwhile, questioned why ancestral agreements should be normatively binding on current people, and objected to
the idea that merely not leaving one’s country of birth amounts to tacit consent to its political regime; he offers the analogy of a person waking up on board a ship at sea to choose between following the captain’s orders or jumping overboard.

However, these arguments only target certain forms of contractarianism. Gauthier (1979, 11–13), suggests four types: (1) original contractarianism – there was an original convention; (2) explicit contractarianism – there is a current and actual agreement; (3) tacit contractarianism – citizens’ acceptance of society’s benefits amounts to tacit acceptance of its costs; and (4) hypothetical contractarianism – the idea that a political and social system is made legitimate or just by the consent that it would receive from suitably-defined agents in a suitably-defined position of choice. This last type, of course, expresses the underlying form of the theories of Kant, Rawls, and Gauthier himself. I would suggest that we can collectively term the first three varieties theories of ‘actual social contract’. Complaints of the Filmer and Hume type, alleging that the contract is unfeasible, unrealistic, and therefore unable to ground political authority only target this type of theory. Although powerful objections, they don’t address the hypothetical form of contractarian thinking.

Indeed, the hypothetical nature of Rawls’s contractarianism has also given the left considerable pause for thought, in contrast to a long-established blanket opposition to contract thought (Mills 2000, 441). Additionally, Rawls’s use of the contract to articulate a theory explicitly of social justice (Rawls [1971] 1999, 7) moves the conversation onto terrain that political radicals – with strong ideas about injustice in society – are anxious to make their own. As such, this sets the parameters of the challenge for a view that still, nevertheless, wishes to critique and articulate an alternative to liberal contractarianism. I now trace the genealogy of this counter-tradition in order to build up along the way a picture of its motivations and core ideas.

A significantly different sort of critique is levelled by Hegel, who rejects the basic assumptions of social contract theory altogether. For Hegel, the contractarians use an incoherent idea of abstract man that erroneously asks us to think of individuals as prior to the state and possessing the power to voluntaristically create it (Hegel 1991 [1820], 105–6). Community and state are, conversely, prior to individuals; individuals are born into a context and their characteristics shaped by it, and every person is in this sense necessarily historical (Berry 1977, 701–3). Hegel follows Aristotle in viewing the idea of a
human being outside society as simply a confusion in terms, reasserting Aristotle’s view that “a man who could live alone would be either an animal or a god” (cited in Patten 2001, 170).

Hegel’s rejection of the idea of an already-individuated person, prior to society and state, is retained and built upon by Marx. Marx does not offer a full critique specifically aimed at social contract theory (whose initial heyday had waned by the mid-19th century) but it would not be difficult to reconstruct a Marxian critique of the social contract out of his more general criticisms of liberalism (Mills 2000, 441). In particular, in Marx the Hegelian insistence on the logical priority of state and society to the individual, rather than vice versa, gains a more critical flavour as a complaint that the ‘individual man’ starting point of classical economists and social contract theorists is not just a confusing fiction, but also an insidious one; it takes the contingent characteristics of the kind of competitive individuals fostered by the development of free market capitalism in the 16th–18th centuries, and elevates these to the status of ‘human nature’ (Marx 2005, §1). This, for Marx, served to falsely cast bourgeois capitalist society as universal and eternal, and to obscure the important truth that pre-existing socio-economic context shapes the various identities, constraints, and possibilities of people differently located in that context (Wilde 1994, 168–71).

The Hegelian-Marxian rejection of the idea of pre-social man has, in relation to the development of the critique of social contract theory, two main and closely-related implications. The first is the insistence that, given that every person is born into a personal, socio-economic and historic context that strongly shapes their social position, personal attributes, and the range of choices open to them, it is a fundamental social fact that people are different and face different situations. Imagining a person ‘prior’ to or abstracted from these things will simply mislead, because it is usually precisely these differences that are important. The second is, relatedly, a perennial impulse towards what we could call ‘widening the lens’; an emphasis on the importance of social structure and the broader context of institutions, economic processes and normative social hierarchies, as against the attributes, actions and choices of individuals.

The first of these tendencies can be seen in germinal form in Marx’s assessment, in the *Critique of the Gotha Programme*, of the ‘contribution principle’, which many of Marx’s contemporaries considered a strong argument in favour of communism. The principle
holds that workers have an equal right to the fruits of their labour and thus should be
rewarded proportionally according to labour undertaken; that is, they would ‘get out what
they put in’ rather than capitalist owners of the means of production taking an
unwarranted share. For Marx this is unsatisfactory (and therefore only potentially useful
as a principle for a transitory pre-communist society), because although in the form of an
‘equal right’, it can only be a recipe for unequal outcomes. This is because in order for an
equal right mechanism to function, an equal standard of measurement (in this case
labour) must be applied, and in order to apply an equal standard of measurement one
needs to choose some particular perspective from which to treat people equally (in this
case as workers). The problem with this, for Marx, is that people are not only workers,
and do not come to work as equals; some are in better or worse health, younger or older,
some have large families, some have dependent relatives requiring more care, and so
on. This means firstly that each worker will be able to perform a different amount of
labour (and therefore receive different distributions in return), and secondly that such
funds/resources etc. as are received will have different worth to, say, the young and
healthy single male than to the older worker with health problems, several children, and
a dependent elder relative. As such, formal or juridical equality that necessarily abstracts
from actual individuals can only ever be unsatisfactory for Marx (although it is important
to clarify that this does not mean that Marx rejects a principle of equal moral regard
(Kymlicka 1990, 162–63)).

The second of these tendencies – the urge to adopt larger units of analysis, such as
social groups, and to see things in the context of broad societal forces – is of course a
more general trait of Marxist thought (Marx 1994, 211; Williams 1973). It can be seen,
for instance, in the way that Marx’s examination of the exploitation of wage labour is
pitched in terms of asymmetric power (of capitalists relative to wage labourers)
stemming from control over the means of production; “analysis is focused on the
underlying generative framework of social structures that create class disadvantage, not
simply on the inequalities that give it expression” (Azmanova 2014, 353).

The feminist tradition also offers trenchant criticisms of social contract theory on similar
grounds, i.e. scepticism towards the theoretical usage of abstract individuals, and related
impulses to emphasise the importance of a) the differences between, and different
situations faced by, actual individuals and social groups, and b) society-level structures
and processes. The ‘difference’ aspect is seen, for instance, in a complaint that social
contract theory does not and cannot take into account human dependence and the need for care that it inaugurates (Kittay 1997; Nussbaum 2003). The structural, ‘widening the lens’, aspect can be seen in, for example, Carole Pateman’s argument that the broader social context of the subordination of women fatally problematizes the idea of ‘consent’ that is central to social contract and liberal democratic thought (Pateman 1980).

This suggests that there are significant similarities between the critiques of the social contract mounted from Marxist and feminist perspectives, in addition to, as I argue later, critical race theory. Given that thinking in each of these critical traditions starts from a concern with the alleged subordination and exploitation of a particular social group (workers, women, ‘racial’ groups) this is perhaps not surprising; attention is automatically focussed from the outset on the positionality of these groups in relation to other groups, to institutions, and to elements of social structure that maintain the status quo.

As such, where responses such as Filmer’s and Hume’s challenge contractarianism on grounds of empirical feasibility and ethical implications, the Hegelian-Marxian lineage of critique alleges more fundamental conceptual error, and thus appears to have in its scope any form of contractarian thought and the idea of individuals and a contract that are prior (whether literally or logically) to society. It thereby presents a more fundamental challenge. This is particularly so in the case of the feminist and feminist-socialist critiques mounted in the wake of Rawls’s rejuvenation of interest in the social contract, given that these writers were aware of the more sophisticated – and difficult to critique – version of hypothetical contractarianism contained in the work of Rawls and post-Rawlsians.

I now examine these lines of critique as they were subsequently developed, and assess their strength against possible replies. In my view, Rawls’s (2001) final book *Justice as Fairness: A Restatement* (hereafter *JaF*) represents the best exposition of his thinking on social justice, having benefitted from three decades of further refinement in light of engagement from numerous leading theorists, and remains the strongest and most comprehensive overall statement of a liberal social contract approach to social justice. As such, in the following sections the critical dialogue is predominantly pitched as if in conversation with the account presented in *JaF*.7

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7 There is an important exegetic literature of post-Rawlsian extensions and clarifications (see for instance [Cambridge collection 2003], as well as other liberal theories of justice, e.g. Dworkin ##, Gauthier ###).
The critiques are numerous, and also often interrelated given that they centre on the same basic concerns mentioned a moment ago. My view is that they all raise important issues, but, by themselves, none of these are fully successful as a critique of the hypothetical contract account of social justice presented in JaF. However, considering them uncovers important insights about what motivates the dissenting relational perspective, and what would be the basis of a successful refined relational account. Heuristically I wish to suggest that they can be grouped into four main lines of critique.

3.32 Critique #1: need, asymmetric dependence, care, difference

One line of criticism of the social contract comes predominantly from feminist thought and centres on the ‘social fact’ of different people’s different levels of needs for wellbeing (on any reasonable idea of what wellbeing entails), the necessary labour of care that this implies for others, and the relationships of asymmetric dependence that this inaugurates. The complaint is not just that social contract theorists have happened not to write much about these things, but more fundamentally that the logic of social contract theory specifically precludes their consideration. The principle target in this regard is the theoretical assumption of the full equality of the contracting parties (for instance of Rawls’s parties in the original position). Not only are people not equal, the objection suggests, but also equality is not simply a case of treating ‘different’ things (such as genders or levels of dis/ability) in the same way (MacKinnon 1987, 32–45). (This is reminiscent of Marx’s argument in his assessment of the ‘contribution principle’, mentioned earlier, and reflects the difference-emphasizing impulse that the Hegelian view of the socially-constituted person typically engenders.)

The thrust of this complaint can be seen particularly clearly in Martha Nussbaum’s (2003, 50–56) critique of contractarianism from a capabilities perspective and in relation to the issue of care for people who are dependent on others (children, disabled people, the elderly, etc.). Nussbaum finds three main problems. Firstly, Rawls’s account would be better off swapping the concept of primary social goods for that of capabilities, for the well-known reasons argued by Sen (1980) and later elaborated in her own work (see §2.23). Secondly, in conceiving of a contracting situation between rough equals

Here I deal exclusively with JaF for clarity and depth, but also because ultimately the critiques that I find to present the most serious challenges would apply to any account within the liberal social contract spectrum given that they relate to fundamental theoretical elements (elements whose alteration would place a theory outside of that spectrum).
capable of full participation in social cooperation, Rawls ignores the fact that every human life is marked by at least one long period of asymmetric dependence on others (childhood), probably two (old age), and probably more still (mid-life illness or accident), and that for some this kind of dependence is simply a fact of their whole life due to physical or mental disability. Nussbaum thinks, therefore, that Rawls is ignoring something un-ignorable about the human condition, and something that is a major source of injustice in society, both for those in need of care (e.g. when lack of the needed care prevents people from leading the kind of life that they would otherwise be able to) and for caregivers (e.g. the tendency for such responsibilities to be unpaid work that falls to women rather than men). Thirdly, even if we translate primary social goods into capabilities, Nussbaum thinks there are other things that should figure on the list, such as “the social basis of health, adequate working conditions, and the social basis of imagination and emotional well-being” (53).

Nussbaum recognises that Rawls does mention cases of disability, need, and so on as important matters to be addressed once basic principles of justice in social institutions have been established, but thinks that this is inadequate; need, disability, dependence, care and related issues need to be considered from the start as a core concern of justice rather than as anomalies or secondary cases to be accounted for at a later stage. The assumption that social justice is about some form of deliberative agreement between equal and rational individuals seems to leave no room for those who might not be able to be party to this. What is the place of the mentally handicapped, young children, the very elderly, and so on, in a society defined by the social contract?

This complaint, also lodged by, for instance, Kittay (1997) is a strong one, and one that Rawls was exercised by in later work (2001, 170-6). Meanwhile, the capabilities argument levelled by Nussbaum and Sen was widely persuasive and influential across a variety of academic and practical fields. It is of course not invulnerable to criticism, but let’s assume for now that this objection too is a strong one. The question at this point, then, is whether these things mean that the whole contract paradigm is therefore undermined; Nussbaum thinks it is. However, her argument to this end is unconvincing.

She considers (2003, 54) whether, if we made these three changes – reconceptualising primary goods as capabilities, adding in care and dependency issues, and adding “other pertinent items” – there could still be a place for contract thought. Nussbaum doubts
this, identifying Rawls’s account of primary social goods and its associated ‘Kantian conception of the person’ (i.e. an association of autonomous and capable equals) as the reason. This seems a strange move given that Nussbaum was considering the prospects for the contract device once these aspects (primary social goods and the autonomous/capable Kantian conception) had been altered. It is unclear why it is not open to Rawls to accept the modifications of the list of primary goods and their conversion to capabilities. Similarly, it seems that Rawls could reply that the ‘veil of ignorance’ device is introduced precisely because of facts about life such as asymmetric dependence and differences in people’s levels of need; the veil means that in choosing principles the parties will be anxious to ensure that those in positions of need are not disadvantaged, and that society makes provisions for the inevitable dependency that all will face in childhood, sickness, and old age. As such, Rawls’s thought experiment appears sufficiently flexible in its definition to accommodate the modifications that Nussbaum entertains.

A related feminist critique focuses on the division of labour in private caring responsibilities, alleging that Rawls’s account is blind to this question. The reason for this blindness is diagnosed as the assumption of a strict divide between public and private spheres, where only the public sphere is a justiciable realm, and thus questions of social justice that arise within families are disregarded. Rawls addresses the public/private question explicitly in *JaF* (2001, 162-168), arguing that his principles of justice would apply to the family, because the family is part of the ‘basic structure’. Rawls agrees that what happens internally to associations such as the church or the family is not directly subject to justice as fairness; for instance, the church might allocate positions of responsibility in ways that would have violated fair equality of opportunity if the church were public society; but it is not. However, the principles of justice *insofar as they pertain to the basic structure* do not cease to apply within the church or the family or other private associations; if something is relevant vis-à-vis the basic structure of society, rather than just the internal affairs of an association, then principles of justice *do* apply. As such, while internal family matters are not directly the concern of justice, if it were the case that something about the family as an aspect of basic structure infringed upon the basic equal rights, liberties, and fair equality of opportunity of women, then this does become a matter of social justice. If it is an aspect of the basic structure that women traditionally bear a disproportionate share of the burden of caring responsibilities then
Rawls’s account does give us the means to account for this as a social injustice. As with the reply above, given that the parties are unaware of their gender, the original position deliberations would arrive at the principle that responsibilities of care ought to be allocated equitably; again, this seems precisely the sort of consideration that the veil is intended to cater for.

This is in my opinion a convincing response. The family is part of the basic structure, and thus any aspect of it that offends principles of justice in the basic structure of social institutions runs afoul of social justice.

This also re-emphasises the idea of justice conceived of as pertaining to the basic structure of society (discussed in more depth in §4.3). A similar re-emphasis is used by Rawls (2001, 168–71) in his reply to the argument for capabilities, rather than primary goods, as the space of justice. (Or, at least, I believe that this is the strongest interpretation of his argument.) Sen worries that differences between individuals mean that an index of primary goods is too inflexible; we need to assess what people can actually do and become with their primary goods, thus allowing us to compare better and worse possible outcomes. Rawls points out that this is extremely informationally demanding, requiring a scientific measure of the full range of capabilities for all relevant individuals to an impractical degree. In justice as fairness, by contrast, the concern is with the political question of the background justice of the basic structure, rather than with a particular distributive or wellbeing-related outcome. The set-up of the principles of justice, and in particular the difference principle, is intended to work as an ongoing social process. This is the meaning of ‘pure background procedural justice’ and emphasises the deontological nature of Rawls’s normative approach, while highlighting the somewhat utilitarian, welfarist strands within Sen’s. Rawls interprets Sen’s critique as the claim that ‘advantage’, rather than just being about a good itself, is about a relation between a good and a particular individual; I, in turn, interpret Rawls’s reply as being that in fact it is about a relation between an individual and the basic structure. Capabilities methodology deals with contextual structural issues (of the kind that mean that primary goods can amount to different capabilities for different people) by conceiving of them as ‘conversion factors’ to be factored into calculations of the likely impact of a particular intervention. This has the benefit of recognising the complicating effect that ‘difference’ and/or structural inequality has on formal equality, but the considerable drawback of taking such factors as background conditions that are simply accounted for in our calculations,
rather than an important normatively evaluable focus of justice in their own right. Rawls’s reply re-clarifies that justice as fairness would have us first and foremost critically evaluate the basic structure of social institutions.

This is not the end of the story on Rawls’s conception of basic structure, but for now we can say that, in considering the critiques in this area, there are a number of strong replies available on behalf of justice as fairness.

3.33 Critique #2: atomic individualism

Mills (2000, 455) suggests that an “ontology of atomic individuals” is commonly thought to be a key pillar of the tradition of liberalism. This has certainly been the focal point of many critiques of social contract thought.

For instance, Benhabib (1985) discusses the dispute between the psychologists Lawrence Kohlberg and Carol Gilligan. Briefly, Gilligan argues that Kohlberg’s well-known theory of the stages of moral development is androcentric in that its conception of moral ‘maturity’ stresses abstract concern for ‘generalized others’ over and above contextual and empathetic concern for particular others, with the result that in testing, women in general come out as being at a lower stage of maturity than men, or as simply confused. For Benhabib this is because Kohlberg’s idea of what full moral maturity entails is largely premised on the autonomous, ‘disembedded’, and ‘disembodied’ abstract individual of contractarian thought. Benhabib lodges two slightly different complaints against contract theories’ use of this figure.

Firstly, she claims that this individual is not a representation of some supposed ‘humanity in general’, but instead of a particular kind of person, namely the “bourgeois male” (1985, 408) with his particular contingent attributes and assumptions, desires, fears, and so on; “white, male adults that are propertied or at least professional” (406). The hero of social contract thought is this autonomous, choosing and willing subject, with the power to enter contracts and a sense of justice regarding the ‘generalized other’ (rather than particular others). This means that the social contract account of society both ignores and supports the domination of women, excluding women from the public realm of justice by ‘privatizing’ conventionally female concerns and experience beyond the scope of consideration as an issue of justice, and producing an androcentric conception of normativity.
Secondly, however, Benhabib also thinks that the generalized other featured in Rawls and other contract theories is so thoroughly generalized as to have no distinguishing features. With the veil of ignorance in place, the notion of the ‘other’ ceases to apply. Justice for Rawls stems from the reciprocity involved in taking “the standpoint of the other [... putting] oneself imaginatively in the place of the other – but in the original position “the other as different from the self, disappears” (412). “[T]here is no real plurality of perspectives in the Rawlsian original position, but only a definitional identity” (413). As well as questioning whether it is accurate to speak of ‘others’ in this conception, Benhabib also wonders whether the parties (or party) in the contract are in any sense human selves at all. She concludes that the “conception of selves, who can be individuated prior to their moral ends is incoherent” (413).

A similar complaint is a common feature too of communitarian critiques of Rawls and earlier contractarians. Taylor (1985, 187–210) thinks that what he terms ‘atomism’ is the bequest of social contract theory to the modern world; “a vision of society as in some sense constituted by individuals for the fulfilment of ends which were primarily individual” (187). This was inherited by other strains of moral and political thought, such as utilitarianism, even when they didn’t utilise the contract idea. Sandel (1982, 179–83) argues that this conception of the human person – as divorced from all affective ties – makes no sense; to imagine this is not to imagine a free and rational agent, but rather just a strange being, devoid of any character or moral depth, that is so far from anything resembling a human being as to no longer be theoretically useful. It doesn’t make sense to say that the parties in the original position ‘choose’ institutions because the notion of choice only makes sense for a chooser who has particular ends; otherwise it is just arbitrary ‘picking’. Sandel calls this idea the ‘unencumbered self’ (1984).

However, JaF can offer a number of responses to these criticisms. Firstly, as before, we can recall the hypothetical and thought-experimental nature of Rawls’s argumentation; the ploy of abstracted and autonomous individual citizens is used just for methodological purposes as a “device of representation” for public- and self-clarification (Rawls 2001, 17). Any methodological individualism is only at the level of ideal theory; the aim is precisely to derive principles to apply to the basic macro structure of social institutions, not to guide individual moral transactions. Meanwhile, the parties in the original position are defined as possessing knowledge of whatever general information about society they might need to help their deliberations, and so can be assumed to have knowledge of the
centrality of communities to human life. They are simply, for impartiality, deprived of knowledge of their own particular ties.

Additionally, in conceiving of citizens abstracted from community and social ties we gain the ability to see such things as contingent and evaluable, rather than beyond justice. Rawls sees this as necessary to his methodology. His project is to try to uncover fair terms of cooperation for society. This raises the question of how such terms are to be specified: by God’s decree or natural moral law, or suchlike, or by agreement between citizens? Justice as fairness, of course, gives a version of the latter answer. However, such an agreement needs to be made under certain conditions to be legitimate. Some of these are familiar from everyday life – the absence of coercion, threats, deception, etc. – but the problem remains that in real life agreements are made “in determinate situations within the background institutions of the basic structure; and the particular features of these situations affect the terms of the agreements reached. Clearly unless those situations satisfy the conditions for valid and fair agreements, the terms agreed to will not be regarded as fair” (Rawls 2001, 15). This is the rationale for abstracting away from “the particular features and circumstances of the existing basic structure” (ibid.).

Finally, in relation to the complaint about the basic conceptual incoherence of unencumbered selves, Rawls can agree that this would be a strange conception of actual individuals, who cannot be thought of as being ‘themselves’ when considered separately from their values, ends, and conceptions of the good. However, because justice as fairness is a political conception of justice, as opposed to a comprehensive doctrine or conception of the good, citizens are conceived politically for the purposes of thinking about justice. The conception of the person used in justice as fairness is not drawn from particular philosophical or psychological conceptions of the person, but rather “is meant as both normative and political” (2001, 19). The rationale behind this is (as so often) Rawls’s intention for justice as fairness to apply to a modern liberal democratic state marked by reasonable pluralism, meaning that the public conception of justice cannot be beholden to particular conceptions of the good. Because of this it would be a serious mistake not to distinguish between “the idea of a democratic political society and the idea of community” (21). If a community is an association defined by shared values and aims and a conception of the good, then for a polity to be a community would require illegitimate levels of coercion and a presupposition of a particular conception of the good on behalf of the state (20-21). As such a theory of justice, while not denying the obvious
fact that citizens are members of various communities and associations that define who they are as individuals, must conceptualise them politically for the purposes of justice, rather than taking into account their communities and particular conceptions of the good. Furthermore, this does not amount to any kind of exhortation to individualism as a value or conception of the good in real societies; we can affirm that community life is central to the human condition but recognise that a political conception of justice is required to ensure that various communities can co-exist, interact, and intersect in relative harmony and on the basis of fairness.

With this strand of criticism, then, as with that considered in the previous section, a number of strong replies become available to Rawls by virtue of the nature of his project as ideal, as thought-experimental, as a version of ‘hypothetical contractarianism’, and as a political conception.

3.34 Critique #3: history-blindness

A third line of critique concerns the ahistorical character of the contract account. This is a common theme for theorists concerned with gender and race. This comes out, for instance, through Pateman’s (1980) examination of the idea of ‘consent’ that is typically central to contract theory. Pateman argues that the idea of consent is only simple and unproblematic if we consider the case of an abstract agent who is defined as autonomous and logically prior to social ties and constraints. The “realities of power and domination” (161) in any society, such as the subordination of women to men, or the class structure, mean that to theorise from consent is, for Pateman, to gloss over the fact that in most paradigm cases of injustice the issue is people’s subjection to constraints that they could never consent to or otherwise; such social-structural aspects are there ‘from the start’ and play a large role in constituting individuals’ identities and characteristics.

This argument touches on all of the other critiques mentioned in this chapter, but also leads to the history-related complaint. In Pateman’s later book The Sexual Contract (1988) she argues that this use of the atomic and abstract individual shorn of social context enables social contract theory to obscure the historical falsity of the idea of the equality of all persons, and to act as a fig leaf for the actual, ‘sexual’ contract underpinning patriarchal society. This idea is extended to race by Charles Mills, who argues that (white) political philosophers “have worked with a contractarianism whose
factual presuppositions obfuscate or deny the centrality of white racism and white domination to US history” (2000, 451). For Mills the most pertinent demonstration of this is that the actual normative prescriptions of contractarian political philosophers so rarely mention racial injustice. “White supremacy is not seen in the first place (factual picture), so there is no need to prescribe remedies for ending it (normative picture)” (ibid.). Thus, what is criticised is blindness to major aspects of actual history.

However, this seems an odd complaint for Mills to make in light of his earlier (2000, 441) recognition that the hypothetical character of Rawls’s contractarianism makes it a very different kind of theory to critique than the earlier ‘actual’ social contract theories. It seems that Rawls could reply that his thought experiment does not make incorrect ‘factual presuppositions’, because it does not make any such presuppositions at all; rather, it sets out hypothetical conditions for the purposes of reasoning out some matters of principle. Furthermore, the resulting principles would clearly be firmly set against the dramatic curtailment of rights, liberties and opportunities for some citizens that is entailed in racial oppression. Mills argues that American political philosophers have ignored crucial aspects of US history, but the thinkers in question might respond that they are philosophers, not historians. Although, of course, Rawls makes reference to the United States and to various aspects of its political and legal system, in an important sense his theory of justice – and especially his contractarian thought experiment – is not in any way about the US or any particular nation-state. His project is to derive insights about social justice at a higher level of generality. In a similar way, while Pateman’s arguments about historical falsity appear challenging for ‘actual’ social contract theories, a hypothetical thought experiment makes no claim to historical truth, and abstraction from particulars, an integral part of philosophical method, is not the same as denying those particulars.

3.35 Critique #4: widening the lens, the ‘distributive paradigm’, social ontology

I suggested above that a constant impulse to look beyond individual-level considerations has been one leitmotif of Marxist and feminist objections to social contract theory. An exemplar of this line of thought is Young’s (1990, 15–38) criticism of what she calls the ‘distributive paradigm’. By that she means a way of thinking about social justice that
conceives the relevant issues almost entirely in terms of questions of distribution,⁸ to the detriment of the insightfulness and critical potential of theory. Young’s criticisms are aimed at the Rawlsian and post-Rawlsian mainstream of social justice thought, and the nature of the critique means that it is also in effect a critique of social contract theory in general.

Young (1990, 15) says that the distributive paradigm assumes that social justice is simply about “the morally proper distribution of benefits and burdens among society’s members”. This seems to reflect how Rawls explicitly views his task (Rawls [1971] 1999, 4, 5). Young has a range of complaints against this.

One is that it encourages a focus on the allocation of material goods, and perhaps social positions such as jobs, rather than on the “social structure and institutional context that often help determine distributive patterns” (1990, 15). This, for Young, is bad because other fundamental issues that are not amenable to rendering in distributional terms are of more importance, such as decision-making power, divisions of labour, and cultural norms, practices, ideas, and so on. As well as going a long way to determining certain distributions, these are also typically the sorts of things that are at issue in the campaigns of actual social justice movements (e.g. workers’ campaigns about undemocratic and unaccountable workplace practices; feminist campaigns about maternity and childcare provisions that assume that women will shoulder the bulk of society’s unpaid care-based work; anti-racism movements that target harmful stereotypes; etc.).

Additionally, insofar as theorists do attempt to consider things other than income, wealth, and material goods – in the form of so-called ‘nonmaterial social goods’, such as power, opportunity, or self-respect – the distributive paradigm leads them to misconstrue such things as static objects, stylised as ‘goods’ that can be divided and possessed by individuals. This, for Young, is simply bad social theory; such phenomena are more accurately analysed as “a function of social relations and processes” (16), and are dynamic, arising in the relation between social interactions and the context in which they take place.

⁸A similar critique, of distributive as opposed to relational conceptions of the meaning of equality, is articulated by ‘relational egalitarian’ thinkers (e.g. E. Anderson 1999; Scheffler 2003; Schemmel 2012). I discuss relational egalitarianism in §5.22.
Similarly, Young argues, to look at the distribution of something, whether income and property or, say, power or cultural prestige, necessitates looking at ‘end-state patterns’, i.e. imagining the whole population of individuals in an ahistorical sense and asking how much of x is in their possession. This necessitates conceiving of individuals as being commensurable equals who, subsequent to this moment of equality, come to possess goods, whereas often in questions of injustice the issue is about ways in which factors logically prior to individuals shape their different identities, abilities, needs, and so on. One such factor is social group differentiation, but for Young, mainstream political philosophy has typically lacked any viable concept of the social group, and ignores the fact that social injustice quintessentially happens to groups (1990, 39-65).

In my view, the more fundamental claim that underlies all of these points is about what Young calls ‘social ontology’. The argument is that to conceive of social in/justice entirely in terms of distribution is to buy into an individual-focused social ontology, and that this leads subsequent theory and analysis to miss, or at least misunderstand, crucial aspects of how injustice in society operates; aspects whose apprehension requires an ontology of supra-individual entities such as social relations, groups, and structures. A subtly different corollary of the complaint about lack of attention to social context is that this also entails an atomistic view of the human person, “logically prior to social relations and institutions” (Young 1990, 27), a self-standing ‘node’ to which bundles of goods attach. Young follows the Hegelian line in holding that “individual identities and capacities are in many respects themselves the products of social processes and relations” (ibid.).

To emphasise this point, it is interesting to note that Robert Nozick (1974, 153–55) offers a very similar criticism of ‘patterned’ approaches to distributive justice, objecting to their ahistorical character and lack of attention to the processes responsible for how goods come into being and end up in particular distributions. However, of course, Nozick arrives at a thoroughgoing libertarianism while Young arrives at a radical-democratic socialist-feminist position envisioning a robust state with extensive regulation, public ownership, redistribution, and political participation. The explanation for this marked divergence, despite shared concerns, is Nozick’s radically individualist ontology (see §2.22) as against Young’s trenchantly supra-individual ontology emphasising social relations, groups, and structure.

Young defines structure(s) as
the confluence of institutional rules and interactive routines, mobilisation of resources, as well as physical structures such as buildings and roads. These constitute the historical given in relation to which individuals act, and which are relatively stable over time. Social structures serve as background conditions for individual actions by presenting actors with options; they provide “channels” that both enable action and constrain it (2006b, 111–2).

The final sentence of this excerpt explains why, for Young, social structure is relevant to the question of injustice in society; if institutions, laws, economic systems, cultural norms, social groupings, and so on differently enable and constrain the courses of action open to different people then they surely must be open to normative assessment given that potentially these things could present constraints that are oppressive and unfair to some.

Emphasising the ontological character of Young’s critique of the distributive paradigm helps to demonstrate the way in which this account also doubles as a critique of social contract theory. Indeed, it is something of a compendium of many of the principle recent arguments that have more explicitly criticised contractarianism, in particular the objections to methodological individualism, to the idea of undifferentiated individuals logically prior to society, and to lack of attention to structure and context. Thus, ontological-level critique of both contractarianism and the distributive paradigm is more or less one enterprise.

How potent are these criticisms and what replies are available?

A misunderstanding sometimes abroad is that the criticism of the distributive paradigm is a complaint against focussing on income or material possessions rather than other things. For instance, Kymlicka (1990, 164) argues as a rejoinder to critiques of the distributive paradigm that “[n]othing in the idea of justice limits it to questions of income. On the contrary, as we have seen, both Rawls and Dworkin include productive assets as one of society’s resources to be distributed”.

However, if we return to Young’s complaint about how distributive thinking has the effect of reifying social phenomena such as power, opportunity, respect, etc. into static and possessable objects, we can see that the objection is not aimed at the particular things that are distributed – income, wealth, primary social goods, etc. – and their degree of importance and primacy or not, but rather at the logic of distributional thinking itself and the ontological framing it brings in train; of thinking in terms of discrete things that are
parcelled out to atomistic individuals. Conceptually, we can say that thinking about distribution (in any sense or context) involves two things: (1) a stuff that is apt to be distributed, i.e. that can be divided, even if only in principle, into portions, and (2) separate entities or locations, numbering more than one, to which portions of this stuff will in some way attach. For instance, we could talk of the distribution of electricity usage (stuff) between rooms in a house (separate entities/locations). As such, any time that we conceive something in terms of distribution, we are enjoined to think in terms of (1) divisible stuff and (2) separate entities. This is what it means to say that the logic of distribution entails a certain ontology, and that this shapes the way that ensuing thought within this paradigm plays out. It is this that is primarily the subject of criticism.

Kymlicka’s mistake is to conflate focussing on income with thinking in distributional terms; the critique of the distributive paradigm offered by Young targets the latter, not the former (per se). As such, this reply doesn’t work since it misconstrues the main thrust of the critique.

A stronger reply could attempt to take the complaint about distribution-centric thinking head on, by distinguishing between the concepts of ‘allocation’ and ‘distribution’ in Rawls’s work, and pointing out that Rawls is explicitly not interested in the question of how to allocate a given basket of goods between recipients. In my view the best way to understand this point is to recall Rawls’s idea of ‘pure procedural justice’, which is the key idea in the passages that are the basis for this reply (Rawls 1999 [1971], 76–7; 2001, 50). Rawls thinks that if the basic structure works in such a way as to ensure equal basic liberties and fair equality of opportunity, and to enact the difference principle, then whatever particular allocation/distributive pattern results is, a fortiori, just, since it results from pure procedural justice. In other words, he is not getting into the messy business of looking at a given bundle of goods and trying to decide how to allocate shares of it between various people; he is just trying to create what we could call a fair ‘distribution generator’. The difference principle is only instrumentally valuable in that its aim is to feed back into and proactively maintain a just basic structure. This is a question of the basic structure of institutions, not of particular distributive patterns. Given this, it would indeed be unfair for critics of Rawls to imply that his writing expresses an exclusive

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9 I am grateful to Pablo Aguayo Westwood for bringing this distinction to my attention. It is used in forthcoming work of his arguing that Rawls’s theory can successfully provide a basis for satisfying the concerns of ‘recognition’-focussed theorists such as Axel Honneth, Charles Taylor and Nancy Fraser. This section (3.35) draws significantly on my reply written to his working paper on this subject.
interest in the question of how a given basket of goods is to be allocated between individuals. Arguably some critics have tended to do this, although it should also be said that in some passages Rawls’s writing doesn’t dissuade this impression.\textsuperscript{10}

This response would have us recall Rawls’s stated starting point that social justice is first and foremost a question of the ‘basic structure’ of society. This notion is the site of an interesting confluence between Rawls’s account and that of key radical critics considered here as contributors to a relational approach (see the table mapping theories given in §2.3). Both Young and Fraser, for instance, are happy to agree with Rawls that, at least in some to-be-clarified sense, the basic structure is the appropriate primary subject matter of a theory of social justice (Young 2006; Fraser 2012, 42). In fact, Young’s (1990, 18) summary of one of her core critiques – that “[the distributive paradigm] tends to ignore, at the same time that it often presupposes, the institutional context that determines material distributions” – seems, in light of the above reading of Rawls, to describe exactly what Rawls does focus on, i.e. ‘the institutional context that determines material distributions’.

As such, if we manage to remind such critics that this is really what Rawls is interested in – the basic structure, not questions of the allocation of goods – then is the critique of the distributive paradigm thereby avoided? This is not necessarily the case, because we might object to Rawls’s actual theorisation of basic structure, for instance on similar grounds to already-mentioned arguments; it contains no understanding of social group injustice, or it abstracts away from historical realities. However, a now-familiar reply could be given to this: it would be at odds with Rawls’s project to include worldly phenomena such as historical-structural factors or social groups, because, as he clarifies, in a political conception we need to abstract away from such things, and, at any rate, his task is simply to uncover matters of normative principle through the exercise of reason.

As is probably obvious, this is not the end of this discussion; I return to the question of basic structure in the following chapter.

\textbf{3.4 Conclusion: what kind of critique?}

\textsuperscript{10} For instance, describing the overall task of his project, Rawls says that the principles of social justice “define the appropriate distribution of the benefits and burdens of social cooperation” (Rawls 1999 [1971], 4).
However, at this point I want to pause, because it appears that a pattern is emerging. In general, it seems that many of the specific arguments critiquing the liberal social contract approach can be met with replies of one of two types in the case of Rawls and particularly the refined account of *JaF*.

The first relies on the abstractness of Rawls’s theory. The point of the abstract parties and the veil of ignorance is precisely so that nobody – such as women, racial groups, the dependent, workers, the poor, etc. – is unfairly disadvantaged in the choice of principles to shape social institutions. In the later refinements of *Political Liberalism* (1993) and *Justice as Fairness* (2001) the idea of a ‘political conception’, necessary to avoid prejudice towards particular conceptions of the good, further adds to the rationale for abstraction away from the differences between individuals and from the institutional and historical features of actual societies.

The second type of reply relies on the hypothetical nature of Rawls’s use of the contract; a failure to take into account histories of race or gender oppression is not a flaw of a merely hypothetical thought experiment designed to yield principles of justice, especially when the principles that it yields would disallow the kind of rights infringements, wide inequality of opportunity, and disadvantage that is of concern to these critics. In a similar way, the complaints regarding an inaccurate picture of the human person are not directly damaging to a hypothetical social contract; Rawls’s theory doesn’t rely on an accurate ‘philosophical anthropology’ in order to work.

Moreover, Rawls’s later publications, most of all *JaF*, take seriously and, as with some examples mentioned in this chapter, either incorporate or convincingly respond to many of these criticisms.

At this point it may begin to appear that the critic’s work is done, having wrung satisfactory clarifications, and in some cases revisions, from the foremost representative of the liberal contractarian account of social justice. However, I believe that, nevertheless, this account will still fail to satisfy the concerns that motivated the various radical critiques, even if some of those critiques did not address a fully and charitably understood version of an account such as Rawls’s. As such, these replies should be taken not as the final word but rather as a prompt to consider further the critique.

We can draw a couple of transitional conclusions.
Firstly, the bulk of the argumentation across all of the lines of critique outlined above comes in the dimension of ontology; as I defined it in Chapter 2, the salient entities and divisions of the social world for the purposes of thinking about social justice, and the appropriate level or scope of analysis. In their different ways, the critiques of ignorance of difference, of atomic individualism and related elision of history, and of the distributive paradigm all touch on questions of social ontology. In particular, a recurrent theme stresses relations: the fundamental relationality and social embeddedness, rather than atomism, of individuals; the relations of dependency that characterise many people’s lives; relations of power arising out of history or social group identity; economic relations of production in the Marxian sense; gender relations in the feminist sense; and so on. It is this tendency that the talk of an alternative ‘relational’ approach points to. Defining with more clarity in exactly what sense the approach proposed in this thesis is relational is a task I return to in Chapter 5. For now we can say that it seems that, in seeking to distinguish a relational approach from a liberal contractarian one, a chief difference will be in this dimension of ontology. Other critiques mentioned in this chapter come in the dimensions of space (e.g. the capabilities critique), and practical implications (e.g. no attention to issues of disability and needs for care; overriding attention to economic matters).

However, secondly, none of these critiques are entirely decisive against Rawls’s account, in some cases because of uncharitable interpretations of his theory or persuasive responses by Rawls, but in many others simply because of the availability of the argumentative move of re-emphasising the abstract and hypothetical nature of Rawls’s ideal-theoretic project. This suggests that the critique needs, initially at least, to switch dimensions and to tackle this argumentative move directly.
4. Refining the relational critique

4.1 Introduction

The previous chapter outlined a number of critiques of liberal contractarian social justice arising from a critical counter-tradition. The competing approach to social justice implied by these responses, I suggested, largely represents what is currently meant by a relational approach to social justice. This critical discussion raises important-seeming concerns, but faces a challenge: the ideal, abstract, and hypothetical nature of contemporary contractarianism enables a reusable reply that simply points out that the critiques don’t directly target this kind of theory; they misunderstand its nature and aims and thus why the theory’s features must be as they are. This, I argued, should not be taken as the end of the discussion, but rather as a prompt for the relational critic to reconsider in which dimension (in the sense of Chapter 2) the critique should come.

Specifically, the ‘reusable reply’ refers to the purpose and mode of liberal contract theory in the style of Rawls. As such, a critique in this dimension is necessitated. In this chapter I argue that this can be a preliminary step which then unblocks the way for a refined relational argument (although does not automatically reinstate all of the previously-considered critiques).

4.2 Purpose and mode of social justice theory: the ‘activist desideratum’

This dimension involves the meta-theoretical question of what kind of enterprise thinking about social justice should be. What do we aim to achieve when we engage in theoretical
work on the topic? What should theories do or enable? In other words, what are the desiderata incumbent upon theorisation?

There are probably a wide range of valid responses that we could give to this; the motivations for and potential uses of theorising social justice could be in principle unlimited. However, I believe that there is one answer to this question in particular that is highly persuasive. This can be derived from a discussion given by Sen (2009), which I mentioned in Chapter 2. Sen points out that in real life, what moves us is not that the world falls short of perfect justice, but that we perceive clear and remediable injustices all around us. Our interest in social justice, then, is really an interest in injustice. As I go on to argue, I don’t endorse all of the implications for theory that Sen draws from this; but the starting point seems to me irrefutable, and from it flows one simple desideratum: theoretical work on social justice should aid the counteraction of actually-existing social injustice. We can call this the ‘activist desideratum’, in that it arises from the impulse to action. Without meeting this desideratum a theory’s value is severely curtailed; it would seem to be at best an intellectual curio or conceptual exercise. There is also a more straightforwardly moral justification for focussing on injustice, namely the idea that the consideration of issues affecting those who suffer injustices should be prioritised before all else (S. O’Neill 2010, 130–31). (This doesn’t, of course, entail that there are not other additional rationales for undertaking theoretical or philosophical work on social justice. Some examples of these are given by Rawls (2001, 1-5), and, as I discuss below in §4.43, there is a valid question regarding whether adding this new desideratum might hamper these.)

In more detail, an activist desideratum would require either that social justice theory should provide the basis for the uncovering, analysis, and diagnosis of the injustices of real societies, or at least that it should be extendable into or compatible with work of that kind. This doesn’t mean that it must be practical, problem-solving theory which assesses particular current cases. It just means that a parameter in our assessment of the merits of a theory should be the extent to which it helps us to identify which things are social injustices, to explain in what sense they are injustices (e.g. so as to provide an argument to sceptics), to diagnose why and how they occur, and thereby to point towards possible counter-actions. Additionally, if a theory can do this then it ought also to be able to perform a similar function in relation to historical progressions away from injustice;
understanding what the injustice was, in what it consisted and why, and which processes and courses of action countervailed the injustice.

A possible objection to this desideratum might be that by pitching everything in terms of injustice it gerrymanders the question against ideal theory. I don’t think that this is the case, though, because there is no a priori reason why theory that discusses what justice is cannot be at least compatible with theory that discusses injustice. Nevertheless, it must still face the same constraint arising from the fact that for all intents and purposes we are only interested in social injustice and its overcoming: if a theory cannot in any way cater to this interest then it is difficult to see why anybody should pay it much attention.

A subsidiary aspect of this makes a more worldly point about the social effect of an account of social justice. This is a different kind of point, and one that it might seem unfair to apply to theory, so it necessitates some explanation. The idea is that as well as having intellectual content, and often being primarily addressed to academics or other relevant specialists, a normative account of justice is also an entity with a social existence; it is a ‘move’ in discourse. The concepts, language, images, argument-forms, and so on that a theory offers diffuse into the broader consciousness, both of peer theorists in the same field, but also of a range of actors with varying degrees of specialism in the topic; academics and researchers in other fields, policymakers, political leaders, activists, media and news voices, civil society groups and NGOs, and ordinary citizens interested in thinking about social justice. Equally, such contributions of theory also meet with other ideas current in society, and become usable or not usable in certain ways and for certain actors. As such, we can inquire about the social effect and role of theoretical contributions, particularly when they are very influential, as in the case of Rawls and of social contract theory more generally. It seems reasonable to say that the effect, in this above-defined sense, of a theory should be one of enhancing generalised understandings of social injustice for the purpose of deliberation over real-world questions, or at least of not actively confounding understandings.

We might question the validity of this subsidiary point. Isn’t it unfair to hold a theory responsible for whatever its effects on general societal ideas and understandings might turn out to be, especially when it is the case that complex theoretical ideas often become transmitted into everyday discourse in simplified or warped ways? This is a reasonable objection. There are, doubtless, instances where aspects of theories become the subject
of widespread misinterpretation. Most accounts require a significant degree of engagement to be properly understood. This is certainly the case with relational accounts of injustice such as those considered here, which rely on non-quotidian ideas of structure, social process, identity, historical causality, and the like. Nevertheless, none of this precludes assessing instances where we might allege that an account is liable to affect prevailing social understandings of issues in particular unhelpful ways, where this isn’t simply the result of mistaken interpretations. It is up to the theorist to present their case in a way that is, as far as possible, resistant to misinterpretation or misuse, including in its discursive and imagistic elements.\textsuperscript{11} That is, in order to effectively help diagnose and counteract injustice (as per the activist desideratum), a theoretical account must do a good job of \textit{representing} injustice; we need an insightful picture of what it is we are addressing. This is partly a case of presentational choices about language, examples used, and so on. However, it also crosses over into more substantial content issues, as will be seen in the discussion of the idea of basic structure, below.

The argument in this section attempts to redefine the aims of theory in such a way that a refined relational critique becomes viable. However, if these redefined aims can be defended then such a move is legitimate, and, as above, I believe they can: a highly intuitive case for an activist desideratum for theory springs from Sen’s simple observation that what motivates us is real injustice. This doesn’t yet decide the debate in any particular direction, but it does change its terms.

\textsuperscript{11} A good example in this regard is Elizabeth Anderson’s (1999) criticism of the prevailing state of academic discussion of egalitarian political philosophy, which (perhaps for perfectly natural and innocent reasons) had arrived at a situation where much discussion defending egalitarian principles focussed on thought experiments about the ‘lazy and irresponsible’; beach bums, arcane religious fanatics, spoilt people bored by all except the most expensive hobbies. It considered possibilities such as ‘envy-free’ redistribution, or trading schemes in eligible bachelors for unmarried women. Anderson says “If much recent academic work defending equality had been secretly penned by conservatives, could the results be any more embarrassing for egalitarians?” (287). The writers in question would correctly argue that they are only using fanciful thought experiments and limit cases to uncover principles, but the point is that the nature of these discussions contributes to painting egalitarianism as if it is all to do with handouts to the feckless and irresponsible, and with unsavoury encroachments upon the privacy and liberty of citizens. As well as the more philosophically precise content of these theories (which Anderson goes on to critique), the discursive framing used actively contributes to general misunderstanding of what (for an egalitarian) injustice is really all about, and plays into anti-egalitarian critiques. (It should be clarified that Anderson’s argument is not only about presentation rather than content; she goes on to argue that these odd representations have arisen out of attempts to conduct theory on the assumption that social justice is all about compensating for ‘bad luck’.)
4.3 The question of basic structure

In section 3.35 I outlined Young’s critique of the distributive paradigm and argued that while this involves a range of criticisms, what seems to underlie all of them is a complaint about social ontology. This is, namely that the distributive paradigm entails a specific ontology – individuals and divisible goods – that is ill-equipped for the task of thinking about social justice. I mentioned a strong reply that distinguishes between the concepts of allocation and distribution in justice as fairness, and works by drawing our attention back to Rawls’s stated view that the ‘basic structure’ of society is the primary subject of justice, and that the basic structure entails the institutional and structural context that, among other things, brings about particular distributions (or ‘allocations’) of goods. This suggests that Rawls’s account can avoid the critique of the distributive paradigm by reaffirming its status as a basic structure-focussed account. Is this still the case in light of an adoption of the activist desideratum?12

I don’t believe so; this move simply means that ‘basic structure’ itself becomes the question. This leads us to redirect critical attention to slightly different areas.

The key issues are the meaning and use of the notion of basic structure; what do we understand by this idea and what role is it to play in our thinking about social justice? Let’s take the latter issue first, since criticisms about the use of the idea will be seen largely to collapse into criticisms about the definition of the idea.

4.31 Using the idea of basic structure

While recognising Rawls’s professed conviction that basic structure is the primary subject of social justice, the complaint – which, as its title suggests, is addressed particularly explicitly in Young’s 2006 paper ‘Taking the Basic Structure Seriously’ – is that Rawls’s overall account does not adequately deliver on the promise of this insight. I believe that this complaint can be sustained, because much of the wider discussion offered in JaF, such as consideration of more substantive questions, still displays the tendencies that spurred the critique of the distributive paradigm.

This is seen, for instance, in the discussion of gender and the household (Rawls 2001, 162-8). Feminists have argued that the gendered division of labour, for instance of

12 It is arguably more accurate to say that in ‘adopting’ this component I am in fact really just bringing to the fore a premise that is implicit in Young’s critique.
caring responsibilities, is an important matter of social justice but one which is barely considered in Rawls’s initial 1971 *Theory*. As mentioned in §3.32, by the time of *JaF*, Rawls accepted this criticism but offered a persuasive argument that his theory does cover this case because social justice still applies to any matter within the family insofar as it pertains to the justice of the basic structure rather than merely interpersonal issues. For this reason the principles of equal liberties and fair equality of opportunity do still account for the things that feminists are concerned about.

However, we should pay attention also to the substantive discussion of this issue. Rawls’s solution is to suggest that insofar as an aspect of women’s inequality consists “in their greater share in the bearing, nurturing, and caring for children in the traditional division of labor in the family, steps need to be taken either to equalize their share or to compensate them for it” (2001, 67). He also mentions that a ‘common proposal’ is that a wife’s work in raising children entitles her to an equal share of her husband’s earning potential. As such, what this concession of Rawls’s does is to render the problem in distributive terms as ‘shares’ that can be equalized or compensated for.

This is a partial, superficial conception of the problem and its solution as being to do with the distribution and redistribution of certain things between particular individual men and women in households. The feminist critique raises a more fundamental issue, namely the definition of gender roles through a surrounding constellation of cultural norms, symbols, and so on; the very meaning of what it is to be a man or a woman in a particular society. It points to the sharp division between ‘private’ unpaid, domestic, ‘reproductive’ caring work, and ‘public’, salaried, ‘productive’ work, and the feminization of the former and masculinization of the latter. The problem is that when we think only about distribution, we (presumably unintentionally) assume all of this contextual backdrop as our starting point set of ‘givens’ and simply try to work out what a just redistribution of its results would be. This will hamper our ability to properly grasp the full range of justice-relevant issues in this scenario. Firstly, these matters ought to be subject to normative evaluation; for instance, a convention that wives will predominantly shoulder the burden of child-raising labour and their husbands will engage in paid work. Secondly, as well as being the underlying cause of certain distributions, such things can also amount to injustices of a non-distributive type in their own right such as social
shame for men or women who diverge from norms, or the constraints placed on boys’ and girls’ imagined horizons of what they might be and do in life.¹³

The continued prevalence of the distributive paradigm is reflected more generally in the discussion of the concept of primary social goods. It would clearly be inaccurate to allege, as some lazy critiques do, that Rawls is only interested in economic distribution, of income, property, and so on. However, it is questionable how fully we can consider ‘social goods’ such as rights, opportunity, power, and the ‘social bases of self-respect’, when they are conceived in terms of ‘distribution’, ‘shares’, ‘more rather than less’, and so on (e.g. 1999 [1971], 54–5 (§11); 78–81 (§15); 2001, 57-61).

Take the example of ‘opportunity’. In everyday life we talk about individuals as ‘having’ more and less opportunity. I don’t wish to suggest that this is a terrible folly. However, in the more exacting practice of theoretical thought about social justice, we should recognise that this is merely a shorthand for a more precise picture; to say that Jones ‘has more opportunity’ than Smith is to say that the prevailing contextual structure of institutions, norms, economic processes, etc. puts certain constraints on the agency of people like Jones, and different constraints on the agency of people like Smith. Their different ‘opportunity’ is not something that they each possess, but rather a function of their different positionality in relation to each other and to contextual and structural conditions at this given time. Key explanations for Smith’s ‘lesser opportunity’ – let’s say he is working class and black in a stratified and racialized society such as the USA or UK – have to refer to the social-structural context. But it’s not just that the opportunity open to Smith is explained by this context, it’s that it doesn’t exist without this context. Smith doesn’t himself ‘have’ an amount of opportunity in his possession; rather, the prevailing social-structural context provides certain possibilities and not others, certain barriers or inducements or necessities, pressures in one direction, encouragements in another – all of which demarcate the conditions within which the agency of people like Smith is exercised. This same context also goes a long way towards making him the person he is, both in the sense of the proclivities and abilities he has developed through education and socialization, and the way that society defines the ‘situated’ meaning and value of these attributes.

¹³ At this point I assume for the sake of argument that the feminist critique is correct that these aspects are genuine injustices. This is in fact my view, and it is of course supported by the feminist literature on these topics; but for the purposes of this thesis the justification for it can only fully be assumed to have been given following the fuller outline of a positive relational approach and its implications in Chapter 5.
Once we clarify this, we see that while for the purposes of everyday conversation or possibly even practical matters we can talk of the distribution of opportunity, we should not make the mistake of incorporating this metaphor at the level of theory, in our analytical understanding of what justice or injustice in this area actually involves. Doing so will mislead us into looking at Jones and Smith as individuals, and at their presumed possessions and attributes, rather than at the underlying weave of social-structural institutions, norms, histories, etc. that constitute the social group of people like Smith as disadvantaged and disparaged, and that constrain or enable the agency of individual people like Smith or Jones.

A way to sum up the above might be to say that ‘opportunity’ is a relational concept: it denotes a relationship between a person or people, some other people, and contextual structural conditions. Again, it is not that this relationship explains the ‘amount’ of opportunity that an individual ‘possesses’, it is that opportunity is this set of relations. I believe that a similar argument can be made for power, social status, ‘the social bases of self-respect’, etc.; it makes little sense to think of these as things that can be distributed and possessed. To try to do so (a) is conceptually awkward, and (b) deflects attention away from what is actually important.

As such, simply pointing to Rawls’s statement about basic structure being the subject of justice is not enough to demonstrate that the account overall doesn’t still display the features that motivated the critique of the distributive paradigm in the first place.

4.32 Defining the idea of basic structure

However, a more penetrating question is whether the problem is that Rawls simply happens to talk about distribution too much for the liking of this critique, i.e. is this coincidental? In my view it isn’t, and this leads us more to the heart of the matter, namely the divergent ideas about what ‘basic structure’ actually ought to be taken to mean. It will have been evident in the discussions above regarding gender and opportunity that the replies are relying on a distinct understanding of basic structure. This should be made explicit.

First let’s review how Rawls defines the idea. Early in A Theory of Justice he says that the primary subject of social justice is the basic structure of society; that is, “the way in which the major social institutions distribute fundamental rights and duties and determine the
division of advantages from social cooperation” ([1971] 1999, 6). Examples of relevant social institutions could be the legal system, the political constitution, the family, the market system. “Taken together as one scheme, the major institutions define men’s rights and duties and influence their life prospects [...] The intuitive notion here is that this structure contains various social positions and that men born into different positions have different expectations of life determined, in part, by the political system as well as by economic and social circumstances” (ibid. 6-7). In *JaF* Rawls offers a similar description, adding the characterisation that the basic structure amounts to “the background social framework within which the activities of associations and individuals take place” (2001, 10). Part of the reason that the basic structure is taken as the primary subject is that “the effects of the basic structure on citizens’ aims, aspirations, and character, as well as on their opportunities and their ability to take advantage of them, are pervasive and present from the beginning of life” (ibid. 10).

This has a reasonable degree of consonance with the stance seemingly espoused by the critics; the general sense that there is an underlying and relatively stable assemblage of factors that set the background conditions to agency, the effect of which is pervasive and ought to be subject to evaluative scrutiny as a matter of justice. However, the picture arising from Rawls is rather formal-legal, pitched mainly in terms of official laws and institutions and how these distribute rights, duties, and advantages to individuals. By contrast, as just seen in the discussions of gender and of opportunity, some of the structural features of concern to radical critics are socio-cultural, such as norms and meanings about gender or race, or are the long-term real-world result of political economic processes, such as class inequality. This is different in at least three ways.

Firstly, it points to a broader spread of aspects of the social world; one expression of this concern is in Fraser’s (1995; 2009) suggestion that social justice issues can be mapped into not one but three areas, namely economic processes, social cultural ‘recognition’, and political ‘representation’. This isn’t necessarily directly at odds with Rawls’s account; his discussion doesn’t tend to emphasise such matters, but the fact that the family is included in his definition of basic structure suggests that this conception has a place for phenomena that are socio-cultural rather than legalistic.

Secondly, it suggests that many of the relevant features are structural in a historical sense rather than just a legislative or institutional sense relating to formal rules, rights,
and so on. Phenomena like social class or racial/ethnic group dynamics may not be formalised into explicit institutions like the constitution or the legal system, instead being the result of historical trajectories whose legacies shape the current conditions in a society. But if by basic structure we understand, as per Rawls, the ‘background social framework’ that ‘influences life prospects’ then it seems hard to justify leaving out such definitive and pervasive phenomena.

Thirdly, these concerns pull away from the distinctive ontological setup embedded in the distributive paradigm, namely that of a) divisible ‘stuff’ and b) discrete entities or locations, translating into a social ontology of a) material/economic goods, or social phenomena stylised as divisible goods, and b) individuals or households where amounts of such goods become located, and who are equal and commensurable until this location occurs and thereby differentiates them. (As per §3.35, this is in essence also the ontology of social contract theory in general.) The critiques point to a contrasting picture: one of social groups or positions (rather than individuals) and the relations between them (rather than attributes or possessions of theirs), and of the basic structure out of which these arise at a given time. More strongly, the suggestion is that, analytically, social injustice is not about individuals. Of course, in the empirical sense, the trappings or upshots of social injustice are experienced by individuals, but individuals only suffer something that can be labelled ‘social injustice’ qua group or social position rather than qua individual. Clearly, much more would need to be said about this alternative view; I return to the question in §5.32.

The addition of the elements sketched above sets the agenda for a different understanding of basic structure; one that is somewhat less purely formal-legal and institutionalist (although including such things), and somewhat more sociological and historical. (It is closer to what those disciplines often refer to as, simply, ‘structure’, or perhaps ‘social structure’.) However, as well as voicing some disagreements with Rawls’s theory of basic structure, the criticisms point to a desire simply for much more theory. Rawls does not say a great deal about the idea, given how seemingly crucial it is as the ‘primary subject’ of social justice. The critiques suggest that further explication of the idea would cover questions such as which sorts of phenomena are included (laws, constitutions, cultural phenomena, social norms and roles, economic systems, political processes?), and what the precise nature of the causal interaction between individuals
Meeting the activist desideratum with a conception of basic structure; Rawlsian ‘openings’ to social theory on injustice?

At the start of this section I posed the question of whether it is fair to suggest that the liberal social contract approach, and particularly the account outlined in *JaF*, fails to meet the activist desideratum of aiding the counteraction of actually-existing social injustice (either by providing the basis for the uncovering, analysis, and diagnosis of the injustices of real societies, or at least by being extendable into or compatible with work of that kind). Having now revisited the critique of the distributive paradigm and explored further the meaning of basic structure, it should be clear why I believe that this is so, even with due recognition of the centrality of basic structure rather than distribution. The account of basic structure as it currently stands cannot provide an adequate basis for understanding social injustice. In its over-emphasis on formal institutions Rawls’s conception of basic structure omits to consider that there are non-formal or -legal but nonetheless pervasive aspects of the ‘background social framework’ that are surely central to thinking about social justice. Additionally, given the relatively light theorisation that the notion receives, various details that would be needed in order for us to approach questions of social injustice via a basic structure-centric theory are missing. For instance, as above, discussions of substantive questions tend to default to the implicit social ontology of the distributive paradigm. As in the example of gendered divisions of labour, or of the effects of race or class on opportunity, this militates against taking seriously the idea of basic structure as primary subject.

If this criticism is fair then what are the implications for the account given in *JaF*? I think it is relatively uncontroversial to say that providing a basis for practical investigation and analysis of real-world injustices it is not a primary aim of the theory presented by Rawls. For instance, outlining limits to his inquiry, Rawls says “[w]e ask in effect what a perfectly just, or nearly just, constitutional regime might be like” (2001, 13). While he does also comment that this “should provide some guidance in thinking about nonideal theory, and so about difficult cases of how to deal with existing injustices” (ibid.) he doesn’t spell out how this might work. In general there is no discussion of what the workings of such existing injustices might be; injustice is only present by logical implication as the lack of justice. In that case, then, can this account fulfil the weaker, qualified part of my
description of the desideratum: being extendable into or compatible with theory on injustice?

In that regard, an interesting but infrequently discussed aspect of the account offered by Rawls in *JaF* is the author’s repeated invocations of the possible role of practically-oriented social theory in taking the baton at the point where he sees ideal philosophy as reaching its limit. In fact, it is remarkable how weighty are the questions that Rawls frequently delegates to sociology, political science, anthropology, and so on. Considering some examples of this helps to shed light on the implications of the above critique, and on the question of what the relationship between the Rawlsian liberal account and a relational account might be.

For instance, while apparently sympathetic towards ‘liberal socialism’, Rawls holds that the socio-economic system best reflecting the principles of justice would be something he labels ‘property-owning democracy’. In brief, this would be a constitutional regime allowing private property in the means of production, but whose background institutions “work to disperse the ownership of wealth and capital, and thus to prevent a small part of society from controlling the economy, and indirectly, political life as well” (Rawls 2001, 139). In this it differs from welfare-state capitalism’s merely post hoc redistribution. However, Rawls says that the right to property in productive assets is subject to the proviso that “in existing conditions, it is the most effective way to meet the principles of justice” (177); this right should be removed if necessary – but that is a practical matter.

This is a striking argument, waiving theoretical responsibility for rather a lot; we might reasonably think that whether or not to allow private ownership of the means of production is not some small beer practicality. (This was, after all, the central ideological dispute underlying global relations for most of the previous century.) From the perspective of a relational approach, an interesting aspect is Rawls’s rationale for this stance, namely acceptance that possibly even in the ideal of a property-owning democracy, political and economic forces (such as resilient wide inequalities) could be generated which would make it depart significantly from its ideal institutional description and not realize the ideals of citizen and society expressed by justice as fairness (178). If a liberal socialist regime would do better in the prevailing ‘historical circumstances’ then a case for this can, Rawls says, be made on the basis of justice as fairness. This would also support typically Marxian concerns such as workplace democracy.
This rationale echoes Rawls’s criticism of the ‘ideal historical process’ view that he attributes to Locke (and subsequently Nozick), i.e. the view that if we have fair initial starting conditions, and ensure that only fair agreements ensue, then there will be no injustice (and so no need for objectionable levels of state intervention). Rawls points out that the “accumulated results of many separate and seemingly fair agreements entered into by individuals and associations are likely over an extended period to undermine the background conditions required for free and fair agreements” (2001, 53). This is strikingly similar to an argument given by Young (2006b) concerning one meaning of structural injustice, namely the phenomenon whereby dynamics emergent from many individually well-intentioned and law-abiding actions can nevertheless amount to social injustices.

Rawls argues that a focus on basic structure – and a correct understanding thereof – is needed to constantly counteract this and to institute background justice. This he calls a ‘social process view’. What is interesting about this is that it suggests that the concept of basic structure needs to be defined in a way that is informed by an understanding of injustice. I said above that the lack of this is a weakness of Rawls’s account. However, in *JaF* Rawls suggests that his account should not be taken as strictly delineating exactly what aspects belong to the basic structure; there seems to be flexibility in the definition of this idea (2001, 12). This recalls Charles Mills’s (2000) view that any theory of justice, in addition to its normative aspect, relies on a ‘factual picture’ of the world. Indeed, Rawls later states that even a political conception “has a view of the political and social world and relies on certain general facts of political sociology and human psychology” (2001, 33-36). The arguments above in §4.31 and §4.32 essentially amount to the complaint that the Rawlsian ‘factual picture’ is inadequate to the task of theorising social injustice (and, presumably, was never intended for this purpose anyway). However, if there is flexibility in the concept of basic structure then perhaps this need not necessarily be so?

In a similar way, Rawls allows for considerable flexibility in deciding which things we take to be primary social goods, and in defining what we understand the idea to mean (e.g. 2001, 172-3). He adds several nuances serving to distance his account from the sort of theory at issue in the critique of the distributive paradigm.
Firstly, for the purposes of theory the primary social goods are not specified in exhaustive detail; just an outline of the sort of thing they are. It will be a practical matter, considering particular social conditions, to flesh this out, involving social scientific investigation. (It may seem like this question of the ‘stuff’ of justice is very consequential – perhaps too consequential not to decide upon – but Rawls wants to ensure that his theory can apply to different or future contexts. I suspect also that he doesn’t want the account to be hostage to the fortune of a challengeable definition of primary goods.) Secondly, the primary goods available to an individual can include the wealth and resources that they have access to as a member of a group or association, as well as public goods provided by the state. This suggests the relevance to inequality of, for instance, social connections, and of health provision or environmental conditions as important contextual variables. Thirdly, he is interested not in what particular individuals have at particular times, but in expectations of primary goods over a whole life.

This last point is particularly interesting in that it is not immediately obvious what we should, then, be looking at, given the various possibilities that might come to pass in any individual’s life course. The idea that we can talk about expectations points to a notion of social positions that are logically prior to particular individuals. Such positions are not deterministic (given the complexity and contingency of life) but must be significant insofar as they can give rise to expectations of primary goods. Presumably this is what Rawls has in mind in his comment, quoted earlier, that the effects of the basic structure are ‘pervasive’. Such positions must also be historically-derived, it seems to me, because the formal-institutional aspect of basic structure – constitutions, laws, etc. – would not define divergent social positions into which citizens are born (other than in the most flagrantly unjust societies).

The above seems to bring us closer to a relational account, in its greater contextualism and the suggestion of the causal role of (historical) structure in furnishing social positions. Does, then, this hermeneutics on Rawls give us a framing that is analytically useful in the more real-world fashion at issue in the activist desideratum? Another of these surprisingly significant delegations to social theory sheds light on this: Rawls’s discussion of the conditions necessary for the fair value of equal political opportunities.

As per his second principle, the idea of equality of opportunity is an important aspect of Rawls’s overall account of justice. However, he recognises that there is a significant
Marxian/radical critique of ‘merely formal’ equality; for instance, that legislated basic rights and liberties pertaining to participation in public life and politics are undermined by social and economic inequalities so significant that those of greater wealth and status control political life. This is a self-perpetuating process, too, as such people can thereby consolidate their dominant position and advance their own interests through influencing political choices.

To address this worry, Rawls begins by distinguishing between a liberty and its ‘worth’; the liberties are the same for all citizens, but “the worth, that is the usefulness of these liberties, which is estimated by the index of primary goods, is not the same for all” (2001, 149). He suggests that one way to understand the difference principle is as maximizing the worth to the least advantaged of the liberties open to all. However, recognising that this is merely a distinction between liberties and their worth, and doesn’t solve the problem, he states that justice as fairness treats political liberties in a special way in that they, and they alone, are guaranteed their ‘fair value’ (ibid.). This is contained in a proviso in the first principle of justice (the liberty principle), and means that all citizens, no matter their socio-economic status, must be “sufficiently equal” in the sense of having a fair opportunity to hold public office and influence the political process. The parties in the original position are to be thought to be aware of this in their deliberations, and the requirement of the fair value of the political liberties is part of the meaning of the principles of justice.

At this point Rawls states: “I cannot consider here how this fair value is best realized in political institutions. I simply assume that there are practicable institutional ways of doing this compatible with the central range of application of the other basic liberties” (2001, 149). One could reasonably object that this is a crucial question, namely, the question of how the formally equal rights and liberties of laws and constitutions have different ‘worth’ for different kinds of people, and what justice requires in this context, which principles and policies should be adopted, and so on. I don’t believe it is a stretch to say that this question could in fact form the definitive starting-point problem of an entire theory of social justice in its own right.

Perhaps we might think that it is legitimate for the theorist simply to set certain matters outside of the scope of their inquiry. This would mean that we would need instead to, on the basis of the theory that is offered, undertake further investigation to try to
understand what it is that makes different liberties have different ‘worths’ for different people and how we might address this. As we’ve just seen, for Rawls the worth of a liberty is expressed in terms of primary goods available to an individual, so this would be our starting point. The problem comes when we try to use this as a basis for thinking about what it would mean to overcome the barriers to ‘fair value of the political liberties’ in various particular situations.

Rawls does briefly conjecture that measures could include public funding of elections, limits on campaign finance, and regulations on access to media and freedom of speech. Such measures might have an effect upon the propensity of concentrated wealth to convert into undue political power, and perhaps can be conceptualised within the rubric of the equalisation of primary goods and therefore the worth of political liberties. However, we are still some way from an understanding of some the key dynamics that would affect fair value of political liberties, such as, for instance, of race-based factors in countries like the USA, or Brazil.

Firstly, even to perceive this as an injustice in the first place we need to add a theoretical aspect not present in Rawls, namely the idea of the normative relevance to injustice of social groups. Without this the issue appears as a question of the distribution of primary goods – and therefore of worths of political liberties – between individuals. This seems a limited conception of the pertinent injustice; surely the wrong is not only located in the fact that some (any) individuals happen to be positioned at a certain point in this distributive process, but rather in the fact that they do so because (partly) of something about who they are: their membership of a particular social group. Furthermore, this phenomenon – just as much as that of the wealth-political power nexus – is self-perpetuating. The limiting effect that membership of a disadvantaged and disparaged group places on the worth of the political liberties contributes iteratively to the ongoing consolidation of these conditions for this group (for instance, due to inadequate political representation and related economic and wellbeing shortfalls, as well as the growth of cynicism or apathy towards a political process that seems skewed towards others’ interests). This is what it means to say that the injustice faced by such a group is structural and historical; but we need the notion of the group for this to be rendered theoretically visible.
However, a further problem relates to the nature of the obstacles to more equal ‘worths’ of political liberties. For instance, in the case of, say, a black political candidate in a conservative-leaning US state or district, is the fact that many voters and media outlets are (with varying degrees of explicitness) significantly racist relevant to the ‘fair value of the political liberties’? If so, then, in order to actually guarantee fair value even to Rawls’s ‘sufficiently equal’ level, wouldn’t we need essentially to vanish the problem of racism, and several hundred years of history? Of course, this would be a hard problem for any approach to social justice, but the point is that it seems like rather a lot about which to say, essentially, ‘I can’t discuss this here but I’m sure there’s a practical way’.

Furthermore, it is difficult to see how the factors involved in a case like racism can be represented – and much less practically analysed – through the lens of primary goods. Such factors are contextual rather than individually located, historical rather than officially institutionalised (or at the opposite extreme, historical rather than merely coincidentally arising in individual interactions), and relate to the content of attitudes and norms prevalent in society.

In short, trying to use Rawls’s theory as the basis for understanding social injustices frequently feels like fitting a square peg to a round hole. It seems that for this task we need different theoretical resources to those provided by the liberal social contract account of justice as fairness; in a sense we need a usable social theory of injustice. Again, we could point out that this is not directly a criticism of Rawls, given that it is not his aim. But the problem for his ideal account is that, for the sorts of reasons discussed above, it is doubtful whether it would be appropriate for such social-theoretic work to even take as its starting points the conceptual framings provided by justice as fairness. Successful higher-level theories provide the basis for more specific work; we could say they lay out ‘tracks’ along which investigations will run, structuring subsequent thinking. As such, while it is acceptable for ideal normative theory to delegate more worldly investigation to the social sciences, if such investigation needs to introduce substantially new and different conceptual apparatus – due to the fact that the theoretical starting points suggested by the ideal theory are of limited use, or even actively misleading – then it is unclear in what sense we would actually be ‘using’ the theory. Likewise, in some of the problems delegated to social science by Rawls’s account, the content of such investigations would be so significant that in a sense their importance to thinking about social justice far outweighs that of the ideal theory itself. For instance, the notion of what
Rawls calls fair value of the equal political liberties is arguably relatively unproblematic; all of the theoretical labour to be done is in understanding what the conditions necessary for this are, and the obstacles preventing or possible routes pointing to these.

Thus, from a point of view that adopts what I have called an activist desideratum for theorising social justice, the majority of the concerns that motivated Young's critique of the distributive paradigm still apply. The case is not simple; the mature Rawlsian account of *Justice as Fairness* is highly sophisticated and has evolved in response to many criticisms. It also contains, as just discussed, fascinating indications of a high degree of theoretical openness rather than closure, and even the suggestion that a plausible interpretation of Rawls would render justice as fairness a far more radical stance than is usually assumed. Nevertheless, in my estimation the concerns above are sufficiently fundamental – given that they relate to the dimensions of purpose and mode of theory, and ontology – that they mean that a relational approach would be a distinct, rather than a synthesising, project. This needn’t entail an attitude of outright rejection of any aspect of Rawlsian or social contract theory (see §4.44 below) – but it does point to a distinct alternative approach.

4.4 Taking stock

4.41 What are the refined relational critiques?

Many of the initial relational critiques (§3.31-5) face strong replies from Rawls’s theory, often taking the form of clarifying the nature and aims of the ideal-theoretic project, whose abstract and thought-experimental features render it resilient to objections. Meanwhile, the critique of the ‘distributive paradigm’ can be temporarily deflected by highlighting the professed centrality of basic structure to Rawls’s theory. Considering these replies has helped us to refine the critique to several key points.

One point is to propose an important desideratum for social justice theory: theory should provide a basis for, or at least be compatible with, the investigation and understanding of real-world social injustice and its overcoming. As a subsidiary of that requirement, the social effect of a theory, in the sense of the concepts, languages, and imagistic content diffused into broader discourse, should serve to enhance the quality of public understanding of social injustices, and particularly should not confuse understanding or obscure the perception of instances of injustice.
A second point is to argue that because of this, if we are to emphasise basic structure (in order to avoid the critique of the distributive paradigm) then this becomes a crucial social-theoretic idea. However, the account of basic structure offered by Rawls is both theoretically lightweight, and, to the extent that it is fleshed out, dogged by the problem that is the true root of the critique of the distributive paradigm. That is, namely, an assumed social ontology that may be acceptable for modelling principles of ideal justice in a hypothetical and thought-experimental way, but which is prone to mislead investigation into real-world injustice. This complaint would hold for any liberal social contract approach. Relatedly, the Rawlsian account of basic structure over-emphasises formal-legal institutional aspects, at the expense of the broader spread of sociological and historical factors that make up any plausible understanding of the ‘background social framework’.

A third point is to recognise the various openings to social-scientific investigation that Rawls, accepting the limits of his project, points to as necessary tributaries of his theoretical work, but to stress the following. Firstly, many of these ‘practicalities’ actually concern questions so significant that they might be thought to be cardinal theoretical questions of justice in their own right; at any rate, their importance is at least equal to that of anything in Rawls’s theory. Secondly, and more seriously, even if we allow this level of delegation on the part of the theorist, the conceptual tools provided by Rawls’s theory are of limited use in understanding the issues delegated, or in some cases are actively misleading. As such, we face a need for an insightful social-theoretic account of injustice, and it is doubtful that a liberal contract theory would or should contribute much to that enterprise. This is for the ontological reasons discussed; ontology is ultimately the heart of the critique.

Some questions remain. Since the argument of this chapter has involved insisting on a particular desideratum or requirement for theory, might this undermine other valid aims of theorising justice? Meanwhile, given the above discussion, are the other relational critiques rejected in Chapter 3 duly reinstated? Finally, given that examining these critiques has involved drawing out a number of sympathetic readings of and overlaps with Rawls’s theory, what relationship if any does an alternative relational approach retain with the tradition of liberalism and social contract?

4.42 *Have we lost things by changing the desiderata?*
The argument of this chapter has been based on the initial tactic of installing a desideratum for theory that has not been accepted (or at least not made explicit) by many previous writers on social justice. For the reasons given, I believe that this step is both defensible and a necessary precursor to a successful refined relational critique of liberal contractarianism. However, does this move bring with it side-effects and unintended consequences that might prevent the meeting of other valid desiderata? For instance, the reply repeatedly used in Chapter 3 pointed out that Rawls’s theory needed to be as it is in order to meet a number of requirements, such as applying to the context of pluralism and not assuming conceptions of the good, and abstracting away from particular conditions and injustices in order to reason out matters of normative principle. Does an activist desideratum harm the ability to achieve these things?

I don’t believe so, because nothing in the above argument has suggested that a relational approach is beholden to a particular conception of the good, and as I’ve argued, an ideal and abstracted component of a theory couldn’t include particular histories, social groups, and cases of injustice, but it can – and should – include the theoretical idea of these things. As Rawls notes, his account unavoidably “has a view of the political and social world and relies on certain general facts of political sociology and human psychology” (2001, 33-36). As such, there is no misunderstanding in claiming that this ‘view’ is faulty and that other facts, at a suitable level of abstraction, need to be taken account of instead.

Rawls himself also explicitly considers the question of theoretical purposes in a section entitled ‘Four Roles of Political Philosophy’ (2001, 1-5). He lists: (1) settling divisive conflict over deeply disputed questions; (2) furnishing the self-understanding and self-identity of a society in the sense of how citizens understand the overall whole of political and social institutions they live under and how they fit into it; (3) ‘reconciliation’ to society’s features, in the sense of coming to appreciate the rationality of why things are as they are, and “calming our frustration and rage” at society; (4) realistic utopianism; “probing the limits of practicable political possibility”.

The first ‘role’ does not seem under threat from an additional requirement that theory must enable the understanding of injustices and thereby inform counteraction. The other three points seem to be more the province of ideal theory; but none of the argument offered here so far has spoken against the possibility of ideal theory. In §5.21, below, I
consider its place within a relational approach. Rawls’s second and fourth ‘roles’ seem valuable aims of political philosophy; the emphasis within a relational approach would seem to be predominantly on what Benhabib (1985) calls (in relation to strands of feminist thought) ‘explanatory-diagnostic’ theory, but nothing in the arguments I’ve offered so far provides a reason to disavow the counterpart that she labels ‘anticipatory-utopian’ theory. Rawls’s third role of political philosophy is perhaps also arguably a valuable aim, in some ways and at some times. However, as argued earlier, the simple but persuasive justification for applying an ‘activist’ impulse to social justice theory is the recognition of pervasive and manifest injustice. At the time of writing, in the UK and US, and in Brazil, we live in an era of poverty and vast inequality, a resurgent far-right politics, racial violence, abuse and inequities based on gender, ethnicity, disability, sexuality, and widespread alienation from democratic processes; arguably “frustration and rage” is the order of the day for the foreseeable future.

4.43 Are the original critiques reinstated?

Having made the case for a theoretical desideratum that was not previously explicit I have argued that the critique of the distributive paradigm can, after all, be sustained. Does this mean, then, that this move also re-validates the other critiques (#1, #2, and #3) initially taken to be answered in Chapter 3?

This is not directly the case. Firstly, as discussed in that chapter, there are criticisms that in my view Rawls gives persuasive responses to, such as in his explanation of why principles pertaining to the basic structure do apply to gender issues within the household, or of why justice as fairness opts to focus on the justice of the basic structure rather than on capabilities. Meanwhile, other criticisms, such as Nussbaum’s about the importance of dependency relationships, or the communitarian critique about the importance of social ties, are simply subsumed within the broader criticism relating to the desideratum of grounding theoretical understanding of injustice. They still don’t work as criticisms of Rawls per se, because as a question of ideal methodology the Rawlsian can point to the necessity of the veil of ignorance and of a political conception set apart from particular communities.

In the case of the critique that I labelled ‘history-blindness’, we can distinguish between two different points. For the reasons of ideal methodology just mentioned, the criticism that social contract theory doesn’t take into account particular facts about history is not
a valid criticism per se, particularly in the case of Rawls, who is using the contract hypothetically and gives sophisticated justifications for this. However, there are other important aspects of Rawls’s account that, in order to work, need the idea of history, i.e. the inclusion at the theoretical level of the insight that historical facts are relevant to social justice. For instance, as suggested above, the idea that we can talk of expectations of primary goods over a whole life implies a picture of unequal social positions that are (to some significant extent) furnished by the basic structure. This only makes sense if thought of as a historically-derived phenomenon, because it wouldn’t be a legal or constitutional phenomenon (other than in the most extreme case of a brazenly unjust society). So the idea that there are historical factors that justice works to address is implied by the notion of expectations of primary goods, but only rather subtly implied. This can be theorised both more and better. As such, while it would be inconsistent within Rawls’s ideal theory to include ‘the history of black exploitation in the USA’, ‘the fact of gender hierarchy in Brazil’, etc., ideal theory still needs to take on board the insight, at a higher level of abstraction, that these sorts of things are definitive of societies. This is necessary if there is to be any chance that ideal theory can, as per the desideratum, harmonise with critical-diagnostic theory of injustice, which, by contrast, certainly will integrally involve specific historical facts.

Now, it could be thought that this misunderstands the nature of ideal theory; Rawls consciously chooses not to examine non-ideal cases featuring injustice, out of a desire to abstract away from such realities in order to reason out matters of principle. The distinction that he draws is between assuming ‘strict compliance’ and assuming ‘partial compliance’, i.e. an ideal account assumes that agents strictly comply with principles of justice, meaning that theoretical examination is not muddied by questions of infractions. However, it would be a mistake to think that assuming ‘strict compliance’ means not thinking about injustice, because social injustice is not simply about individual agents not complying with principles of justice, but rather about supra-agent factors shaping the operation of society as a complex system. Indeed, as I have argued, that claim represents an overlap between a relational approach and Rawls’s theory. We find support for it in Rawls’s justification for why the difference principle must be institutionalised in the basic structure of society i.e. in order to proactively maintain ‘background justice’. Rawls recognises that without such measures society cannot be expected to simply remain just even from a fair initial situation and subsequent
compliance with laws; his is not a ‘starting gate’ theory. This chimes with the recognition that social injustice can be emergent from the unintended consequences of many perfectly well-meaning actions that do not break laws and even that do not obviously, at the level of individual agents, infringe principles of social justice, as per Young (2006b). It also tallies with the fact that there can be historical episodes or trajectories that no current person had a part in causing, but whose upshot is current structural injustice, such as in legacies of slavery or colonialism. Therefore, even doing only ideal theory and assuming ‘strict compliance’ on the part of agents does not preclude thinking about injustice.

As such, the ‘history-blindness’ critique as originally pitched – for instance by Charles Mills (2000) as a complaint about the non-attention of American political philosophers to race history – is not reinstated, but a clarified version of it is sustained. This points to a further implied strand of a relational approach, namely the centrality of history even to the abstracted conception of society we might use in thinking about social justice in general; a different picture of what the world is actually like is utilised. Thus, Mills’s idea that an alternative approach to social justice is mainly distinguished by a different ‘factual picture’ remains plausible. This raises questions about what would actually be distinctive between the liberal social contract tradition critiqued and the alternative implied.

4.44 What relationship with liberalism?

Mills’s discussion involves the idea that theories comprise both a set of normative ‘value commitments’ and a social-theoretic ‘factual picture’. Mills thinks that the actual stated value commitments of liberalism, such as freedom, the equal moral worth of persons, self-realisation, and so on, are the right ones. He offers a comparison with the school of thought that suggests that Marxist critique does not actually have distinct values from liberalism, just a different factual picture that leads Marxists to be sensitive to ways in which various ideals that liberalism espouses are far from realised. This is similar to comments also sometimes made about feminist thinkers (e.g. Kymlicka 1990, Ch. 7; Mansbridge 2010). Additionally, Mills thinks that the central insight and contribution of social contract theory has been a vision of social and political organisation and institutions as human-constructed and subject to potential evaluation and change, as

14 The claim of some Marxists (and of Marx himself) to be non-normative notwithstanding.
opposed to being immutable and god-given. He argues that this is a valuable starting point that all progressives and radicals ought to want to hold onto.

In my view Mills is broadly right about these things. The idea that the prevailing social and political system can be subject in its entirety to critical scrutiny and possible redrawing has been and remains a valuably radical idea if taken seriously. And if it is possible to pull apart the traditional value commitments of liberal political philosophy from its habitual factual picture (the implied social ontology comprising distributions of goods and rights between commensurate choosing individuals), then those value commitments look hard to argue with. (This consideration will become especially relevant in §5.24 when querying what the normative basis of a relational approach to social justice is.)

However, what the discussions of the chapters so far have shown is that a relational approach to social justice would begin from a thoroughgoing understanding of injustice, and from a number of significantly different theoretical fundamentals. In the following chapter I attempt to outline the features of this, collecting together various insights gathered throughout chapters 2, 3, and 4.
5. Defining the theoretical bases of a relational approach to social justice

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5.1 Introduction

For the reasons argued in Chapter 4, the various authors calling for a relational approach to social justice (see §1.2) are correct in suggesting that there would be value in outlining such an approach in its own right. In this chapter I attempt to summarise what the theoretical building blocks of this would be. This is not an attempt to outline a full alternative ‘theory of justice’ in extensive detail, which would be beyond the scope of this project. Instead I simply wish to complete the theoretical analysis of the thesis so far by summarising its key conclusions concerning what is meant by a relational approach to social justice and what the essential distinguishing features of a compelling version of such an approach would be. This chapter, therefore, collects various outputs of the discussion so far and reconstructs an account, presented as if starting afresh. I first run through the dimensions of theory, as per Chapter 2, to outline the approach’s ‘answers’ in each dimension. I then explore the theoretical focusses implied by this, before offering an updated version of the comparative table from §2.3, this time only directly comparing a liberal contractarian account (as in JaF) with the relational approach advocated here.
5.2 Dimensions

5.21 Purpose and mode of theory

This dimension relates to the meta-question of the purposes of theoretical thinking on justice and injustice, and how these purposes are best served. For a relational approach, the primary purpose is to help understand real social injustices – their features, causes, the exact nature of the wrong, and so on – and thereby to inform potential courses of counteraction. This means that one crucial desideratum incumbent upon justice theory is that it can perform this task; a derivative requirement is that the social effect of theorising – the cognitive, discursive, and imagistic resources diffused into public dialogue – should be one of enhancing the understanding of social injustices.

A prominent recent debate in this dimension has been between ideal and non-ideal approaches to theorising (§2.21). In my view a relational approach should seek to inhabit a comparatively novel intermediate position in this debate.

Sen (2009) is clearly correct that what motivates us is not that the world falls short of perfect justice, but that we perceive clear and remediable injustices in our actual societies. (A similar argument is made by Zack (2016, 9–20) specifically in relation to race-based injustice, and the inadequacy of Rawls’s ideal-theoretic project in apprehending it.)

However, does Sen’s (and Zack’s) further conclusion – essentially a trenchant disavowal of any use for ideal theory – follow from this premise? I don’t believe it does. As argued in §2.21, Sen’s characterisation of Rawls as offering a ‘perfect picture’ incorrectly assesses Rawls’s deontological approach as if it were a consequentialist or teleological approach. Sen (2009, 96-105) considers whether ‘transcendental’\textsuperscript{15} theory is sufficient and/or necessary for comparative, non-ideal theory that seeks to understand actual injustices and how they might be counteracted. I agree with Sen that ideal theory is not sufficient for non-ideal theory; the contents of the latter cannot simply be assumed to be the shadow cast by the light of the former. But, if not sufficient, is it at least necessary? Sen thinks not, reiterating his misleading leitmotif of perfect pictures. Again, this argument would only work if Rawls were in the business of trying to depict, in teleological fashion, a substantive perfect world. Given the deontological mode of Rawls’s theory, its most significant contribution is best understood as what Hamlin and Stemplowska (2012, 52-\

\textsuperscript{15} As clarified in §2.21, it is reasonable to read Sen as contributing to the broader ideal/non-ideal debate, despite his transcendental/comparative terminology.
60) call ‘theory of ideals’, where “the purpose is to identify, elucidate and clarify the nature of an ideal or ideals” in the sense of principles as opposed to ideal states of affairs. What Sen doesn’t consider is whether this kind of theory (ideal theory as theory-of-ideals) is valuable – or even necessary – to making non-ideal judgements about the advancement of justice or retreat of injustice (or liberty, equality, etc.). It seems to me that it is valuable, and perhaps even necessary, if only to fill out the content of the words justice and injustice. Otherwise, in non-ideal investigations our use of those concepts would essentially be a normative analogue of naïve empiricism/positivism; an unreflective attitude to the effect that whatever I consider injustice to be is transparent for others and directly perceivable in the empirical world. This doesn’t demonstrate that Rawls’s particular account is completely correct, but it does suggest that the ‘perfect picture’ critique is misguided and that ideal theory in the sense of reflective and explicit theorisation of the meaning of normative terms remains important. The point of contention for a relational critique, as shown in Chapter 4, is that the particular features of Rawls’s ideal theory are often unhelpful in theorising real social injustice and what to do about it, a crucial requirement for the enterprise of theoretical work on justice – which is what Sen, and others such as Zack, and Mills (2017, 139-160), are right about. This suggests that, as I concluded there, a better approach would ‘start from injustice’. In this respect, it may be accurate to describe such an approach as broadly critical-theoretic, i.e. consonant with the approach of the tradition of critical theory (S. O’Neill 2010, 130–31).

This implies a questioning of the relationship between ideal and non-ideal theory. Wolff (2015b, 21–22) queries the common assumption that justice, equality, and so on are logically prior to injustice and inequality, and tries to upend this; although the terminology seems to confer priority on ideal theory, with ‘non’-ideal theory merely dependent on it, it is possible for non-ideal theory to be logically separate from ideal theory. Similarly, Mills (2017, 72–90), distinguishes different uses of ‘ideal’, as follows. In a simple sense, all normative theory is ‘ideal’ insofar as it deals in values and ideals. Then, some theory is ‘ideal-as-descriptive-model’ in that it abstracts away from particular Ps to approximate an accurate and insightful theoretical representation of P. But these are both different to ‘ideal-as-idealized’ theory which represents things as they should be. As Mills points out, only the last type is typically at issue in non-ideal critiques.

These are good points: the relationship between ideal and non-ideal is complex, and there is no obvious justification for assuming that ideal theory is logically prior. We could
even, somewhat mischievously, suggest the quasi-social contract story that in the
dramatic primordial moment the very concept of justice arises from the idea of
injustice – a related collection of inchoate wrongs in need of a description – and thus
that the primal, intuitive conception of justice is shaped by, reliant on, and logically
posterior to the features of injustice. The idea of justice could not and would not have
arisen without the idea of injustice. Meanwhile, what Mills calls ‘ideal-as-descriptive-
model’ theory is precisely what I have argued is necessary in the sense of an insightful
theorisation of social injustice; a theoretical understanding of the phenomenon of
injustice that abstracts away from particular historical cases. The argument is that this
furnishes a better ‘factual picture’ and ontology than that entailed in liberal contractarian
accounts, not that such accounts are flawed merely by dint of their abstraction.

However, while this argument attempts to disrupt the typical hierarchy between ideal and
non-ideal, and advocate that non-ideal be logically prior, what ‘starting from injustice’
doesn’t do is rule out any role for ideal theory. As above, judgements of injustice still
rely on normative principles, and these should be explicitly unpacked rather than
complacently assumed as if obvious and uncontroversial. Additionally, as Wolff (2015a,
215) notes, there is a reasonable case that forming and arguing about ideal principles is
an important part of intellectual-political life. I would add that there are valuable
practical-political uses. Ideals are inspiring and rhetorically powerful for movements and
campaigns, and all the more so if they are well defined and understood rather than
woolly and platitudinous.

In this project I don’t attempt to elaborate an ideal theory component in great detail, but I
don’t wish this to suggest that it wouldn’t be possible to do so for a relational approach;
the only condition is that it would need to harmonise, conceptually and in its imagistic,
representational elements, with the relational account of social injustice.

I return to this question of positive ideals shortly, in §5.24, but the point in this
dimension is to identify an intermediate position in the debate. Theory should start from
injustice, but this does not invalidate ideal theory; it just subjects it to the activist
desideratum. Thus, in contrast with Sen, the best critique of the liberal social contract
account is not that it is inadequate because it is ideal theory, but that its ideal theory is
in adequate because it leads non-ideal theory awry.

\[16\] In this I disagree with Zack (2017), from whom I borrow the phrase.
5.22 Ontology

A dimension in which the distinctiveness of a relational approach is particularly pronounced is ontology. This need not necessarily involve thoroughgoing claims in the arena of philosophical ontology per se; it is, rather, essentially just an answer to the question ‘what is the ontology of social injustice?’ That is, what are the parts and divisions of the social world that are appropriate to represent theoretically what social injustice is like, how it works? In a relational approach the ontological picture at its most fundamental comprises social groups, the relations in which they stand to one another, and the prevailing basic structure out of which such relations arise and which partly shapes the characteristics of groups and their members. A complication relates to exactly how the notion of a group is theorised, and we also require the idea of social positions and the looser implied collectivities or ‘series’ that such positions inaugurate, as discussed below in §5.32. However, the basic idea is that of groups or collectivities that have social-structural existence that does not merely exhaustively supervene upon sets of particular individuals at a particular time.

What is at stake in this can still best be brought out by contrast with the ontological logic of the distributive paradigm, which at the most abstract level entails

a) discrete individual locations or points, and

b) a divisible ‘stuff’ that is apt to be divided and apportioned to such locations.

The individual locations are logically prior to the distribuend, and thus are commensurable ‘until’ (conceptually rather than temporally speaking) distribution individuates them. The scenario is atemporal.

Translated to a more worldly instantiation,

a) means individual people or possibly households, and

b) means ‘goods’ of some kind, whether material/economic goods or also social phenomena rendered as if divisible goods.

By contrast, the ontology of a relational approach, at the most abstract level, involves

a) entities that are different to one another,
b) the interdependent relations between them, and
c) a surrounding contextual domain that contains and shapes the features of the entities in a) and the nature of the relations in b), at a particular time.

The relations in b) are interdependent in the sense that they partially constitute the ‘value’ or content of each entity; part of the meaning of ‘x’ is that it stands in a certain relation to ‘y’, and vice versa. Furthermore, c) is in a dynamic relation to a) and b) in that at a given time it sets their content, but alterations in a) and b) at time $t^1$ change the behaviour of c) at time $t^2$ (and therefore the contents of a) and b) at time $t^2$). As such, this scenario is temporal.

Translated to a more worldly instantiation,

a) means social groups or the groupings implied by social positions,
b) refers to social relations; that is, what one group means in terms of another group(s) (powerful, disadvantaged, more esteemed, dominated by, exploited, allied with, wealthier than, despised, oppressed, etc.), and
c) means the basic structure, in the refined sense pointed to in §4.3 and expanded on below, which has a pervasive shaping effect on both the ‘internal’ features of social groups (a), and the ‘external’ relations in which they stand to one another and which also co-constitute their identity (b).

Given the causal interactivity of structure and agency, the basic structure (c) and the social groups (a) and relations (b) that it gives rise to set the background conditions for agency at a given time, but what these conditions are can be changed through agency at $t^1$ and thus present agents with different baseline conditions at $t^2$. As such this ontology has a temporal, processual, and dynamic element (cf. Renault 2016).17

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17 Renault (2016) advocates (for the purposes of critical theory) what he terms a ‘processual’ ontology, in contrast to substantial and relational ontologies. Substantial ontologies assume the primacy of the internal nature of substances. Relational ontologies assume the primacy of relations between substances and of relational properties of substances. By contrast, processual ontologies (for Renault) emphasise the dynamic relationship between both relations and substances: “the idea of process denotes the fact that the mutual activity has the power to modify the properties of the elements as well as the form of relation that shapes this mutual activity” (2016, 21). On the face of it this harmonises well with my comments in this passage, such as the idea of structure as a process, and one which both furnishes social relations between groups/positions and shapes the characteristics of individuals and groups – but which can also be altered through the dynamic interaction between individual and collective agencies (substance) and
There is a danger that the word ‘structure’ might connote an overly static picture; ‘structural process’ or ‘historical dynamics’ might perhaps be more accurate. For the purposes of explaining this social-theoretic implication of a relational approach, Archer’s (1995) account of a ‘morphogenetic’ understanding is helpful. Archer argues that the problem of structure and agency has typically been misapprehended in one of three ways: by conflating structure and agency in a fashion that makes agency primary (methodological individualism), by conflating them in a fashion that makes structure primary (holism), and by conflating them in a fashion that makes structure and agency co-constitutive but unable to be analytically considered separately (structuration). On a morphogenetic view, structure and agency are indeed co-constitutive, but are on different timescales and thus can be pulled apart analytically. The two crucial implications of this are that this view is, therefore, a) temporalized and necessarily historical, and b) ‘analytically dualist’ in that structure and agency can, at the level of theory, be considered as distinct. The basic idea is similar to that already drawn above from Young’s briefer treatment of structure: at any given moment, antecedent structures constrain and enable agents, whose (thus conditioned) actions and choices may to greater or lesser extents reproduce or transform structures, thus presenting the enabling/constraining conditions for future agents. What this addition of a temporal component does is provide a theoretical basis for discussion of how, in particular cases, aspects of structure and aspects of agency link sequentially in time. This can be represented as a branching possibility tree (see following page).

social relations (relations). Possibly what I have described more or less fits what Renault describes as a processual ontology. However, since this is not yet widely established terminology, and since the literature from which I take my prompt (see Chapter 1) provides the label ‘relational’, I retain that term here, and simply emphasise that the conception of structure at issue is dynamic and processual.
- The picture is temporal, moving from time $t_1$ to time $t_4$
- The options of ‘reproduce’ and ‘transform’ are of course not simply limitlessly free choices; agents are constrained and enabled in their reproduction of social structure by the ‘raw material’ (see §5.31) provided by the prevailing structure at the given time
- The internal characteristics of agents themselves are partly shaped by structure; thus agents$2'$ are not the same as agents$2''$
This historical view of structure also links importantly to another aspect of a relational approach’s ‘answer’ in the dimension of ontology, namely the selection of basic structure as the level of analysis for theorisation. In this, the approach concurs with the general thrust of Rawls’s dictum that basic structure is the primary subject of social justice, i.e. theorisation is properly aimed at an underlying level (more fundamental than the actions, attributes, possessions etc. of individuals) to do with the way that society functions as a complex system. However, as argued in §4.3, we require an improved account of basic structure, and, given the desiderata of understanding injustice, if our approach is to be basic structure-focussed then basic structure becomes an important social-theoretic concept that must be able to represent the real-world features and workings of social injustices. This account of basic structure is ‘improved’ in at least two senses.

Firstly, it involves a far broader spread of aspects of the social world than is suggested by Rawls’s account. In particular, Rawls’s version focusses mainly on what we can call ‘formal’ aspects, such as laws, rules, constitutions, official institutions, and so on. By contrast, a relational approach also considers ‘informal’ aspects that would not be the content of official prescriptions. This includes, for instance: cultural norms and other durable ideational fixtures of society, such as gender roles, assumed divisions of labour, valued types of knowledge, racial/ethnic prejudices, and so on; processes, such as class formation or the development of inequality under particular economic arrangements, which are not legislated but which have identifiable logics or tendencies; and persistent group disadvantage/advantage, such as with legacies of colonialism, slavery, feudal and monarchical hierarchy, and so on. In this usage a synonym for informal could be ‘historical’; these phenomena are sufficiently durable and pervasive to form part of the basic structure of a society, but do so as the sedimented accumulation of many actions and events, rather than as the content of official laws and institutions. As in the morphogenetic picture of structure and agency, these phenomena shape the possibilities of the near future.

Secondly, this conception of basic structure is more dynamic and processual than that of both Rawls (as above, rather formal, legalistic, and institutionalist) and of more orthodox variants of Marxism, whose rendering of structure is now largely rejected as overly deterministic, with agents appearing as mere automatons moved by historical forces. To speak of structure in a historical sense needn’t suggest such a view. In this respect it is useful to recall again Young’s suggestion that structure, for the purposes of social justice
thought, can be conceived as “the historical givens in relation to which individuals act, and which are relatively stable over time. Social structures serve as background conditions for individual actions by presenting actors with options; they provide ‘channels’ that both enable action and constrain it” (Young 2006b, 111–2). (This, again, chimes with the morphogenetic view.) I consider this a persuasive and useful conceptualisation. This is because it adopts a nuanced stance with regards to several questions. It reflects a picture of structure as causally relevant to actions, but without over-determining agents. The idea of ‘historical givens’ can include formal-legal but also social process aspects. Such aspects are ‘relatively stable’, meaning that for actors at a particular time they have the status of ‘givens’, but analytically needn’t be seen as static and immutable. Structure both enables and constrains action, differently for different people, or differently for the same people at different moments. In viewing structure as processual and in a dynamic interaction with agency we avoid overly static and deterministic conceptions. It also expresses the idea of bi-directional causality between agents and structure, which, as per §5.31, is a pre-condition for the coherence of the idea of basic structure as subject of justice.

One merit of the label ‘relational’ is that it can signal not just the ontological aspects mentioned above but also this more dynamic understanding of basic structure; a picture of social groups, processes, and relations in a complex and interactive relational web, evolving over time and somewhat alterable by agency but presenting at a particular moment the ‘givens’ shaping the possibilities for agency.

The discussion in this section also helps to explain why the now-established theoretical position of relational egalitarianism does not, at least in the current state of the art, provide an alternative theorisation of social justice to satisfy radical critiques of mainstream social justice theory. For instance, to date most prominent work in this vein arguably has tended to be ‘relational’ in the sense of relationships rather than of social relations, where the latter is understood as an aspect of social structure. This stems from similar problems to those identified in the case of liberal contractarian accounts: principally, (1) an over-emphasis on ideal accounts of justice (or egalitarian principles) at the expense of allowing the features of actually-existing injustice to inform theory (although cf. E. Anderson 2009), and (2) relatedly, an implied ontology and ‘factual picture’ of injustice that remains individualistic, lacking sufficient integration of the
social-theoretic concepts of social groups, structures, histories, identities, etc. – the types of social relations that transcend and condition particular individual relationships.

Thus, while relational egalitarians such as Anderson (e.g. 1999) or Scheffler (e.g. 2015) persuasively identify why social relations, rather than particular distributive patterns, should be of primary interest to egalitarians, the stance overall remains in danger of having limited critical purchase against actually-existing injustices. These limitations are seen, for instance, in the fact that Anderson frequently takes a sufficientarian or ‘adequacy’ view to be an implication of her relational egalitarianism, and largely abandons the politics of egalitarian distribution per se. Anderson’s view is that, since we are interested in relations rather than distributions, all that is needed is for members of a society to have a sufficient share of goods to enable all to interact on an equal footing with respect and dignity within a democratic society.

The problem with this view is that unless defined in a highly complex and qualified way it risks making a norm of individual interpersonal respect a fig leaf for inequalities of a magnitude and form that on a more thoroughgoing relational approach are clear sources of injustice. It also appears to disregard the possibility of inequalities ‘above the line’ (of sufficiency) having effects contrary to social justice, such as the propensity of great wealth to convert into political dominance, or dynamics whereby the population ‘above the line’ predominantly comprises particular social groups and not others. Moreover, it appears to struggle with the fact of positional goods, where one person’s having more of something equates to a disadvantage for somebody else.

However, on the other hand, if ‘sufficiency’ is defined in a way complex enough to address all of these concerns then it is unclear that it retains much analytical force, since it becomes tantamount to saying that society should be ‘sufficiently’ just and egalitarian for all. (i.e.: ‘Justice requires that all members of a democratic society have a sufficient share of non-positional goods to enable all to interact on an equal footing with respect and dignity, including that disparities in wealth are not so great as to convert into political dominance, or that mechanisms are in place to avoid such conversion, that positional goods are distributed in such a manner as not to infringe these principles, and that the population above the line of sufficiency is not heavily weighted towards particular social groups and not others’...?) It is more worthwhile simply to collapse the idea into a fully-fledged theorisation of egalitarian distribution vis-à-vis relational injustice.
The flaw in Anderson’s view becomes particularly salient in her discussions of the requirements of relational egalitarianism in the practical arena of primary education, and in particular her argument for a sufficiency/adequacy, rather than equality, standard for education, and related defence of private education (Anderson 2004; 2007). Through a methodologically individualist lens, Anderson “cannot see how else to understand” the unfairness objection to private education other than as being based in “envy” (i.e. rather than legitimate egalitarian reasons) (Anderson 2004, 105). For her, once an education sufficient to enable interaction as equals in democratic society is established for all, there is no reason to prevent parents and/or children who place a higher value on education, or are more motivated, from paying for private education. This ignores the constellation of informal social and cultural ways in which private education reproduces inequality (of economic, social, political, etc. types) (Macfarlane 2016), all of which provide ample reason for egaliarians’ opposition. It also ignores the fact that individual relations – as in one individual’s feeling of envy towards another – are not the only appropriate unit of normative analysis, given that we might also speak of the unfairness or disadvantage faced by particular groups or classes in a sense that has nothing to do with envy. Finally, it ignores the question of which people can afford to pay, and/or how they managed to become more ‘motivated’ (or savvy to the payoffs of superior educational qualifications and social networks), and whether these differentials in economic status and economically-valuable dispositions and attitudes reflect injustice.

Again, Anderson can conceptualise the sufficiency criterion in a sophisticated way to try to mitigate such worries (Deveaux 2017), but the dilemma is that either this continues to arouse the same worries, or it becomes so qualified that it ceases to be a sufficientarian view and may as well instead become a fully-fledged theory of injustice.

Similarly, her view that inequality ‘above the line’ in primary education shouldn’t matter is based on the assumption of a possible world where the higher education sector and jobs market have been reformed along lines that Anderson argues for, where true meritocracy operates and the requirements and valuations of skills are structured in such a fashion that the ‘elites’ of these domains will naturally be drawn from diverse sections of society (Segall 2013, 136, n. 8). However, this is so far from reality that it is questionable why it isn’t better to “take the world as it is, not as it should be” (Segall, ibid.). If we do that, then above-the-line inequalities in primary education do still matter; moreover, from the perspective of the relational approach that I have argued for, these
inequalities themselves, given their customarily group-clustering nature, likely help reproduce the inequalities in higher education and jobs that concern Anderson.

As this exemplifies, one limitation of this literature is in remaining overly wedded to questions of individuals, agency, and interpersonal treatment, as summarised in the ideas that “justice as an evaluation applied to states of affairs is entirely derivative of justice as an appraisal of the conduct of agents” (Anderson 2010, 5), “equality is an ideal governing certain kinds of interpersonal relationships” (Scheffler 2015, 21), and the partial corrective addition that the attitudes expressed in how institutions ‘treat’ people also matter (Schemmel 2011). This brings out a contrast with my view, and is my primary rationale for concluding that, despite the name, relational egalitarian thought has not thus far provided an account to fully satisfy calls for a ‘relational’ approach to social justice.

5.23 Space

This dimension concerns the empirical space in which justice should be assessed; for instance, what is it that egalitarian theories seek to equalize? A similar question is what should be measured in interpersonal comparisons; what is the ‘metric’ of justice? Wolff (2008, 26) argues that this is something that any theory of justice must answer.

Is this true? It may seem that this assumes a distributive conception of justice (insofar as it implies choosing a comparison metric and then measuring how much of it different people have), which the arguments above suggest a relational approach would dissent from. As Scheffler (2015, 21–22) argues, it is only under a distributive view that it appears a pressing task to identify the ‘currency’ of which justice requires an equal distribution. He notes that some distributivists may argue that relational egalitarian ideals really just describe an equal distribution of, say, status or esteem. But Scheffler argues that this doesn’t capture the how of relational equality; what is it like to sustain relationships on a basis of in/equality, how does it work? I would add the stronger claim that the conceptually awkward idea of measurable ‘amounts’ of status or esteem can’t possibly cover this. Such phenomena, as well as power, opportunity, and the like, are simply not concepts amenable to rendering in distributive form; attempting to do so is a category error (§4.31).
However, as expanded on in §5.32, a persuasive relational account would still recognise the significance of economic distribution, and additionally the question of space can be conceived more broadly such that it is simply the question of what the empirical domains pertinent to justice are. That is, whether considering the distribution of some good, or comparing more qualitative aspects of groups’ experiences or relations, what are the relevant phenomena, whether social and/or material?

My view is that a relational approach should give a pluralist answer to this question, which emphasises a diversity of aspects of the social world – for instance, economic, cultural, political – and which says, in effect, ‘whatever people have reasons to value or to appeal to justice about’. The justification for this is several-fold. One is that this dimension is not as definitive of a relational approach as are the previous two (purpose and mode of theory, and ontology) and thus a degree of openness is possible. Further reasons stem from the fact that the approach I advocate here is primarily a negative, injustice-focussed theory rather than an ideal vision (§5.24). Because of this, particular applications can be led by the empirical matters thrown up by specific circumstances. It seems preferable to avoid unduly limiting the possible content of this. An account that seeks to take actually-existing injustice as its starting point is better off seeking to avoid imposing one or two determinate analytical spaces or ‘explanatory matrices’ and instead emphasise the context-sensitive analysis of injustice (S. O’Neill 2005). Given that a relational approach emphasises analytical-diagnostic social theory of real injustice, analysis will typically involve phenomena across several domains; the injustices faced by groups are commonly not restricted to, say, purely income inequality or purely status disparagement or purely political disenfranchisement. As Wolff (2008, 28) points out, what typically matters in such cases is that ‘disadvantage clusters’; multiple possible spaces of assessment that we might use would all reveal disproportionate disadvantage of particular groups. In a particular intervention or policy, the identification of which specific goods or capabilities or aspects of well-being are important could be informed by “democratic consultation and expert reflection” (ibid, 28).

This idea of pluralism regarding the empirical spaces of justice is well reflected by Fraser’s tripartite conception of the politics of justice (e.g. 2005; 2010) as heuristically divisible into three interacting categories of redistribution (political economy), recognition (socio-cultural values and discourse), and representation (political power and structure). In this, Fraser is led by appreciation of the form that real-world social movement
struggles for justice take. In a well-known exchange, Fraser and Young have disputed the exact relationship between and correct conceptualisation of redistribution and recognition, with Fraser (1997) arguing that Young’s account is overly recognition-focussed and thereby neglects economic concerns, and Young (1997) arguing that Fraser’s selection of (at that time) two categories of justice is unnecessarily rigid and limiting, and cannot account for specifically political injustice. However, this debate co-exists with underlying, and arguably more important, areas of broad agreement; both they and others in the redistribution/recognition debate all agree that different forms of structural injustice extend beyond economic distribution (S. O’Neill 2005). Although, as above, I consider a pluralistic and context-led strategy an appropriate one for a relational approach, I also believe that Fraser’s eventual tripartite conception, which has tacitly recognised earlier critiques about the absence of specifically political forms of injustice, is a useful heuristic to avoid merely apprehending an uncategorised mass of justice claims. It is difficult to think of many plausible cases of injustice that would not fit into any of economic production and distribution, socio-cultural recognition and status hierarchy, or political power and procedure. Moreover, it is open to us to provide further nuance to Fraser’s account, following her own stipulation that the categories interact causally and have cross-cutting relevancies. In Chapter 6 I discuss Fraser’s three domains idea in detail and argue that it currently represents the best basis for a meso-level framework to inform empirical methodology that is cognate with the underlying relational approach I have outlined.

This discussion of the space of justice is also the appropriate place for a brief comment about capabilities. From the perspective of a relational approach, there are several reasons to be wary about the capabilities approach as an account of social justice. (In addition to the unpersuasiveness of the critique of ideal (or ‘transcendental’) approaches (§2.21; §5.21) these are partly why I find a Senian and capabilitarian critique of Rawls less compelling than the relational critique.) One is the seeming methodological individualism entailed in capabilities (Stewart and Deneulin 2002), which is at odds with a relational approach at an ontological level. However, if this worry can be answered (Robeyns 2005, 107–9; Sen 2009, 244–47) by distinguishing between normative and methodological individualism, and pointing out that capabilities only subscribes to the former, and methodologically does include supra-individual factors, then the complaint just switches focus. Specifically, it moves to the notion of ‘conversion factors’, and in
particular social and environmental conversion factors. These seem merely to take into account, for the purposes of more accurately assessing individuals’ capabilities, aspects of structural context that for a comparatively radical stance might be the subject of normative scrutiny themselves. For instance, how do we know when it is best to enact a policy or intervention that is gender-sensitive by accounting for the prevalence of particular norms within a society and the way these act as conversion factors affecting individuals’ different capabilities, and, conversely, when it is better to challenge those norms themselves? The former option may hold considerably regressive implications, legitimizing practices and assumptions that contribute to gender-based injustice. In other words, what do we assume as a variable and what as a given? The more things assumed as givens, the more conservative an intervention will be. The question, then, is actually less about individualism, as often thought, and more about the capabilities approach’s propensity or not to enable critical evaluation of underlying contexts and causes.

However, recent work by Robeyns (2016; forthcoming) suggests (in my interpretation) a possible way in which a relational approach could be compatible with capabilities methodology. Robeyns argues for a ‘modular’ conception of the capabilities approach, making an important distinction between the capabilities approach and (various) capabilities theories. The former comprises core non-negotiable ‘modules’, whereas the latter refers to specific uses of capabilities to elaborate theories with various purposes (such as, for instance, distinctively capabilities-focussed theories of poverty, economics, or justice). In other words, the capabilities approach is not, per se, a theory of justice; in Robeyns’ conception it is a versatile methodological tool that can be turned to various uses. Compiling a capabilities theory involves accepting the mandatory modules of the capabilities approach (such as the choice of functionings and capabilities as the evaluative space), and then making choices in a number of optional modules (e.g. the purpose of theory; additional ontological aspects; methods for empirical analysis). This suggests that it may be possible to assuage the above worries by making the right choices in these optional or contingent modules. For instance, perhaps one could attempt to combine a critical social theory of injustice, as a backdrop, with the methodological merits of the capabilities approach in empirically assessing effects on wellbeing, in a way that would satisfy the worry about taking as given basic-structural factors that instead ought to be critiqued. Roughly, this might involve an initial step of analysing whether various contextual elements ought to be taken as conversion factors
or as the focus of attempted intervention. This would ensure the critical perspective of a theory, while utilising capabilities as a practically-useful metric for planning and evaluation of the intervention. This possibility is an interesting avenue for theoretical research, but I can’t consider it further here.

The overarching point is that a relational approach moves beyond conceptions of the space of justice as merely income or other economic/material goods, into other ideas such as wellbeing, recognition, political power, etc. It also insists that only strictly economic goods can be rendered in a distributive logic; in other areas the space of justice will involve qualitative and discursive assessments.

5.24 Normative basis

The three dimensions above outline a relatively detailed basis for a social-theoretic and/or empirical investigation of injustice. However, questions remain regarding the normative aspect. How do we know which things are injustices? What are the relevant ‘goods’ and ‘bads’? Is there a succinct norm or principle?

This returns us somewhat to the question of ideal and non-ideal (§5.21). Wolff (2015b, 21–22) argues that the ideal/non-ideal distinction often seems to follow the distributive/relational distinction, perhaps because distribution lends itself to neat formulations; conversely, ideals of relational or social equality are considerably harder to articulate than explanations of what one is against (oppression, domination, hierarchy, discrimination, durable inequality, etc.). However, I think that a relational approach should embrace this. I have argued, with Rawls and Fraser, that an account of social justice shouldn’t be comprehensive and ethically ‘thick’; in contexts of pronounced social diversity and value pluralism, an account of social justice must avoid being beholden to particular conceptions of the good. This is one respect in which the approach I have advocated shares a characteristic trait of liberalism. Relatedly, if, beyond the identification of injustice, there is an ample province left simply to the agency and creativity of actual people then that is a good thing; we seek to theorise a just world, not a wonderful world. As such, it is not a drawback for a relational approach to predominantly cover injustice, with only a thin positive account of justice.

What would such an account contain? Again, Mills’s (2000) distinction between a theory’s ‘value commitments’ and its ‘factual picture’ is central to my understanding of a
relational approach; it is in the factual picture that the approach differentiates itself. As argued in §4.44, Mills is correct that it is not primarily the values of liberalism that are the problem for radical and relational-focussed critics. By liberal values I understand primarily three highly ‘thin’ values: equality, liberty, and ethical agnosticism. The first stresses the a priori equal value or moral worth of all individuals, the second the a priori right to liberty, autonomy, and self-determination to the greatest degree compatible with a similar right for all. The third is, relatively, ethical agnosticism over any further conceptions of the good (i.e. views about what individuals should do with their liberty in order to attain the good life or other valuable aims; this could include religious ideas, life philosophies such as hedonism, consumerism, asceticism, etc., aesthetic values, values about community, personal fulfilment, and the like). In a sense this last is a meta-value, an idea-about-values. It shouldn’t be confused with ethical nihilism or a rejection of the idea of various contested conceptions of the good having normatively motivational force. It seeks not to reject that conversation, but to be free-floating of it; the conceptions of the good held by specific individuals or groups can form a large part of their particular normative motivation, but justice is conceived such that it is not beholden to particular conceptions of the good in a way that would be unfair to those who subscribed to different conceptions within a pluralistic society.

In my view, while proponents of the relational view of social justice will typically evoke various ‘values’ in a looser sense – for instance, solidarity, community, transformation, struggle, diversity – in a stricter theoretical sense the values actually fundamental and operational in the theory are not (nor I think should they be) different to these basic values of liberalism. The combination of these values with a brief account of the undesirable phenomena that Wolff argues relational egalitarians are better at articulating generates a very thin and under-specified ideal picture, which could perhaps be summarised as follows: every individual is of equal moral worth, and holds an equal mutually extensive right to liberty, autonomy, and self-determination of a conception of the good. A society of equals in which democracy can proceed on a basis of respect and without relations such as oppression, discrimination, servility, domination, exploitation, and so on, is the aim of social justice.

This can be valuable as an ideal, to inspire, to provide arguments with rhetorical power, and to galvanise the faithful. Moreover, this combination of equality, liberty, and free-floating ethical neutrality provides sufficient value foundations and normative grounding
for an approach to social justice. Indeed, these values are widely subscribed to and arguably almost uncontroversial, in their highly abstract form. This is both the characteristic that allows them to provide a baseline that is theoretically important, and the characteristic that means they are of little value in isolation from a critical theory of injustice which analyses the real-world ways that societies infringe these values. By contrast, I have advocated an approach starting from injustice whose primary aim is understanding injustice and informing counteraction, and argued that a relational approach should embrace its critical, injustice-focused tendency and seeming difficulties in articulating expansive positive visions of justice. As such, what we really require from a norm or principle is to tell us what injustice is; to clarify succinctly what we are against. This, then, would be a ‘negative norm’; a description of a ‘bad’ rather than of a ‘good’. It motivates by telling us what is wrong, rather than what is right, and guides action through identification. This will provide what we could call an ‘identificatory negative norm of injustice’.

In outlining this, I believe one source we can draw on is Rawls’s original position thought experiment, if we set aside much of its elaborate set-up and simply ask what it is aiming to convey. Fundamentally, the original position is about justification (Rawls [1971] 1999, 15–19), specifically regarding the basic structure of society (Rawls 2001, 10–12), and considered under conditions that would force impartiality in the sense of not attempting merely to secure one’s own interests or advance one’s own conception of the good (Rawls [1971] 1999, 118–23). As argued in §3.2, in a sense this takes the logic of the ‘ethic of reciprocity’ (in Christianity, the ‘golden rule’) – an attempt to bridge the gap between regard for self and regard for other – and projects it to a societal frame of reference, to arrive at a conception of justice that concerns what is fair, as in the name justice as fairness. Anybody who would not want to be materially impoverished, socially despised, politically marginalised, etc. thus cannot make any impartial justification for
the basic structure being so-constituted that these things are prescribed as a condition of life for others.\textsuperscript{18}

If we perform such an exegesis on Rawls’s central argument, and then express this as a ‘negative norm’, what we get is the claim that a social injustice is an aspect of the basic structure of society that nobody could impartially justify, but which nevertheless some people are affected by. In my view, this remains a persuasive moral intuition that gets to the heart of the basic sense of unfairness at work in a cry of injustice.

However, of course, the identificatory aspect must also reflect the ways in which the ‘factual picture’ of a relational approach overcomes limitations with the liberal contractarian view. Additionally, key contributors to the relational approach here outlined, such as Young and Fraser, place greater emphasis on social participation, action, and interaction. One example is Fraser’s norm of ‘parity of participation’; this is not given a detailed definition in her work but I believe essentially amounts to the norm that nobody should enter into social interaction in disparity with others merely due to who they are, socially speaking (social identity, position, or group membership). In a sense this is just an action-focused extension of the Rawlsian intuition above. There is also, of course, an emphasis on relations, as in Anderson’s (2010) account of equality of authority, status, or standing, or in Young’s (1990) account of relations of oppression and domination.

Such ideas, in combination with the kernel insight extrapolated from Rawls above and rendered in terms of the theoretical bases outlined in this chapter, can provide an identificatory negative norm of social injustice. This could perhaps be summarised as follows: a social injustice is where the prevailing basic structure generates as a relatively durable feature of social life that a particular group enters into social interaction in an unequal relation with other groups in that interaction, or that a particular social position is constituted in an impartially unjustifiable relation to other positions or groups.

\textsuperscript{18} An objection may arise to the idea of impartiality – for instance, Young (1989, 257) calls it a ‘myth’ – but we needn’t interpret it in as strong (and naive) a sense as a ‘view from nowhere’ from where individuals can be entirely rational and step outside of their own social situation. Rather I am simply referring to the practical mode of normative thinking where one might, however imperfectly, try to see things from another’s point of view; to have empathy and solidarity with, moral regard for, others, and try to ask whether their positionality in terms of basic structure is such that I myself would, faced with this, consider it fair. It is surely true to say that a person can never fully understand the reality of another’s life and the social relations they inhabit, and should be wary of arrogantly assuming they can. But equally we should seek to retain the idea of people being able to have moral or solidaristic concern for others, and at least attempting to see things from another’s point of view and asking what is fair and just set aside from one’s own self-interest.
This relies on the improved definition of basic structure (§4.32; §5.22). It also requires an unpacking of the notions of social groups, collectivities, and positions as given below in §5.32. It assumes the pluralist conception of the space of injustice (§5.23), led by what relevant parties find reason to value, in answer to the obvious question 'unequal relations in terms of what or of what kind?'. Note also that, as per §5.21, this ‘negative norm’ is not simply the inversion or absence of the positive ideal summarised above.

In this section I have suggested both positive and negative norms to answer the question of the normative basis of a relational approach. The specific formulations given are not the only possible ones, and I introduce them with little fanfare as they should not be taken as the centrepiece or crowning conclusion of the account. The ‘negative identificatory norm’ is the more important of the two, and is simply an attempt to combine an encapsulation of the social-theoretic contribution of a relational approach with what I believe are plausible and relatively uncontroversial thin norms of justice and fairness. As I commented in §5.21, while I have not here attempted to consider a detailed ideal theory this shouldn’t be taken as a tacit suggestion that this wouldn’t be valuable. Using existing work on the topic of ideals by, for instance, Rawls, relational egalitarians, and more radical thinkers such as Fraser or Forst to further clarify the ‘value commitments’ I have indicated in this section would be useful. However, the more important contribution of a relational approach remains an account of how to theorise social injustice. In general, under the approach I have advocated, it is likely that theorising justice is a short task and theorising injustice is a long task.

5.25 Practical implications

It is clear that the idea of basic structure looms large in the account that I have presented, as well as ideas such as social relations and contextual factors that exist beyond particular individuals. A common complaint may be that this structural focus weakens the ability to make evaluative judgements of agential phenomena such as actions, decisions, narratives, responsibility, policies, movements, projects, and so on. As such, I think it is appropriate to conceive the ‘questions’ facing a relational approach within this dimension as primarily concerning the place of agency and agents and the evaluation thereof.

One implication of a relational approach concerns who the addressees of social justice theory are assumed to be; who are the agents of justice? Often this is assumed largely to
be, simply, the state, or, in the case of developing countries, sometimes NGOs or international agencies taking the place of state-style services. However, as is increasingly being argued, it is not necessarily the case that government should be the only addressee of social justice theory (O. O’Neill 2001; Weinberg 2009; Deveaux 2015). While the state remains a crucial – probably the single most important – bearer of agency with relation to social justice, it is hard to see how much of a role governments can play in, for instance, cultural politics such as in Fraser’s (1995) account of advancing a politics of recognition through a strategy of cultural-symbolic deconstruction. Policy can, perhaps, play a limited facilitating role, but in a domain whose currencies are ideas, norms, symbols, narratives, and so on, cultural producers, media contributors, and individual citizens are arguably more important. Meanwhile, recent work by Marin (forthcoming) investigates the implications of structural injustice for the obligations held by individual citizens, partly inspired by Young’s (2013, 95–122) ‘social connection’ model of individual responsibility, which aims to ground citizens’ responsibility for justice in their causal co-imbrication in social structures that produce injustice.

This inclusion of non-state agents relates to the addition of informal or historical aspects into the conception of basic structure (§4.32; §5.22), and to the importance of social groups (§5.22; §5.32). Receptiveness to the typical forms of justice-claim articulated by social group-based political movements – and the lack of resonance between these and the framings of mainstream political philosophy – is often cited as an important starting point by writers exploring broadly relational accounts (Young 1990, 3; Fraser 2007, 24; E. Anderson et al 2014, 260–61; Mills 2017, 201–6). As I commented in §2.25, while I discuss the ‘practical implications’ dimension last, this is only for expository, logical reasons. In reality, it is as much the case that a presentation of an alternative relational understanding of injustice is an attempt to articulate, in a rigorous and consistent form, what is already instinctively grasped by many social movements against injustice.

Thus, the addressees of a relational approach as I conceive it can include not only state actors and policymakers, but also non-state agencies, organisations and associations, social movements or political campaigns, and individual citizens.

A related question is how to evaluate actions (or proposed actions) within an approach with a structural emphasis. In my view, one possible way of translating into practical evaluative terms the account offered above is by using Fraser’s (1995) distinction
between what she calls ‘affirmative’ and ‘transformative’ remedies for injustice, provided we give a nuanced unpacking of the distinction.

“By affirmative remedies for injustice I mean remedies aimed at correcting inequitable outcomes of social arrangements without disturbing the underlying framework that generates them. By transformative remedies, in contrast, I mean remedies aimed at correcting inequitable outcomes precisely by restructuring the underlying generative framework. The nub of the contrast is end-state outcomes versus the processes that produce them” (Fraser 1995, 82).

In Fraser’s discussion it is clearly implied that transformative remedies are to be preferred. This is partly because such measures would amount to more sustainable and lasting change – the obvious metaphor is uprooting a perennial plant as opposed only to trimming the above-ground growth – and thus simply be more effective than affirmative remedies. It is also partly because affirmative remedies carry a danger of undeservedly legitimating particular ‘social arrangements’ by superficially ameliorating their worst outcomes. However, I believe that further nuance can be added into the distinction. Fraser’s definition doesn’t specify whether affirmative-style remedies are always bad – i.e. they are worse than doing nothing – and I think it would be unpersuasively Manichean to hold this view. For instance, a social safety net programme of income support might plausibly be labelled an exemplar of an affirmative remedy, in that it represents a rather minimalist amelioration of poverty rather than any attempt to counteract generative causes, but it is doubtful that, in a context of widespread and severe poverty, it would be preferable simply to have no such intervention. As Fraser also clarifies, a preference for the transformative shouldn’t be interpreted as a rejection of anything other than wholesale revolutionary change. However, it is possible to compare two proposed policy interventions that would fall into the category of affirmative and nevertheless consider, for instance, whether one holds more possibility of transformative implications through dynamic side-effects, or whether one is more legitimating of injustice than the other.
What this suggests is that affirmative and transformative are not so much either side of a hard distinction as the conceptual ideal-types at either end of a continuum. We can practically evaluate agential phenomena such as actions, policies, political movements, and so on along an affirmative-of-injustice to transformative-of-injustice spectrum. This needn’t be simplistic or utopian; it can countenance particular interventions entailing dynamics that are affirmative in some respects and transformative in others, it can allow for feasibility constraints, and it can assess direction of travel. Again, using transformation as an evaluative category doesn’t demand apocalyptic change, just serious attention to the underlying; as the quotation above states, to the (causal) processes that produce outcomes and whether these themselves should be the target of action. In other words, we can normatively evaluate agency, but this is done with reference to the ways that particular actions will reproduce or transform structure, and thus what social-structural conditions future actions will take place within, as per the morphogenetic view of agency-structure (§5.22).

Fraser gives a number of examples. For instance, in the economic domain she identifies affirmative remedies for injustice as those typically associated with the liberal welfare state, and contrasts these with more fundamental economic shifts such as extending public ownership or introducing firm/workplace democracy. In the domain of recognition she contrasts affirmative action gender policies, and movements valorising female specificity – which, according to Fraser (1995, 89), can have the effect of creating stigma and marking women as deficient and always needing special largesse – with a cultural
politics of deconstruction aiming to destabilise hard binary divisions between genders. However, I won’t pursue this at length as the point is less about a wish-list of ‘pet policies’ and more about a particular mode or preoccupation within the practice of evaluation.

In general, the picture that arises from Fraser’s discussion and from the theoretical aspects outlined thus far in this chapter are of a pursuit of the underlying; the search for generative mechanisms and durable causal processes, in order to understand why and how injustices are caused and reproduced. As such, a major implication of adopting a relational approach to social justice would be a significantly closer relationship between political philosophy and social science and theory than has tended to be the case. This echoes calls from, for instance, Young (2006b, 96), Wolff (2008), and Pogge (1989, 6–7, specifically in relation to Rawls). This is already reflected in the approach whose theoretical bases I have sketched in this chapter insofar as it is ontologically grounded in concepts derived from social science – social relations and groups, structure-agency, historical causality – rather than analytical philosophy. Equally however, the influence will run in the opposite direction too if a relational account of social justice is to be efficacious as a theory; that is, if it is to be ‘used’ in the way that I argued (§4.33) that it is often difficult for Rawls’s to be. Thus, it is important to trace how a relational approach points to a number of social-theoretic implications.

5.3 Resulting focusses: towards theory of social injustice

5.31 Causality

One such implication is that causality becomes a central concern, and a particular understanding of causality at that. This stems from the idea that basic structure is the subject of social justice. To propose that idea is to propose that structure is normatively evaluable. In turn, that claim entails both that a) structure can be causally efficacious upon agents (because if it couldn’t be, structure would not be normatively interesting), and b) agents can be causally efficacious upon structure (because if they couldn’t be, normative interest in structure would be otiose; akin to moaning at the weather). That is, for normative interest in basic structure to be neither irrelevant nor futile, causality is needed. However, what causal relation structure might bear to agents, and vice versa, is not at all immediately obvious. An explanation is needed.
For this I think that the notion of ‘INUS conditions’, as proposed by Mackie (1980, 59-87), is helpful. Mackie offers the notion of an INUS condition as an unpacking of what is often (really) meant when x is described as a cause of y. The cause x is understood as an insufficient but non-redundant part of a condition C that is itself unnecessary but sufficient for outcome y, hence INUS. In other words, x is a cause of y when x is a relevant part of a complex condition C that is sufficient for y (but not necessary). I think what underlies this complicated rendering of the notion of a cause is an attempt to meet theoretical desiderata such as: a) to account for the idea of contributory causes, complex interactive causal nexuses, and the causal relevance of context, as against simple single-link chains of cause and effect – hence why although x is non-redundant (i.e. is efficacious) it is insufficient alone – and b) to avoid determinism, while retaining a robust idea of causality – hence why C is sufficient for y (genuinely brings about y) but not necessary; all ys do not exclusively stem from Cs.

Because of these things, the idea of INUS conditions is useful for thinking about what it means to talk of social structure as possessing causal properties (Lewis 2000). A common prima facie objection (e.g. Harré 2009) to the idea of the causality of social structure stems from the assumption that what is being proposed is structure as wielding causal power in the sense of an Aristotelian ‘efficient cause’, i.e. some agential force that is external to an object and that effectuates change upon the object, in the manner of a billiards player moving the cue to strike a ball. If social structure is thought of as something existing above and beyond all particular individuals, then clearly it seems problematic to talk of it as ‘causing’ in this sense, given that almost all writers would agree that, in the social world, only individual agents possess ‘efficient cause’-type causal power.

But thinking of social structure as causal in the sense of an INUS condition is much more intuitively palatable, and, returning to Aristotle, suggests something closer to ‘material cause’, i.e. the causal relevance of the material out of which something is made, the classic metaphor being a bronze statue; the bronze raw material is subject to the design and activity of the sculptor, and to the idea of the artwork to be made, but also itself determines things about the eventual properties of the statue (Lewis 2000). Human agents come into the world and are faced by social structures that already exist and which therefore form the ‘raw material’ out of which all agents reproduce society. “[H]uman intentional agency must be understood as acting upon (reproducing or
transforming) pre-existing structures, not as creating structures ex nihilo” (Lewis 2000, 251).

Indeed, arguably it can be added that social structure is not only causally efficacious upon (future) society, in the manner of the ‘material cause’, but also upon individuals, in the manner of the ‘formal cause’ (the effects of the internal form of something) (Groff 2004, 107–110). In relation to society this is probably best thought of as being to do with the logic or patterned dynamic of a social-structural system. For instance, a society based on unregulated capital accumulation has its own typical direction of travel (e.g. towards inequality) and elements of this causally impinge on the action of individual agents; for example, on an un-propertied worker to sell his or her labour power to a capitalist. Given extant institutions and laws, the meaning of money, the conditions under which essentials such as food and shelter are available, the system of land and property rights, and so on, alternative choices (starvation, crime...) are unfeasible or undesirable to the point where they are essentially not a ‘choice’.

At any rate, the precise appropriate Aristotelian metaphor is less important than the account of how to chart a course between the metaphysically wacky and the critically blunt, i.e. between the attribution of agent-style causal power to social structure, and, at the other extreme, the loss of any ability to talk about the causal relevance of structure and context to individual-level outcomes. Inquiry into actual causal processes is important to avoiding the latter, while the more nuanced ideas of causes as INUS-conditions (Mackie) and structure as an enabling and constraining force (e.g. Young 2006 111-2) helps to avoid the former. On this picture why can understand how structure can be causally efficacious upon agents – as an INUS condition and as ‘raw material’ for social activity – but also how agents can be causally efficacious upon structure; as INUS causes and as, with the right interventions, presenting different social-structural raw material to future agents.

As a very simplified example to illustrate the idea of structure as both having causal properties, and being in turn alterable through the causal power of individuals and groups, consider that there is no contradiction in saying the following two things about the history of LGBT people in the United Kingdom: (1) In the UK, the basic structure – such as in the form of laws, deep cultural norms and ideas, and institutional rules, all persistent in time far beyond the lifespans of specific individuals – has caused (or at
least INUS-caused) the widespread suffering of LGBT people,¹⁹ and (2) this continues to be the case, but considerably less so because, particularly since the second half of the 20th century, the actions of people acting individually and/or collectively has caused (or at least INUS-caused) prevailing features of structure to gradually change. That is, campaigns, law- and policy-making decisions, art and media interventions, and so on, as well as simply many small everyday behavioural acts, have contributed towards altering legislation, prevalent cultural norms and ideas, the behaviour and practices of organisations, etc., in ways that outlast any particular individuals and that have shaped the social-structural starting point that new members of UK society are now born into and move forward on the basis of.

The importance of causality to a relational approach also chimes with the habitual preoccupation with ideas of the ‘underlying’, the ‘deep’, and so on. As I showed in reviewing literature calling for a relational approach (§1.11), a common implied selling point is that such an approach would somehow ‘get to the bottom of things’; this reflects characteristic tendencies in the Marxian and feminist origins of the tradition (§3.31). What I think we can now see all these subterranean metaphors as pointing to is this causal focus; the idea of extensively tracing why and how an injustice comes about, and what actions may cause the transformation of established causal processes. This is exemplified in, for instance, Young’s argument that to focus exclusively on distribution is (among other faults) to consider comparatively superficial outcomes at the expense of a more fundamental level of their causes, or in Fraser’s distinction, discussed below in §6.21, between (superficial) ‘affirmative’ vs. (more profound) ‘transformative’ remedies for injustice. A further consequence is an orientation to investigating ‘actual’ causality – necessary and sufficient conditions – in addition to the merely statistical or correlational inferred causality of Humean ‘constant conjunction’ (Mahoney and Goertz 2006), as discussed further in §6.31.

¹⁹ Note that this isn’t just reducible to specific instances of abuse or offence perpetrated by specific individuals. It is also to do with what possibilities society realistically seems to offer or foreclose for a LGBT person – certain lines of work or cultural activities, ways of behaving in social settings, participation in institutions such as marriage, etc. – and, relatedly, with historically-produced meanings that define what it means to be a LGBT person; to be deviant or despised (or ‘proud’ or ‘brave’), or to fulfil certain tropes of sexuality or comportment (‘camp’, effeminate/masculine, promiscuous, etc.). These things don’t require ‘activation’ by specific agents at specific moments, just the presence of a history and a cultural milieu that agents are aware of.
For a research programme and/or a practical reflection on a particular context of injustice, what this aspect points to is an investigation that identifies (a) who the relevant social groups/collectivities are that can be said to be subjects of injustice; (b) what the relevant aspects of basic structure are, including the relation in which this group(s) stands to other group(s) and to prevailing institutions, social processes, economic forces, and so on; (c) the forms in which the lines of causality from structure to the individuals who are members of the relevant group operate; and (d) the sorts of actions that might bring about an alteration in these causal relations. For instance, in part 1 (‘pre-improvement’) of the example just given, (a) the relevant social group is LGBT people; (b) the relevant aspects of basic structure are the historically durable subordinate relation in which this group stands to the socially dominant group of heterosexual people, including through the criminalisation of the intimate expressions of one and not the other, cultural norms that situate the latter as mainstream and respectable and the former as deviant and unworthy, and related tendencies for LGBT people to face restricted opportunities in employment or political representation; (c) specific operational lines of causality include (for instance) identifiable laws and their enforcement, the beliefs and statements of moral authorities such as the church and educational figures, opinion-influencing cultural products such as mainstream television that portray non-straight people in certain ways, physical/mental abuse perpetrated by and against individuals, enabled by a lack of societal condemnation and militating against the open collectivisation of LGBT people, and discrimination in job applications, with related economic consequences; and (d) the sorts of actions that might alter these causal lines are changes to laws, activist campaigns aimed at changing opinions, statements by prominent figures or moral authorities, cultural products that represent LGBT people in different ways and/or which spur public discussion, and regulations on discrimination/‘positive discrimination’ in employment.

This example is somewhat simplified for heuristic purposes, and in reality the range of considerations involved is likely to be more complex. The idea is to indicate schematically the implications for practical investigation of the importance and particular conception of bi-directional structure <-> agent causality in this approach.

5.32 Beyond distribution, and the centrality of groups and positions
A second consequence of the basic theoretical dimensions is, as we have already seen at length, the shifting of social justice thinking beyond questions of distribution. The distribution of income or material goods is clearly important to many aspects of social justice – and a relational approach should continue to recognise this – but it is not the only question, and often not the most penetrating one. More fundamentally, as above, the logic of distribution – of a divisible stuff that is distributed to discrete nodal locations – does not adequately represent social injustice. Social groups or positions – i.e. not individuals, and not mere coincidental collections of randomly or inexplicably related individuals – are ontologically necessary to social injustices and are the appropriate unit of analysis. Injustices may befall individuals, but social injustice happens to groups (such those of gender, race, disability), or at least to social position-derived collectivities with a common experience of being situated in a particular relation to prevailing institutions and processes and to other groups.

A couple of questions require some clarification; firstly, about the remaining place for distribution and how it works with the notion of groups, and secondly about particular conceptions of the social group and the idea of social positions. I take these in turn. Firstly, what of distribution in a relational approach?

> What of distribution in a relational approach?

Distribution is normally an idea that applies to individuals, or perhaps individual households. In a relational, group-focussed approach, then, can we simply clarify that whenever we do consider distribution, we are talking about distribution between groups? I don’t think this is the end of it, because this presents two related and valid questions: (1) why exactly is differential economic distribution between social groups a problem? (i.e. we agree that it is a problem, but why?), and (2) why is it a problem specifically for social groups? (i.e. we might agree that certain ratios of differential economic distribution between individuals are problematic, but what is the particular problem about inter-group distribution that doesn’t reduce to whatever we think is wrong with individual differential distribution?) If the answer to (1) were just that significantly unequal distribution between groups is bad because it means that the ‘life chances’ (however defined) of the members of certain groups are limited, then we would move to question (2) because it seems that the notion of the group is not actually playing any analytical role; we might as well just say that any unequal economic distribution (of such-and-such a magnitude) is bad because the individuals at the lower end of it have their life chances constrained. This
suggests that either (a) differential distribution between social groups doesn’t matter, or, if as is surely the case for a relational approach it does matter, (b) there is something else beyond the issue of distribution, only by virtue of which distribution between social groups matters, and which we need to explain in order to make the argument to sceptics that we ought to be concerned by significant distributional disparities that map onto different social groups.

To illustrate, consider a case where it transpires that a society’s income distribution favours, on the whole, the ‘group’ of people with surnames beginning A to M, at the expense of surnames N to Z, but that there is no conceivable explanation for this; it is purely coincidence. We could argue that the unequal distribution in this society is bad, because many of those in the latter group are disadvantaged (let the inequality of this society be severe enough that many individuals/households have a mere fraction of the wealth and associated quality of life enjoyed by others). This is an unsophisticated but strong enough argument; most observers will, I think, intuit that there is something wrong with this. However, really we don’t need the notion of the ‘group’ in order to make this argument, as the fact that the inequality cleaves along these alphabetical lines is mere happenstance; the complaint is really just that particular individuals are at a disadvantage. In other words, this society would not feature “Justice For N-Z Surnames!” campaigns. So, what is different in the case of measurable differential economic distributions that fall along lines of, say, gender or race? The answer, it seems to me, relates back to causality and to relational ontology. What it means to be a member of a social group facing injustice qua group is that this situation is not coincidental but rather caused by (at least in INUS terms) and explicable in terms of features of society. Unlike a coincidental assortment of individuals facing bad experiences, the disadvantaged social group is positioned in a certain relation to other groups and to society’s institutions and norms at large, in a way that forms a significant part of the explanation of the negative experiences of members. It is personal, rather than unlucky; membership of a group is partially constitutive of a person’s identity and life experience. The members of a group facing social injustice might say: this doesn’t just coincidentally happen to us, it happens to us because of who we are.

The intuition that the above thought experiment aims to provoke is that distribution between particular social groupings is not normatively interesting qua groups unless it reflects something else, i.e. unless the unequal distribution between group A and group
B is not a coincidence, and reflects and contributes to cyclically reproducing something about what it means to be in group B in relation to group A and to the broader social context. This is why distributional differences between A-M and N-Z surnames or January, April and September births etc. are not of concern to anyone, whereas unequal distributions between genders or ethnic groups or social classes are.

This suggests three things. Firstly, we need to clarify that looking at the issue of distribution between groups is important, but not out of a fetish for distributional statistics; rather because it is one indicator or proxy relevant to the more general and more complex experience of group disadvantage, disparagement, disempowerment, etc., which in turn is a component of the ‘historical givens’ forming the enabling and constraining background conditions to action; the raw material for agents to begin with. Secondly, if distribution between groups is not of normative interest purely in and of itself, then there is something else that is, by virtue of which intra-group distribution gains its indirect importance. This points to a larger question of normative sources or foundations, which is considered below in §5.4. Thirdly, we can still make a case from within a relational approach for looking at distributive inequality simply per se, i.e. methodologically conceived as the overall distribution between individuals. Critiques of the distributive paradigm such as that offered by Young do not claim that distribution is completely irrelevant; far from it. Severe distributional inequality has detrimental implications for society (and social justice) even considered apart from group/structural disadvantage; various studies point to effects on social cohesion/solidarity, outcomes in health, wellbeing, crime, etc., and even economic growth. There is also a more straightforwardly moral case that severe maldistribution is unfair/unjustifiable to individuals who come out worse off even if this is considered separately from membership of a certain social group(s). Similarly, even if we somehow had a starting point of total cultural, social, economic, etc. equality, the growth of distributional inequality of a sufficient magnitude would still soon enough engender different classes/groupings and related levels of power, status, cultural esteem, opportunity, etc.

> How to theorise the notion of the social group

A second complication in this area relates to how to theorise the social group, and whether this can cover all required cases. A problem for group-based theory is that all people enjoy intersecting membership of various groups, and also may move into and out of membership at different times. This means that in any given case there is likely to be
significant complexity rather than a field of neatly defined, mutually exclusive, and unchanging groups. More normatively, there is a danger in defining groups in essentialist terms that may be oppressive for members or exclusive of some who should be members. Additionally, there seem to be persuasive cases of social injustice that don’t primarily involve a recognisable social group so much as just a common experience, a particular social position. In some such cases to define the people involved as a social group in the traditional sense would seem to stretch the concept beyond meaning. As such, what is required is a more fluid and non-essentialist conception of social groups. This is an expansive question in its own right, a full treatment of which requires more detail than I can give here, but given the centrality of social groups to a relational approach I should mention some initial considerations.

A suggestion is offered by Young (1994), who considers the question of how to think about women as a collectivity and proposes as a solution the idea of ‘seriality’, drawn originally from Sartre. Sartre gives the example of a line of people waiting for a bus; they doubtless have many cross-cutting affiliations and identities, but they are united by a particular relation to external circumstances and to social structure. They all need to travel on the bus; publicly authoritative information and the social practice of public transportation has led them all to wait here at this time and place; they follow socially established procedures of queueing; they may collectively act to complain to the bus company about the service’s lateness; and so on. Sartre calls this sort of collectivity a ‘series’, which is different to a ‘group’. A group’s members share self-conscious mutual acknowledgement of each other and themselves as a group sharing a common purpose. The members of a ‘series’, by contrast, share a particular relation to social and material reality, but do not necessarily identify as a group; they have a latent collectivity that could be activated given certain circumstances (such as needing to arrange taxis in place of an absent bus, or initiating protest at unreasonable fare increases). A group can arise out of a series at some times and then at other times collapse back into being (only) a series, perhaps when the reasons for group self-consciousness no longer obtain.

The purpose of the concept for Sartre is to understand the meaning of social class. To be a member of a particular class – say, of the working class or the capitalist class – is to stand in a series with others who are similarly positioned in relation to external processes

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20 As Fraser points out, this is a common tension in, for instance, feminist politics, which may seem to require both emphasising supposed traits of women to be re-valued, but at the same time deconstructing rigidly gendered ideas of essential womanhood (Fraser 1995).
of production, exchange, and so on. This allows us to understand class even in the absence of conscious (‘group’) self-identification. For Young, meanwhile, this holds a clue for how to think about women politically; as a series constituted by a shared orientation in terms of structures and of objects of activity, and one that may or may not activate into a self-reflexive and purposive group.

In my view this is helpful in some ways but problematic in others, meaning that there is scope for the development, from this starting point, of a better conceptualisation of social groups for the purposes of thinking about social injustice.

In particular, I think that this is useful for solving the problem of who the collective subject of justice is in the case of social position-based injustice. An example of such an injustice is given in later work by Young (2013, 43–48), in the course of attempting to explain the meaning of structural injustice. Young gives the example of ‘Sandy’, a single mother who finds herself in a persistent situation of being vulnerable to homelessness. This comes about through a complex series of factors involving a number of actors and social forces; the sale of an apartment building, the distances from relevant workplaces and schools, the costs of accommodation in certain city areas and lack of housing in others, the price of a car, and the necessity of a large deposit for rental accommodation. In this episode no laws are broken, everybody involved is well-intentioned, reasonable and even helpful beyond duty, and, finally, there is no fault on the part of Sandy herself. Yet nevertheless, she finds herself facing homelessness. The point that Young wishes to draw is that since there is no agential wrongdoing or error, nor discriminatory law in this example, it demonstrates how structural features of society itself can bring about injustice. The further point that I wish to draw is that the reason that this qualifies as a social injustice is that it happens to many people, to the extent that, as Young argues, we can say that ‘vulnerable to homelessness’ is an identifiable social position; a particular relation to social processes and actors that many people come to occupy. This social position, then, arises through something about the basic structure of society. However, to try to call ‘the vulnerable to homelessness’ a social group seems to stretch that concept beyond understood usage. As such, the idea of ‘series’ can help to understand the collective subject of justice in this case. All of the people who find themselves in this position – this particular relation to social and material reality – amount to a series, and might under certain circumstances become activated into a more self-conscious collectivity, leading to, for instance, mutual help networks and political campaigns. The
subject of injustice, then, is this particular serial collectivity. This is helpful as a solution to how we can understand the idea that social injustice happens to groups rather than individuals, while considering cases that don’t only centre around familiar well-defined social groups (gender, race, etc.).

However, what I am less sure about is Young’s 1994 argument that the idea of serial collectivity can simply replace the idea of social groups; following Sartre further, the term ‘group’ would be reserved for self-conscious and purposive group enterprises. There is a long distance between the sort of entity that ‘the vulnerable to homelessness’ is and the sort of entity that ‘women’ is. They are similar in that they both have certain external relations that define them, e.g. position in relation to the housing economy in the former, and position in relation to dominant gendered institutional practices in the latter. However, they are different in the internal effects of social structure on members. Membership of the social group ‘women’ is in the vast majority of cases completely pervasive upon the life and identity of an individual, and shapes things about that individual's characteristics, abilities, proclivities, etc., through socialization, differential formal and informal education, exposure to norms in culture, arts, media, and so on (recalling the ‘Hegelian’ cognisance of the partial logical priority of society to the attributes of individuals (§3.31)). Being vulnerable to homelessness certainly may begin over time to have some ‘internal’ effects on people’s characteristics, proclivities, attitudes, and so on, but not to the extent that socialisation into a gender has. Moreover, the group ‘women’ – like groups of race, class, etc. – is extremely historically durable and socially fundamental. Overall, I am not convinced that the idea of a ‘series’ really captures all that is significant about a social group like women.

But is this difference that I am alleging between ‘serial collectivities’ and social groups one of substance or merely degree? I think it is the latter; the social group ‘women’ is more historically rooted, more pervasively significant for members, more constitutive of identity, and more ‘internally’ consequential on members’ personal characteristics. It is not categorically different in any way; the worry just arises because the degree of difference seems so wide. This points to a potential solution; we can think of all relevant collective subjects of social injustice as being based in series, but also located on a continuum from comparatively transient groupings arising from particular social positions, through to very established social groups in the traditional sense; class, gender, race, sexuality, disability, and so on. In my view there is no need to throw out the
established terminology of social group used to refer to the collectivities that are most frequently at issue in social justice theory and practice. (This would also involve demurring from Sartre’s notion of a ‘group’ as only being an intentional and goal-driven association.)

The idea of a continuum can be further illustrated by considering that it may also sometimes be the case that a given positional collectivity might itself over time begin to take on the status of a more established social group. For example, people living in the United Kingdom while seeking asylum in the country is arguably a case that displays this tendency. All of the people signified in common UK parlance by the descriptor ‘asylum seeker’ were not initially related in a single social group sense (many different social group identities cross-cut all of them), but now for reasons in a number of areas – law, media discourse, politics, culture, informal economy – ‘asylum seekers’ is en route to becoming a more defined social group in UK society. Some people now say in a socio-political sense, ‘I am an asylum seeker’, rather than only, in a merely administrative sense, ‘I happen to be seeking asylum in the UK’. It is possible to speak of solidarity with asylum seekers; there are activist groups, campaigns, community events where the relevant community is in fact people sharing the common experience of being a person seeking asylum in the UK.

The relevant basic structure in this case – involving immigration and asylum law, labour institutions, inclusion/exclusion rules in social policy and education, economic pressures, and strong cultural and ideational factors (so durable as to be structural) – gives rise to a particular social position, that of being a person seeking asylum in the current UK. The position brings with it certain parameters and channels of likely experience; it is different to being a coincidental member of the set of people who currently own a red car, or whose surname begins with a letter from A to M. Entering this position plays a major causal role in constituting significant aspects of how a person’s life is going to go. As such, it is valid to assess normatively the particular features with which the basic structure constitutes this social position; we might, for instance, argue that such-and-such a law is unjust, or advocate a certain cultural politics to deconstruct particular durable ideas and representations. The position also gives rise to a serial collectivity that is the subject of any injustices attending this position. However, in this particular case, this over time has developed into something closer to a social group in the familiar
sense. (The ways that social position-implied collectivities solidify into social groups would be an interesting question in its own right.)

As such, while the question requires more work, for the purposes of this schematic exposition of a relational approach, by ‘social groups’, I understand the subjects of social injustices to be some kind of collective entity arising out of the phenomenon of ‘series’. These reside somewhere on a continuum from latent or transient serial collectivities implied by particular social positions caused by the basic structure, through to very well-established and familiar social groups which for many people are something they are born into and which are partially constitutive of their identity.

5.33 Difference

A third consequence of the theoretical bases of a relational approach is a conviction that difference is a social fact that is basic for the consideration of social injustice. While, as per §4.21, as a critique this may not work against an ideal theory like Rawls’s, in an approach concerned with understanding injustice, to ignore this will almost certainly obscure important aspects of a situation. As discussed in §3.31, this has roots in the Hegelian idea of society as logically prior to the individual and playing a significant role in shaping the attributes of individuals and the situations in which they find themselves; this can be understood as the idea that individuals are ‘necessarily historical’. This is built upon in Marx’s critique of the obscuring of pre-existing socio-economic context’s shaping role on the identities and possibilities of individuals, and of the manner in which aggregating methods such as the ‘contribution principle’ fail to take into account the different abilities and needs of individuals. In particular, the idea is expanded in feminist theory, such as in the insight that equality is not necessarily simply a case of treating different people in the same way, in the question of people (young, elderly, ill, disabled) in situations of dependence on others, and in the idea of ‘situatedness’, i.e. the meaning-setting role of social context, as opposed to essential characteristics of objects.

For the purposes of social justice, I think that we can distinguish normatively relevant difference as coming in ‘internal’ and ‘external’ senses.

The former relates to the idea of pre-existing social context as playing a causal role in shaping the actual ‘internal’ attributes of individuals, as distinct from the situations in which they find themselves. For instance, spatial aspects of class (e.g. poorer vs.
wealthier neighbourhoods and related environmental and educational factors) may lead to working class children typically achieving lower educational attainment, while material aspects may likewise mean that as adults the same children are more likely to suffer health problems. Some girls and women (and boys and men) may internalise gender roles and norms that, if brought out into the open, would be seen to be oppressive and unjustifiably limiting, and which shape how they conceive of themselves and what they could and should do in life. The lack of certain facilities or infrastructure may lead people with particular physical impairments not to develop capabilities that they otherwise might. This area, then, relates to socialisation and personal development. Insofar as these aspects can be seen to have differential effects between social groups that affect how members’ lives will go, they are normatively evaluable as a matter of the justice of the basic structure.

The aspect that I suggest we can call the ‘external’ sense of difference, meanwhile, is about relationality in the sense that should now be familiar; social group relations to other groups and to prevailing institutions and socio-economic processes mean that people are positioned differently. Two people similar in all other relevant respects but of different sexual orientations or racial groups are nevertheless often differently positioned in relation to social norms, institutionalised practices, etc. In a slightly different sense, external difference defines the socially situated meaning of internal attributes; for instance, in an education system or labour market constituted in certain ways, particular abilities and dispositions become valuable and others less so; in some settings (especially cross-cultural or cross-class) the forms of expression and modes of behaviour that are normal for some people may appear as violative of norms of acceptable speech and comportment.

One motivation for pointing out difference in both internal and external senses is as a corrective to naïve assumptions of unproblematic equality between participants in a formally equal process, such as applying for a job, running for political office, participating in deliberation, receiving welfare transfers, consenting to sex. To be sure, a theory like Rawls’s is, at the ideal level, sufficiently sophisticated to account for this problem. However, when applied to actual society a manner of thinking that ignores difference in the senses outlined above leads to spurious and shallowly-understood ideas of meritocracy and ‘level playing fields’. This can be relevant in, for instance, deliberative aspects of democratic practice. While most likely it is desirable that
participants in a deliberative space should be conceived of and bear rights as equal in a formal sense, in many actual contexts of deliberation it would be mistaken to assume that this magically makes them equal in a substantive sense, somehow removing the relevance of difference (internal and external). Practically this would necessitate critical self-awareness on the part of participants; in certain cases it may necessitate more formal measures governing representation quotas, speaking procedures, decision-making methods, and the like.

A different motivation for paying attention to difference might also come into play practically in an attempt to inculcate group critical self-consciousness for the purposes of upwardly revaluing distinctive differences, revealing common interests or experiences of injustice, and promoting collective action. Conversely, the attempt may be to deconstruct excessively or deprecatingly ascribed difference (cf. Young 1989; Fraser 1996, 35).

5.34  Expanded subject matter

Another important implication of the core account outlined in §5.2 is that the subject matter of social justice-talk, under this conception, expands and diversifies considerably. For instance, it will involve, as per Fraser, underlying economic processes/rules, cultural normativity, and questions of the structuring of political space and procedures, as well as the distribution of material goods. This has the effect of making social justice thought and action somewhat more qualitative, and somewhat less neat and measurable. This is the consequence of what I called the ‘pluralist’ answer to the question of the space of justice (§5.23), as well as the critique of the distributive paradigm given by Young that is a central influence on my account.

For research into social injustice, whether scholarly or more policy-oriented, this has methodological implications. In particular, it raises the importance of qualitative data in apprehending injustice. Of course, quantitative information – such as data on, for instance, distributions, participation levels, the statistical prevalence of discrimination, etc. – remains important, but so too is a large amount of unquantifiable qualitative or conceptual insight into cultural phenomena, economic mechanisms, political interests and institutions, ideas, discourse, norms, and the like.

There is a good supply of social-theoretic concepts, appropriate for different types of empirical context, that would essentially be compatible with the theoretical bases of a
relational approach to social justice. Some examples are, very briefly: ‘adverse incorporation’, where deprivation arises from power inequalities entailed in incorporation into the market or civil society (Hickey and du Toit 2007); a relational rather than residual understanding of poverty, where poverty is understand to be as much the result of processes of ‘development’ as of people being residual to these (Mosse 2010); and ‘durable inequality’, where categorical pairs of specific social groups reside in sedimented relations as a result of processes such as exploitation or opportunity hoarding (Tilly 1999). Each of these concepts, in their different ways, are ontologically relational, and emphasise how groups are causally situated within structured relations and processes that generate injustice rather than merely lacking certain goods as a matter of distributive failure, or being unfortunately ‘left out of’ otherwise well-functioning systems of social cooperation. An important part of a full relational approach in application would be the use of these kinds of insights of cognate social theory to understand injustice in a more empirically engaged and analytic way (Young 2006b, 97; Wolff 2008).

5.35 Historicised analysis

An implication that arises out of almost all of the above relates to the role of history in this approach. This stems from a number of aspects.

One is the idea of social difference as a case of Hegelian ‘necessarily historical’ individuals (§3.31; §5.33). Another is the aspect of temporality involved in the ontological conception of group relations outlined in §5.22; groups are both situated in historically-derived relations, and able through (thus-conditioned) agency to alter such relations over time and bequeath different historically-derived relations to future agents. Relatedly, social groups and positions are conceived as having an existence beyond that of any particular individual, and potentially enduring far beyond the lifespans of particular individuals. (As I argued in §4.33, even in the account of the otherwise paradigmatically ahistorical Rawls, the notion of social positions that are derived from expectations of primary goods over a lifetime implicitly points to durable informal-historical inequality.) Most of all, if the conception of basic structure is extended to include informal aspects, these are things that have existence and causal efficacy not through being official laws or institutions, but as the sedimented accumulation of past events; strong cultural norms are in this category, as are tendencies arising out of economic systems (non-legislated
but nevertheless real; class formation, wealth concentration/dispersal, etc.), as are the particular social groupings that are salient in a given society. In this sense, ‘informal’ means ‘historical’, insofar as it refers to durable tendencies and causal processes arising out of historical path dependence, as opposed to formally inscribed laws and rules of a society. Partly this attends to the concern that it is important to understand diagnostically the underlying causal processes that lead to particular distributions and other manifestations of social injustice (Young 1990, 15-38), so as to be able to normatively evaluate such processes themselves, and to be able to design ‘transformative’ remedies (Fraser 1995, 84; and see above, §5.25) rather than enacting post-hoc and superficial fixes without addressing generative causes. Partly it stems from the view that dominant conceptions of justice, typically focussing on economic distribution, have unjustifiably downplayed such factors.

All of this points to the conclusion that social injustice is something which cannot be understood without history, in a double sense. Firstly, we cannot understand injustice in the abstract – we cannot have a theory of social injustice – without the idea of history. Secondly, we cannot achieve a full and practically useful understanding of most real-world claims of social injustice without appreciating the historical backdrop. As I argue in Chapter 8 in relation to the example of the Brazilian social assistance sector, this is so in both an analytic and an evaluative sense. It is only in relation to a historical baseline that we can understand why it is that certain remedies may or may not be called for, and correctly calibrate our evaluative standards.²¹

5.4 Comparative table of dimensions of liberal contractarian and relational approaches

Having summarised the above it is now possible to present a revision of the comparative table given in §2.3, now directly comparing and contrasting only liberal social contract and relational approaches in their various dimensions. (Following page.)

²¹ This latter point is not a call for moral relativism, just a reiteration of the argument that ideal-theoretic principles of justice are of only very limited practical use in the absence of critical social-theoretic investigation of actually-existing injustice in a particular historical context.
<table>
<thead>
<tr>
<th>Liberal social contract as in JAF</th>
<th>Relational approach as analysed here</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>purpose and mode</strong> <em>(why and how to theorise social justice)</em></td>
<td></td>
</tr>
<tr>
<td>Settle divisive conflict</td>
<td>Understanding social injustices and thereby informing counteraction</td>
</tr>
<tr>
<td>Self-identity of a society</td>
<td>Ideal and non-ideal theory (non-ideal likely stressed in most work)</td>
</tr>
<tr>
<td>Reconciliation to society’s features</td>
<td></td>
</tr>
<tr>
<td>Realistic utopianism</td>
<td></td>
</tr>
<tr>
<td>Ideal theory</td>
<td></td>
</tr>
<tr>
<td><strong>ontology</strong> <em>(picture of the social world, level of analysis)</em></td>
<td></td>
</tr>
<tr>
<td>Individuals and goods</td>
<td>Social groups and positions, in morphogenetically structured relations</td>
</tr>
<tr>
<td>Basic structure of society (formal)</td>
<td>Basic structure of society (formal and historical)</td>
</tr>
<tr>
<td><strong>space</strong> <em>(the ‘stuff’ or currency of justice)</em></td>
<td></td>
</tr>
<tr>
<td>Primary goods</td>
<td>Pluralist (e.g. economic goods, socio-cultural recognition, political power)</td>
</tr>
<tr>
<td><strong>normative basis</strong> <em>(source of value/motivation)</em></td>
<td></td>
</tr>
<tr>
<td>Free-floating, ethically agnostic</td>
<td>Free-floating, ethically agnostic</td>
</tr>
<tr>
<td>Deontological</td>
<td>Deontological</td>
</tr>
<tr>
<td>Liberty and equality</td>
<td>Liberty and equality</td>
</tr>
<tr>
<td>Principles of justice (1. Liberty principle, 2a. Difference principle, 2b. Fair equality of opportunity)</td>
<td>Ideals of social/relational equality</td>
</tr>
<tr>
<td><strong>practical implications</strong> <em>(strategies, typical preoccupations and language)</em></td>
<td>Identificatory negative norm of injustice</td>
</tr>
<tr>
<td>Redistribution, legislation, deliberative democracy, public services, ‘property-owning democracy’, changing social contract</td>
<td>Redistribution, group conscientization and action, experiments in democracy (direct, deliberative, participatory, local, etc.), public ownership, extensive public sector, symbolic deconstruction</td>
</tr>
<tr>
<td>Individual liberties, universality, equality of opportunity, fairness, impartiality, institutions, justification, consensus</td>
<td>Transformation (structural, relational), universality, solidarity, struggle, disruption, difference, oppression, domination, history</td>
</tr>
</tbody>
</table>
5.41 Conclusions

Although of course the two approaches are more complex than can be fully represented in this table, it summarises what I believe are key aspects of each. As the use of the comparative framework of ‘dimensions’ makes clear, there is a degree of overlap on some issues, but enough differences of a fundamental nature that it is more accurate to characterise a relational approach as a distinct alternative. In particular, the approach is distinguished by: (1) the meta-theoretical preference for theory both aimed at and iteratively informed by the understanding of actually-existing social justice; (2) a supra-individual and relational social ontology; (3) an expansion of the empirical space of justice to plural axes of assessment; (4) adherence to highly ‘thin’ liberal values of equality, liberty, and ethical agnosticism as a positive normative ground, and usage of an ‘identificatory’ norm as a – more important – negative ground; (5) practical evaluation of agential attempts to remedy injustice (including by non-state actors) along an affirmative-of-injustice to transformative-of-injustice spectrum informed by a morphogenetic understanding of the structure-agency relationship.
6. Methodological questions arising out of a relational approach

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6.1 Introduction

In Chapter 1 the following overarching research question was stated:

**Primary RQ:**

Can a relational approach to social justice provide a coherent and persuasive alternative to the liberal social contract account?

This was broken down into a number of contributory questions:

**RQ1:** What is meant by a relational approach to social justice?

**RQ2:** Does a relational approach to social justice successfully critique limitations of the liberal social contract account?

**RQ3:** Can a relational approach provide a viable positive account of social justice? (And what would the essential distinguishing features of this be?)

**RQ4:** What insights are provided by a critical investigation of the historical narrative of Brazil’s ‘new social contract’?
RQ5: Can a relational approach provide a basis for understanding the social justice issues in a specific empirical window onto this broad context, the decentralised and participatory-democratic management of social assistance?

The chapters thus far have addressed the first three questions, by seeking to clarify what sort of theory and which literatures are pointed to by the expression ‘a relational approach’, by assessing critiques of liberal contractarianism arising from this literature, and by proposing the outline of a refined and explicit relational approach to social justice.

The final part of the thesis comes at the overarching research question from a different direction, by turning to the fourth and fifth contributory questions, which also feed into the second and third questions. As discussed in Chapters 4 and 5, an important distinctive aspect of a relational approach is in its social-theoretic ‘factual picture’ – both the content of this and the fact of emphasising this as an important aspect of a theory of justice – and in the assumption that consideration of real contexts is part of the role of justice theory, not just out of diligence but as a contributor to theory. In a sense, then, this subsidiary part of the research, relating the theoretical discussion to the real-world arena of Brazil’s social assistance sector, exemplifies this aspect of a relational approach. My aim is that doing so will help both to explain the approach further, and to provide weight to its justification. It is not to examine a test case that will prove the correctness of a hypothesis; this would stretch the study beyond what can coherently be claimed for it.

However, exploring what a relational perspective brings to a particular context requires a more tangible, meso-level framework to intermediate between the deep theoretical or philosophical concerns outlined in Chapter 5 and the level of the empirical world. Work in the relational vein in social justice theory is still a nascent literature, and, as per §1.2, exhortations to employ a relational approach far outnumber attempts to elaborate one in any detail. Given this, I would argue that, although it not explicitly intended as such, the best current candidate for a framework for application can be found in an aspect of the work of Nancy Fraser. To be clear, Fraser’s work is primarily in the vein of political philosophy and critical theory, rather than being explicitly intended as simply an empirical framework. However, in its level of engagement with practical issues and in its provision of a heuristic categorisation of different species of justice-claims within the real world, I believe that this work can well be adapted for more practical ends. (If this is correct then
in a sense this provides further weight to my claim that it is possible to provide a viable relational theorisation of social justice, as per RQ3, and that this offers advantages in terms of practical application.) Therefore, in the empirical part of this research I have attempted to utilise Fraser’s work as a guide. However, doing so still requires a considerable labour of explication on Fraser’s contribution. This I discuss in §6.2, below.

I also consider other questions relating to methodology in this project, some theoretical (§6.3), some concerning specific details (§6.4), and finally some relating to ethical considerations (§6.5).

6.2 Strategies for empirical application: Nancy Fraser’s tripartite justice

Nancy Fraser’s overall corpus on justice, feminism, democracy, and critical theory (e.g. 1989; 1995; 2012) displays a commitment to the starting points, both ideological and theoretical, of the relational tendency in social justice theory, i.e. a comparatively politically radical normative vision of societal change, coupled with, as in Chapter 5, an analytical-descriptive component that emphasises the causally shaping role of pre-existing social relations and structure on the attributes, actions, choices, and life chances of individuals and groups, and aims to extend thinking about justice beyond the common concern with distribution.

Over several decades Fraser has gradually arrived22 at a conception of justice whose primary distinguishing feature is that it proposes thinking about justice and injustice in society in terms of three analytically distinct areas, namely economic distribution, social-cultural recognition, and political representation (often stylized as the ‘three Rs’ of redistribution, recognition, and representation). A qualification applies: these are to be thought of as analytic and heuristic distinctions, made for theoretical insight – the real-world experience of individuals or groups who make claims of injustice will typically involve some or all of the three, and furthermore all of the areas interact causally, and none are reducible to any of the others (Fraser 2005, 74–6; 79 n.11).

This tripartite schema sorts the relevant phenomena into more manageable areas, but is of course by itself still some way from being a detailed analytical apparatus that can be

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22 Understanding the progression in Fraser’s thought, which has been strongly shaped by exchanges with politically sympathetic but intellectually critical interlocutors (e.g. Young 1997; Fraser and Honneth 2003), is helpful in understanding both the rationale behind the categories used, and their meaning, but for brevity I omit this here and consider Fraser’s account in its current form.
applied to empirical material. For that we need to flesh out the categories and understand their relation to the empirical.

6.21 Other important aspects of Fraser’s account

Before that, however, in addition to the ‘three Rs’ there are other underlying aspects of Fraser’s account that are arguably of equal importance, which cut across and are necessary for fully understanding the three categories, and which also show how Fraser’s account fits in with the basic theoretical concerns of a relational approach as outlined in the previous section. These are the distinction between ‘affirmative’ and ‘transformative’ remedies for injustice, the notion of ‘underlying generative frameworks’ that is presupposed by that, and the norm of ‘participatory parity’. I’ll outline these in turn briefly.

Fraser (1995) considers what she calls ‘the question of remedy’ to injustice and introduces a distinction between ‘affirmative’ and ‘transformative’ remedies (see §5.25).

In the former camp Fraser has in mind, for instance, the ‘affirmative action’ policies of multiculturalism and the ‘safety nets’ of market liberalism, and it seems that in general this is the less favoured side of the distinction. This is because, by contrast, political projects that challenge, say, the underlying roots of racism (say, the cultural prevalence of racist assumptions and narratives; the scientifically discredited idea of ‘race’ to begin with), and the political-economic roots of deprivation (say, inequality, concentrated private ownership, unchecked markets, divisions of labour) aim to tackle the root causes of problems rather than perennially having to resort to ameliorative remedies that are not only superficial, short-termist, and inefficient but that can also (she argues) have conflict-causing and anti-solidaristic effects, such as perceived beneficiaries of affirmative action or income support being viewed by others as insatiable consumers of society’s largesse.

As I argued in §5.25, for practical purposes this suggests an evaluative continuum along which different possible courses of action can be placed, the specification of which would be guided by the analysis of the identified injustices.

This distinction is applied by Fraser in discussions of each of the three domains and seems to me to be one of the major distinctive aspects of her account. It is also important for a further reason:
The affirmative/transformative distinction relies on the notion of ‘underlying generative frameworks’. This means that a second crucial claim at work is that there are such underlying generative frameworks, that they can be said with both epistemological and ontological coherence to be a feature of the world, that they are there and we can know them, understand them, and potentially alter them. Clearly this involves the ideas of social structure and causality that I argued in §5.22 and §5.31 are key distinguishing preoccupations of a relational approach.

Fraser also often invokes the norm of ‘participatory parity’. As mentioned in §5.24, this is never particularly clearly defined within her work; I mention it here as it is necessary to understanding Fraser’s work given the frequency with which it crops up, used as the justifying principle for particular evaluations or prescriptions, and therefore playing a deceptively pivotal role as a normative ‘buck-stop’. Extrapolating from her use of it, participatory parity appears essentially to entail a kind of action-focussed egalitarianism; the norm that ideally nobody would enter into social interaction on a level below parity with others. This is both an ethically ‘thin’ value commitment and more of a negative norm than a positive vision; as such I believe that it can coherently be expanded into the more detailed ‘identificatory negative norm’ that I proposed in §5.24.

The above aspects of Fraser’s theory are important to understanding how it can work as a meso-level theory, and understanding the meaning of the categories of redistribution, recognition and representation, which I move onto now.

6.22 Redistribution

To my mind, Fraser really intends the label of ‘redistribution’ as a shorthand for matters of political economy in general. Partly this is because she tends to take her lead from actual social movements and their political demands, and thus talks in terms of the ‘politics of redistribution’, which for Fraser involves a varied undercurrent of claims and beliefs about economic-based injustice, of which specific proposals about redistribution are often just the most tangible and material aspect, and hence this is the nickname for this ‘politics’.

Additionally, while Fraser entered into a well-known dispute with Young about the proper place of distribution in a (radical) theory of justice (Fraser 1995b; Young 1997; Fraser 1997), it seems that she would agree in general with Young’s complaint against
accounts that appear to conceive of justice almost entirely in terms of ‘end-state patterns’ of distribution. Indeed, Fraser says as much in her definition of what a transformative as opposed to affirmative remedy for economic-based injustice would be:

Affirmative remedies for [economic] injustices have been associated historically with the liberal welfare state. They seek to redress end-state maldistribution, while leaving intact much of the underlying political-economic structure. Thus they would increase the consumption share of economically disadvantaged groups, without otherwise restructuring the system of production. Transformative remedies, in contrast, have been historically associated with socialism. They would redress unjust distribution by transforming the underlying political-economic structure. By restructuring the relations of production, these remedies would not only alter the end-state distribution of consumption shares; they would also change the social division of labour and thus the conditions of existence for everyone (Fraser 1995a, 84).

Similarly, elsewhere Fraser identifies exploitation, economic marginalization, and deprivation as all being things targeted by a ‘politics of redistribution’ and presumed to be “rooted in the economic structure of society”, and mentions as potential remedies “economic restructuring of some sort. This might involve redistributing income, reorganizing the division of labor, democratizing the procedures by which investment decisions are made, or transforming other basic economic structures” (1996, 6-7).

Overall, then, with the category of ‘distribution’ we are in fact working with a broader conception of the political-economic that includes structure and process, institutions relevant to economics, and so on, in addition to distribution per se. Consequently, the nature of injustices in this category also relate to political economy more broadly conceived. This includes distributive inequality, but other phenomena mentioned by Fraser are exploitation, deprivation, economic marginalization, unequitable divisions of labour, and lack of democracy over economic decisions (where democracy could reasonably be asked for). In addition, Fraser considers the principle relevant subjects of injustice in this category to be ‘class-like collectivities’ defined by a certain relation to the market, but clarifies that this can also include gender, race, and so on as well as class, insofar as these groupings interact with political economy. As with all of the categories,
then, considering the political economy aspect of social justice involves analysing its imbrication with the other two domains in addition to its internal features.

6.23 Recognition

Fraser’s initial attention to recognition was spurred by an awareness of the shape that the projects and demands of actual social movements appeared predominantly to be taking, which could not be sufficiently captured within the idiom of distribution and economics. Abstracting from demands for ‘recognition of difference’, projects for more positive societal valuation of particular groups/identities, and struggles against ‘cultural oppression’ resulted in a general category that Fraser labels ‘recognition’, but which, again, requires a little unpacking. Some theorists, such as Axel Honneth or Charles Taylor, employ full social-psychological theories of interpersonal recognition as the basis for ethical theories of individual self-realization and the good life, and the notion of recognition is clearly still strongly related to its Hegelian roots (which I won’t go into here). Fraser, by contrast, prefers to construe recognition as an issue of justice, giving only the ethically ‘thin’ explanation that misrecognition impedes parity of participation; the normatively relevant aspects are located in social relations rather than individual psychology (Fraser 1996, 24–26). In contrast to Taylor’s more ‘thick’ theory of the good and Honneth’s ‘formal conception of ethical life’, we “should say, rather, that it is unjust that some individuals and groups are denied the status of full partners in social interaction simply as a consequence of institutionalized patterns of interpretation and evaluation in whose construction they have not equally participated and that disparage their distinctive characteristics or the distinctive characteristics assigned to them” (24). “When such patterns of disrespect and disesteem are institutionalized, for example, in law, social welfare, medicine, public education, and/or the social practices and group mores that structure everyday interaction, they impede parity of participation, just as surely as do distributive inequities” (26).

Given that this defines recognition in terms of the problems resulting from cases of ill- or mis-recognition, it is possibly still not clear what ‘recognition’ itself is actually supposed to mean. Extrapolating from her overall writing on the subject I would suggest that as one of Fraser’s three dimensions of social justice, recognition means something like ‘culturally current and effective assignations of value and meaning, and the status hierarchies implied by these’. To break this down: ‘culturally’ signifies that that these
‘assignations of value and meaning’ are abroad in what ordinary people think and say and do, are reflected in representations and assumptions in media and the arts, inform everyday practices in the home, the workplace, socialising, and so on; we are dealing with narratives, discourses, and norms. This is not to say that such things are not intertwined with ‘official’ politics, governance, law, the economy, etc.; quite the opposite. ‘Current and effective’ means that the ideas and valuations at issue are at a given time widespread enough to have a significant influence on how certain groups and ‘types’ of people are viewed and constructed by others and how they are conceived within institutionalised discourses, practices, rules, policies, etc.; they can be properly spoken of as being a part of the prevailing basic structure. For example, in the case of gender, ‘having responsibility for homemaking and caring duties’ has been a hegemonic conception of what it means to be a woman, and this has typically been valued comparatively lowly, i.e. as less important than (masculine) ‘productive’ work and not worthy of being rewarded economically (or rewarded as highly), thereby implying a status ordering between men and women that affects almost all aspects of being gendered as a man or a woman in society. This in turn has been (usually implicitly) reflected in official policy, from male-only suffrage to maternity/paternity leave, and in prevailing social tendencies from the male breadwinner assumption to abusive representations of women perceived to have ‘crossed over’ into typically male activities and ways of being.

The typical subjects of justice in this category are more like Weberian status groups than Marxian classes; Fraser has in mind that for Weber the paradigmatic oppressed group was a despised ethnicity as opposed to an economically-constituted class, defined by relations of recognition rather than production. For Fraser this concept can apply equally to other groupings (e.g. sexuality, disability, gender, ‘race’) marked as different and less worthy of esteem. However, the category of recognition can also apply to ostensibly economic groups, such as the working class, the unemployed, people in poverty, insofar as such groups suffer recognition-type injustice such as negative cultural constructions and representations of ‘welfare dependents’, ‘scroungers’, ‘proles’, etc. As well as amounting to a constitutive form of injustice in itself this can feed back into the economic realm, as seen for instance in the influence of background, speaking accent, ways of dressing, cultural referents, etc. in opportunities for employment, membership of clubs/associations, paths to political power/representation, etc. Similarly, groups such as those of gender or race can be seen from the perspectives of both political economy
and cultural recognition. This reminds us again of the heuristic nature of Fraser’s categories; they are perspectives from which different groups and their issues can be seen, not hard ontological divisions, although the experience and claims of some groups will instantiate certain categories more than others.

In relation to practical actions Fraser comments that for the politics of recognition “the remedy for injustice is cultural or symbolic change. This could involve upwardly revaluing disrespected identities and the cultural products of maligned groups. It could also involve recognizing and positively valorizing cultural diversity. More radically still, it could involve the wholesale transformation of societal patterns of representation, interpretation, and communication in ways that would change everybody’s sense of identity” (1996, 7). The question of how to counteract recognition-related injustice is potentially complicated. As Fraser points out (1995a), one might want to challenge both (1) the prevailing cultural understanding of the meaning of, say, what it is to be a woman and/or the category itself of ‘woman’ (or ‘black’, ‘homosexual’, ‘poor’, ‘disabled’, etc.), and (2) the lowly valuation of the typical activities and traits thereby associated with women – but these two things seem to be in tension; the former would seek to unbound women from the conception in question, whereas the latter would seek to upwardly re-value supposed distinctively ‘feminine’ ways of being (seemingly assenting to what is contested in the first challenge). Fraser’s answer to this is that the politics of recognition proceed on a case by case basis, where the precise remedy – say, redefinition, revaluation, categorial deconstruction, or some combination – issues from the nature of the harm. As such, the category of recognition is broader than just ‘identity politics’, in that it includes not only movements aiming to revalue certain identities, but also ‘deconstructive tendencies’ that are cynical of ‘essentialist’ identities altogether. Additionally, Fraser argues, it may be a necessary move for a social movement to attempt to “shift the focus onto dominant or advantaged groups, outing the latters’ distinctiveness, which has been falsely parading as universality” (1996, 35). (Presumably she has in mind, for instance, critiques of covertly androcentric, Eurocentric, etc. norms and practices.) Overall, though, it should be clear from the above that the ‘recognition’ called for will almost certainly be not just that featuring in the senses of recognition for an achievement (i.e. increased respect) or recognition of difference (i.e. noticing, taking heed of), but also actual cognitive change in society’s institutions and practices at large; for the culturally prevalent delineations and interpretations of various social groups to be altered.
This third category is a more recent addition to Fraser’s account (e.g. 2005; 2010). It relates to the political per se, i.e. in a more tightly defined sense than that in which redistribution and recognition (or abortion or tax rates or art) are ‘political’ (normatively-charged and contestable). Political here, by contrast, refers more specifically to various issues of ‘representation’; the drawing of boundaries and jurisdictions, criteria for inclusion within a political community, the nature of the state and democratic institutions, the electoral system, rules that define the procedures of decision making and that structure contestation, and how all these sorts of things are decided and by whom. As Fraser says, in a sense all of these things set the stage on which other disputes (for instance over redistribution and recognition) are carried out – but, to extend the metaphor, just as in a theatre the stage is a certain size, has a boundary here and a trapdoor there, and faces the audience from a certain direction, the ‘stage’ of the political has effective and contingent features of its own that condition the action that can be played out upon it. This means that unwarranted mis- or non-representation is a basic type of injustice, which will amount to disparity of participation in society in various ways (such as within the economic or cultural arenas), as well as simply being an instance of lack of participatory parity in itself.

For this dimension Fraser offers a relatively clear breakdown of three types of ‘misrepresentation’ relevant to justice. Firstly, ‘ordinary-political’ misrepresentation is an issue within the familiar terrain of political science debates over electoral systems, first past the post, proportional representation, devolution of power to localities, ways to ‘deepen’ democracy, etc. Also relevant are, for example, gender quotas in government, which relates to the question of whether some instances of maldistribution and misrecognition translate into misrepresentation unless proactively counteracted. In other words, this area relates to representation in the fairly simple sense of the term. Secondly, ‘misframing’ is to do with the boundary-setting aspect of the political; the injustice is where a particular political community’s boundaries are so drawn as to (wrongly) exclude some people from being involved at all in contesting justice, let alone having claims upheld. The most obvious kind of example would be complete disenfranchisement such as that of the ‘illiterates’ in Brazil pre-1988, or of women in the UK prior to the 1918 and 1928 laws. More complicated examples arise over questions regarding who counts as a subject of justice in relation to a particular decision, institution, practice, etc.; who is the
relevant ‘constituency’ in a less formal sense of that term – who ought to have a say? Finally, Fraser argues that a politics of representation must aim to “democratize the process of frame-setting” (2005, 80). This relates to a detailed argument about the novel context of globalization and its dissolving effect on the Westphalian nation-state, which it is not important to go into here for these purposes. Essentially, if the above two areas of the representation category relate to questions over the constitution of political space, here Fraser is advocating reflexive democracy over how we decide the answers to such questions. In other words, injustice at this meta/second-order level is in a lack of democracy over how first-order political space is constituted. In a nutshell Fraser wants democracy ‘all the way down’; an infinite regress of reflexive democracy where not only do we have democracy, but the very form of all aspects of that democracy is potentially up for democratic contestation.

At a more worldly level, and in general, then, the representation category points to formal aspects of politics such as the electoral system, the organisation of governance e.g. degrees of localism/centralism; the ‘depth’ or ‘quality’ of democracy (nature and extent of participation, inclusion, deliberation, power-sharing, etc.); rules for involvement in/membership of particular political communities and how this is decided; regulations over the functioning of democracy and representation, such as gender or race quotas.

As such we can say that this category is to do with formal-political structure. Additionally, I wish to suggest that, extrapolating from the details above, formal-political structures can be understood as comprising two types of variable. The first – spatial – relate to the constitution of political space itself; questions about framing, boundaries, scales, inclusion/exclusion criteria, who counts and can have a say, the defining of a political community. The second – procedural – relate to institutions that regulate political processes and procedures; rules and norms that regulate contestation and decision-making, methods of participation, types of electoral system, use of methods like quotas for representation of groups/interests. These two categories of phenomena add up to the formal-political structure existing at a given time.

6.25 Summary

The above summarises the ‘three Rs’ of ‘redistribution’ (≈ political economy), ‘recognition’ (≈ cultural normativity), and ‘representation’ (≈ formal-political structure and process), and also the underlying theoretical ideas of (1) a difference between
affirmative and transformative types of remedy for injustice, differentiated by their degree of engagement with (2) underlying generative structure, and lastly (3) a basic norm, ‘participatory parity’. All of the above arises out of a theoretical stance that is consonant with a relational approach (and which was a significant contributor to the version of a relational approach that I have outlined in Chapter 5). In adding informal/historical structural processes, this framework coheres with the improved account of basic structure and the ways that it differs from Rawls’s version (§4.33; §5.22). Thus, when the categories are unpacked in detail, Fraser’s contributions can provide an intermediary framework for how to apply that approach to empirical matters in a way that retains its core theoretical impulses.

6.3 Theoretical methodological questions

My aim in employing this framework in investigation of a particular empirical context was to add a further dimension of insight to the primary theoretical project of the research. In particular, Chapter 7 surveys the recent history of redemocratised Brazil through the lens of the ‘new social contract’ narrative of this period. I highlight why, from the perspective of a relational approach, such a contractarian rendering of this historical trajectory is unhelpful. Meanwhile, Chapter 8 zooms in to the specific context of the social assistance sector and its still-young initiative of state-society power-sharing institutions. In this I draw on semi-structured interviews gathered during a period of fieldwork, as well as secondary data. I consider both how to understand this initiative and its significance, using in particular the theorisation of Fraser’s category of ‘representation’, and how to assess it as a matter of social justice and in terms of the challenges faced in realizing its ideal design.

It is important to briefly clarify the nature of this as a methodological enterprise. Two questions in particular arise from the facts that (1) the background theory is, of course, normative in nature, and (2) the research involves specific qualitative data from a comparatively small ‘sample’. As commonly understood normative theory is in the business of saying what ought to be the case rather than what is or will be. Meanwhile, qualitative and small sample necessitates familiar circumspection about generalisability.

6.31 Normative theory, empirical world
There is not a great deal of literature explicitly addressing the question of the interface between normative theory and empirical data. The basic problem is an old one, to do with the relationship between is and ought, fact and value. In the social sciences the old dogmas about the mutual exclusivity of fact and value within a research project have been critiqued to the extent that now a study claiming to be entirely scientifically objective and value-free would be considered by many or even most commentators to be naïve and flawed (Gonzalez 2013). However, that point typically figures as a critique, at a general level, of the value-ladenness or fact-value entanglement of any research enterprise, and an exposé of research spuriously claiming value-neutrality (e.g. Putnam 2002). There still looks to be a valid question about what an empirical investigation of the world contributes to normative theory; if I claim that x normatively ought to be the case, are there any facts a, b and c about the world that can lend support in themselves to this claim (i.e. without recourse to an intermediary normative theory or suppressed premise to explain why a, b and c point to x)?

A few writers appear to have attempted to grasp the nettle and answer in the affirmative, such as in John Searle’s (1964) idea of ‘institutional facts’. However, on closer inspection most of the literature explicitly discussing the potential relationship between empirical research and normative theory centres around a slightly different claim, namely that empirical knowledge and understanding is highly important to normative theories and that values and normative statements typically rely on significant descriptive assumptions about human beings and the social world. (In a mirror-image of the well-known deconstruction of supposedly value-free science, this would generate a critique pointing out what we could call the ‘fact-ladenness’ of normative theory.) As Doris and Stich (2005) argue, most normative statements and theories involve, with varying degrees of explicitness, significant empirical assumptions, for instance about matters within psychology and sociology, and about which of these matters are relevant for the normative questions under examination. Given this, it would seem needlessly obstinate – or even “intellectually irresponsible” (2) – to maintain that normative theory can have no truck with empirical research. This case is particularly easy to make in normative fields

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23 Roughly, Searle’s idea is that there can be ‘institutional facts’ that are properly thought of as descriptive but from which prescriptive/evaluative inferences can be drawn, because an ‘ought’ is contained in the very meaning of the fact. To briefly summarise an example of Searle’s: if Smith promises to pay Jones $5 then Smith takes on an obligation and is therefore, trivially, obligated to pay Jones $5, which entails that Smith ought to pay Jones $5; these are simply institutional facts relating to the descriptive meanings of promising and obligation.
such as bioethics where cutting edge research in areas such as medicine, neuroscience and psychology – research that refines understandings of human beings and/or throws up hitherto unforeseen kinds of moral dilemmas – can clearly call for amendments to extant moral frameworks. However, the general point holds in political philosophy too; a theory of social justice is to some extent a hostage to the fortune of the social-theoretic picture on which it implicitly relies. Charles Taylor (1985, 58–90) demonstrates how, for instance, different analytical theories of how democracy practically functions would foreclose different normative stances. Similarly, Thacher (2006, 1661) argues that empirical social science investigation “can incorporate the causal and interpretive analyses that may be necessary to establish ethically relevant facts”.

This has clear relevance for an exploration of a relational approach to social justice given that one of my central claims is that the most important feature distinguishing a relational approach from other theories of justice is the selection of a particular analytical framing and ontological basis for the purposes of theorising social injustice. Mills (2000) has referred to this aspect as the ‘factual picture’ component of a theory of justice. Of course, making the case for a relational approach is not as simple as adjudicating on the correctness or persuasiveness of its particular account of society, because part of the relational claim is that its social ontology is particularly appropriate for gaining purchase on the important normative issues, which involves a degree of judgement about which issues are actually deserving of that label. As such, there is an interactive relationship between consideration of the normative and of the empirical; but, as per the critiques of value-ladenness and fact-ladenness just mentioned, this is the lot of any social science or normative philosophy theory – it is just particularly salient in this case.

6.32 Small-scale qualitative research and a relational approach: questions about generalisation, causation, and structure

Unlike with the normative/empirical question, a well-established literature has addressed worries about small-scale qualitative research (as compared to quantitative work) and furnished useful clarifications about what this kind of study can and can’t achieve. A common argument is that qualitative studies have distinctive strengths not offered by quantitative studies (Stenbacka 2001); for example, they “aim to provide illumination and understanding of complex psychosocial issues and are most useful for answering humanistic ‘why?’ and ‘how?’ questions” (Marshall 1996, 522). For instance, while
generalizability might be commonly thought to be a desideratum for the conclusions of a study, Yin (2009, 38–40) points out that quantitative and qualitative research typically involve different forms of generalization. Statistical generalization, the primary mode of quantitative studies, tries to infer something about a population from a sample of it; the results from investigating the sample are taken to generalise to the population. Conversely, “results in a qualitative study are intended to be general in respect to theory, not to population” (Stenbacka 2001, 552). This is what Yin calls analytical generalization. Indeed, for this reason ‘sample’ is a questionable term in reference to a data source in qualitative research, in that it misleadingly suggests that the source is apt (or ought to be apt) to allow statistical generalization to an implied larger population (Yin 2009, 40).

As Mahoney and Goertz (2006) highlight, qualitative research also tends to work with a different conception of causation to that prevalent in quantitative research. Quantitative studies typically assume what Mahoney and Goertz term a ‘correlational’ conception of causation, to do with statistics and probability; in other words, this approach is faithful to Hume’s dictum that causation is fundamentally unobservable and can at best only be inferred from ‘constant conjunction’. Causality here is represented in terms of (usually just notional and implicit) statistical probabilities derived from measurements of the association of a certain variable with a certain outcome. Given this, the more observations supporting a hypothesis about a variable, the stronger the inference. Meanwhile, if more than one variable is considered causally relevant then, in this type of study, causation becomes additive, in the sense that each independent variable is taken to have a certain effect, and several variables’ effects can accrue cumulatively into the statistical probability (although of course this can be made more nuanced by accounting for interaction effects between variables). Qualitative studies, by contrast, typically think in terms of necessary and sufficient causes of specific events, and when multiple variables are admitted (which they typically are in this kind of study), the picture of causation is often essentially that of ‘INUS conditions’ (Mackie 1980, 59–87).

As discussed in §5.31, Mackie offers the notion of an INUS condition as an unpacking of what is often (really) meant when $x$ is described as a cause of $y$. The cause $x$ is understood as an *insufficient* but *non-redundant* part of a condition C that is itself *unnecessary* but *sufficient* for outcome $y$, hence INUS. In other words, $x$ is a cause of $y$ when $x$ is a relevant part of a complex condition C that is sufficient for y (but not
necessary). This is helpful, in a relational approach to social justice, for conceiving of structure as possessing causal properties, and in my view is insightfully compatible with the metaphor of social structure providing the ‘raw material’ out of which agents reproduce society (Lewis 2000), furnishing patterned dynamics or processes with specific logics that causally impinge upon agents (Groff 2004, 107–110) (see §5.22; §5.31).

As such, existing literature can help to theorize the role of qualitative research in this particular project and its relation to the key idea of social structure as normatively interesting by virtue of being both causally efficacious on individuals or groups and alterable through agency.

6.4 Specific and practical methodological details for this project

The historical discussion in Chapter 7 draws primarily on literature and secondary sources, while the investigation of the state-society governance of social assistance in Chapter 8 draws on academic and policy literature, publicly available information, and interviews with members of policy councils, as well as, in a general sense, visits and observations of councils in session. This was a comparatively small part of the overall research project but helps to add an extra dimension of insight. Again, the relationship between this empirical study and the central theoretical proposal of the thesis is exemplificatory rather than evidentiary. Additionally, given the small scale of the empirical component, it is illustrative rather than a full application of a relational approach; in some respects it could be considered a scoping study that could form a precursor to a more extensive project. Nevertheless, I believe that applying a relational approach to this context helps to further justify its merits as against that of a liberal contractarian paradigm and its implied praxis. Qualitative interviews help to provide rich insights into the possibilities and challenges of this initiative in participatory-democratic extension, conceived as a project of social justice. I combined insight and information from interviews with secondary sources such as publicly available information about councils and conferences, and academic studies, to compose the overall account offered in Chapter 8. In a looser sense aspects of this process also informed the broader historical overview in Chapter 7.

Interviews took place in October, November, and December 2015, with participants in social assistance councils in several municipalities in the state of Rio de Janeiro, as well
as in the state-level council. I also attended council sessions as a visitor in municipalities, in the state-level council, and in the national council in Brasilia. The councils are open to the public, and as such participants are accustomed to the presence of members of the public. Nevertheless, I contacted officials responsible for councils to seek their blessing, make my purpose explicit and to canvas any possible objections to my attending sessions and seeking interviews with individuals.

As I argue in Chapter 8, to the extent that this specific empirical context raises questions that can be thought of as issues of social justice, they largely fall within the domain of ‘representation’. Some of the questions suggested by my unpacking of ‘representation’, above – such as how involvement in a given political community is determined, procedural rules, and the drawing of jurisdictions – are matters of public record. However, for the reasons discussed in Chapter 5, the matters of interest to an investigation proceeding through a relational conception of social justice go considerably beyond this. For this reason, qualitative research can complement available data on broad trends and information about formal laws and organisations. Given that citizens on participatory councils are in a sense representatives of very large numbers of fellow citizens, how did they in particular become involved in the council and how do they and others understand the seemingly representative aspect of their role? How much agenda-setting and decision-making power do councils, and different members within councils have, and how do different power relationships between participants play out? What factors lead participants, from both state and society, to view the councils as working well or not well? Do redistribution- and recognition-type issues have cross-cutting influences on representation issues?

Interviews with participants, aimed at gaining qualitative insight, helped to address these sorts of questions. Interviews were ‘semi-structured’ in the sense that there were certain common themes that I sought insight into across most interviews, and I approached each interview with a plotted schedule of questions or thematic progressions, but did not have a strict list of set questions posed to all interviewees. This was partly because, as discussed above in §6.32, the logic of this kind of work is not that of ‘statistical generalisation’; partly because the complex and sometimes abstract matters for discussion seemed unlikely to best be approached through a rigid format of stock questions; and partly because I wished to retain an openness to unforeseen themes and issues raised by interviewees themselves.
Interviews were arranged either via email or in person following a visit to a council session. They were scheduled to be maximum one hour in length so as to avoid excessive demands on people’s time, although several ran over the hour mark at the interviewees’ suggestion. Interviews were in Portuguese, conducted through an interpreter. This arguably holds inevitable drawbacks, such as an increased chance of misunderstanding and a less natural flow to discussion, but, although my level of Portuguese-speaking was sufficient to propose and organise interviews, and to establish initial conversational rapport in the interview situation, for the in-depth discussions of the interviews using a translator was preferable in order to ensure accuracy. All interviews were audio recorded, and thus I was able to listen over them myself and double-check for accuracy.

The fieldwork component of the research followed a common trajectory characterised helpfully by Marshall (1996) as a ‘judgement sample’ strategy, where sample selection is guided by the theoretical objectives and research questions.

“Also known as purposeful sample, this is the most common sampling technique. The researcher actively selects the most productive sample to answer the research question. This can involve developing a framework of the variables that might influence an individual’s contribution and will be based on the researcher’s practical knowledge of the research area, the available literature and evidence from the study itself” (523).

Marshall goes on to identify some variations in scope within the judgement sample strategy:

“It may be advantageous to study a broad range of subjects (maximum variation sample), outliers (deviant sample), subjects who have specific experiences (critical case sample), or subjects with special expertise (key informant sample). Subjects may be able to recommend useful potential candidates for study (snowball sample)” (523).

Within this, ‘critical case sample’ and ‘key informant sample’ represent the strategies used in my approach to seeking interviews.
6.5 Ethical considerations

The research did not target children, adults lacking the capacity to give informed consent, pregnant women, or people vulnerable in other ways. As such the main ethical issues are those that arise in conducting research with human participants in general, and through the specific methods used, i.e. interviews, and participant observation of a ‘passive’ (Spradley 1980, 58–62) or at most ‘peripheral’ (Adler and Adler 1987, 36–49) kind. Regarding human research participation in general, beyond the most basic ethical requirements of upholding the rights, dignity, and safety of participants, key ethical issues relate to confidentiality, anonymity, transparency, and consent. The research process and practice held these considerations central at all times, and their fulfilment was ensured in line with University of Manchester guidelines and standard good research practice. The plan for fieldwork was approved by the University’s Research Ethics Committee.

Further more specific issues potentially arise insofar as that interviews will canvas issues that are often ‘political’ in the sense of being normatively-charged and contested; given this, it is possible that the subject-matter of conversations will in this sense be sensitive. Interviews are likely to involve opinions on aspects of politics in Brazil, and of interviewees’ own relations to this and relevant experiences, and may involve opinions about organisations or initiatives that they are involved with. They may cover issues to do with interviewees’ particular personal identities and experiences in terms of gender, ethnicity, socio-economic status, and so on. Given this, there is the potential for interviews to be relatively personal in parts, and possibly somewhat intense for interviewees insofar as talking about political/normative issues of personal significance can be quite animating. For this reason the participant information sheet given to potential interviewees was designed to be clear about my research interests, and states that interviews are a maximum of one hour in length and that interviewees are free to leave the interview at any point. It also assured interviewees of confidentiality and anonymity. Additionally, I attempted to remain alert to any signs that an interview was in danger of becoming anything other than a comfortable and relaxed experience. Interpreters were made aware of the ethical standards required for the research.

In a more general sense, all of the above raises ethical issues relating to power relations and the positionality of the researcher. Ensuring non-coerciveness, both in recruitment and conduct of interviews, seeking informed consent, and upholding interviewees’ rights,
dignity, and well-being all require continuous reflexivity and self-awareness on the part of the researcher about one’s own positionality and potential power dynamics arising out of gender, ethnicity, nationality, level of education, and so on. Additionally, the interviews were planned to be only loosely structured with the intention that the needs of the conceptual framework could be met while allowing for interviewees to have influence over the progression of the interviews and the discussion of topics that they perceived to be important to my general interests. This was to avoid any sense that the research was merely ‘extractive’ and treating the interviewee as little more than a vessel containing certain information. I view this as important both for ethical reasons and as more likely to furnish successful interviews and genuinely insightful qualitative data, including on aspects or subjects that hadn’t initially occurred to me. Ideally I would hope that participating in the research was generally interesting and stimulating for interviewees in that the conversations covered topics about local and national politics and society that are typically of interest to many people.
7. The historical context to contemporary questions of social justice in Brazil: a new social contract?

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7.1 Introduction

The social contract is the “most famous and influential political story of modern times” (Pateman 1988, 1). Nowhere is this truer than in contemporary Brazil, where the idea is commonplace in popular and political discourse. Additionally, a growing academic and policy literature narrates the history of the country’s transformation since the return to democracy in 1985 as the story of Brazil’s ‘new social contract’. Unsurprisingly, given this, the concept is also mobilised to make analytical and normative claims about various issues in the present. The social contract has also become widely prevalent in the discourse of agencies and policymakers in public policy and international development (Hawkins 2012).

However, rarely in all this usage is the notion of the social contract unpacked in any detail. This leaves it somewhat unclear what is actually intended by calling on the idea, and what its implications are, given that the long and varied tradition of social contract thought, as discussed in Chapter 3, could support any number of different interpretations. As such, there is a question over precise meaning.

There are also, of course, questions arising from the almost equally long counter-tradition of objections and critiques which contest the contract’s assumptions and implications. These were outlined in Chapter 3 and then used in Chapter 4 in the process of refining the critique of liberal contractarian thinking on social justice, and of mapping out an alternative relational approach in Chapter 5. While the social contract is frequently a feature of left-wing political discourse – in Brazil and elsewhere – overall, progressives and radicals have tended to be ambivalent at best towards the idea, particularly given its
centrality to the tradition of liberalism (Mills 2000, 441-442). A relational account of social justice moves from ambivalence into outright scepticism and advocates a distinct approach with significantly distinct theoretical starting points, as per §5.2.

In this chapter I try to explain why this is so, through a consideration of what is at stake in the narrative of Brazil’s new social contract. While the contract is appealing as an iconography of an important – and still unfolding – historical episode, it is one that misleads as much as enlightens. This also sets the scene for Chapter 8’s more specific examination of a particular aspect of this broad context.

7.2 Narratives of Brazil’s ‘new social contract’

Brazil’s relatively short history as an independent nation-state is remarkable for featuring frequent transitions between an array of different types of political regime. Following millennia of inhabitancy by various indigenous peoples, and the period of Portuguese colonisation and importing of African slaves from 1500 onwards, Brazil waged a war of independence in 1822-5 against the forces of the short-lived United Kingdom of Portugal, Brazil, and the Algarves (an attempt by Portugal to raise Brazil to partner status). This led to the establishment of a constitutional monarchy in 1822, and thus the beginning of the Imperial period in Brazil, under Dom Pedro I and II. Under the latter, in particular, Brazil was comparatively stable compared to other Latin American states, and had elements of a functioning parliamentary monarchy. Slavery was formally ended in 1888. A Republican military coup in 1889 inaugurated the period of the ‘Old Republic’, a constitutional democracy in theory, but one that withheld suffrage from women and the illiterate – a sizeable majority of the population – and was characterised by the political machine of coronelismo, the rule of clientelist local oligarchs (coronels) who essentially controlled the outcomes of elections. This was followed by the era of populist dictatorship under Getúlio Vargas from 1930-1945, including the more authoritarian Estado Novo (New State) phase from 1937, which saw huge industrial growth and the introduction of strategically chosen labour and social policies. A degree of liberalisation towards the end of this paved the way for a transition to a period of unstable and somewhat constricted democracy from 1945-64. This included an economic crisis, the democratic re-election of Vargas, who struggled and ultimately committed suicide, a highly developmentalist administration under Juscelino Kubitschek, and, at the end of the period, a left-wing president, João Goulart, who attempted to implement a programme of relatively radical land reforms and nationalisations in an bid to overcome
the lingering concentrations of wealth and power from the colonial and imperial periods. This project was highly controversial, and, amid Cold War paranoia about communism, the military staged a coup in 1964. The period of military dictatorship saw pronounced political repression, and an initial period of strong economic growth and growth in economic inequality. By the 1980s, an inflation crisis and enormous nationwide protests for democratic elections paved the way for a transitional period from 1985-88, culminating in the establishment of the new constitution in 1988.

Since the transition back to civilian democracy, Brazil has undergone a process of major political and social change, including but not limited to the extension of the franchise beyond pre-dictatorship limits, a new constitution, a hyperinflation crisis, the rise of left and centre-left political parties, the implementation of large-scale social schemes, particularly in education and social protection, a period of steady economic growth, and a significant reduction in poverty figures, as well as some narrowing of income inequality. In light of the prior history of rapid regime change – and its rogue’s gallery of slavery, clientelism, dictatorship, impoverishment, and illiteracy – it is natural to see this 30-year period as distinctive.

This phase – from the return to democracy in the mid-1980s to the present – is often characterised as having been significant for social justice. Silveira (2006) casts the various social policy interventions since the 1988 constitution, and particularly since the election of Lula as president in 2002, as, simply, “programmes of social justice”. de Oliveira (2004) looks at “the Brazilian reception of Rawls’s political liberalism” (40) and considers Brazil’s relation to globalisation and global justice through a reading of Rawls’s theory. Lovell (2000) views activists’ campaigns for democracy in Brazil as having been interwoven with struggles for identity-political social justice, which are ongoing.

However, arguably the most common way that the recent history of Brazil is linked to social justice (explicitly or implicitly) is through use of the notion of the social contract, thus drawing on a particular strand of thought on social justice, and one that, as per the discussions of the earlier chapters, is debated from competing perspectives such as the view that I have reconstructed as a relational approach. The debate also resonates with current public political contestation in Brazil around the ramifications of the historic shifts and concerning future courses of action.
Indeed, as pointed out by Paulo Krischke, a social contract discourse was key in mobilising citizens around the process of drawing up the new constitution in 1988, and now the social contract “is a notion that positively permeates the collective imaginary” (Streck 2004). The 2002 manifesto of the Workers’ Party (PT) (until recently the most powerful force in government and the party of presidents Dilma Rousseff and her predecessor Luiz Ignacio ‘Lula’ da Silva) is explicitly couched in social contract terms, where the use of the idea is associated with the conviction that “the market does not produce justice”, justice being instead solely the preserve of “democratic public debate” (Saha and Lima 2003).

This reflects the fact that an idea of a new, more egalitarian, social contract has typically been key in the citizenship struggles of many Brazilian social movements (Dagnino 2007). This has seemingly fed into political changes such as experimentation with participatory budgeting in Rio Grande do Sul state, which Streck (2004) argues can be seen as embodying a search for a new social contract in response to the ‘crisis’ of the social contract engendered by a massively unequal society; indeed, this search seems to be widespread in Brazil, judging by the ubiquity of the phrase ‘new social contract’ (216-7). Similarly, Fernandes (2007) argues that the City Statute of 2001, based on the principle of the ‘right to the city’, is a piece of legislation with the genuine potential to play a crucial role in constructing a radically new social contract for Brazil.

One of the most wide-ranging analyses based on the idea of the social contract in Brazil is offered by Alston et al (2013; forthcoming). They argue that Brazil from the 1980s onwards saw the forging of a social contract very distinct in nature from what preceded it. This they associate with a fundamental change in ‘beliefs’, which in their view can determine (or dominantly shape) the nature of institutions and the related social contract. The authors detail how a belief in social inclusion and redistribution was formed in the last ten years of the military dictatorship (1975-85) in response to the injustices of that regime, as enchantment with the regime’s initially stellar economic growth performance waned. However, the experience of long-lasting hyperinflation after the return to democracy also added a visceral fear of inflation into the equation. This meant that when Brazil finally tackled the inflation problem in 1994 with the introduction of the Real Plan, a new era was inaugurated, centred on a deeply ingrained belief that they term ‘fiscally sound social inclusion’. For Alston et al, this is predominantly what explains the shift between social contracts featuring, respectively, a ‘low-redistribution/high-
inequality’ equilibrium, and a ‘higher-redistribution/lower-inequality’ equilibrium. They conclude in optimistic terms that the “belief of fiscally sound social inclusion has been the driving force reducing poverty and inequality” (2013, 63), and that “[s]ince 1994, Brazil has been on a relatively virtuous path of economic and political development” and “this time the miracle is for real because of a change in beliefs in Brazilian society” (forthcoming, 2).

In a similar way, Lawson-Remer (2013) suggests that Brazil’s social contract – featuring “equity, inclusion, and a strong middle class [which are] linchpins of an enduring social contract” (918) – is to thank for the fact that the country’s transition to democracy has been successful and lasting, unlike instances elsewhere of democratic transitions being followed by ‘backsliding’ to authoritarianism.

Such academic analyses seem to echo developments in Brazilian politics. For instance, on his first day in office Lula set up the Council of Economic and Social Development (CDES) with the explicit intention of fostering a “new social contract” through state-civil society dialogue on development policy and direction (Baiocchi et al 2013). As well as ministers, the council includes representatives from trade unions and business, and various diverse civil society groups; women’s organisations, indigenous groups, etc. Electoral trends also arguably reflect some sense of a contract or deal between government and society, such as in seeming links between Bolsa Família and voting patterns, with evidence suggesting that between 2002 and 2006 the huge expansion of the anti-poverty transfer scheme contributed to a marked shift in Lula’s electoral base towards poorer areas (Zucco and Power 2011).

Alston et al’s account of the role of beliefs in feeding into a certain type of social contract is also supported by a growing recognition of the importance of ‘ideas’, as against interests, in explaining institutional make-up and change. As Rodrik (2014) argues, ideas can shape interests in crucial ways. However, not only can ideas be important in the sense of feeding inputs into the content of interests, but also in that modes of rationality other than simple means-end maximisation – i.e. values- and ideology-based rationalities – can directly shape institutions (Hickey 2013, 15). It is in this sense that Blyth (2010) argues that any study of institutions (or, in fact, the social world in general) that doesn’t put ideas at its heart is seriously deficient due to the elision of this fundamental aspect of human functioning.
As such, narratives of the forging of a new and more inclusive social contract in Brazil seem to tally with political developments up to 2016, and with the common perception of a broad shift towards the centre-left in Brazilian politics and policymaking during that period, and they also chime in with current academic trends towards considering the role of ideas in forming institutions. The vision of a renewed social contract driving the country forward in a good direction is attractive and full of promise. Not only does it engender hope that this process can continue in Brazil – in a manner resistant to the current vagaries of political and economic crisis and right-wing governance – it also suggests the value of studying the history of this crucial shift in order to understand it at an academic level of abstraction and to extract lessons and knowledge that can be useful elsewhere. This is why it is important to be clear on what is actually being said here; what exactly is meant by invoking the social contract and are we drawing the right lessons and interpreting them in the right way? Are we viewing the present issues and challenges facing Brazilian society in the most helpful way? The social contract is an “iconography” (Mills 2000, 444) to help make sense of the way our societies do and should work. As Jean Hampton argues, philosophy frequently works from ‘images’, and that of the contract has been the basis for the varied and extensive work of numerous theorists (Hampton 2007). Initial philosophical imagery of this kind influences and structures ensuing thought, leading us to conceive of the world in certain ways rather than others; Santos goes so far as to suggest that the social contract is the fundamental basis of the modern West’s social and political rationality (B. de S. Santos 1999, 3). This is a further reason for pressing the importance of the relational critique; as I argued in §5.21, a subsidiary of the ‘activist desideratum’ regarding understanding injustice is that the conceptual and symbolic resources that a theory diffuses into public deliberation should not have the effect of obscuring social injustice.

Examining the relatively optimistic accounts of the post-1985 new social contract raises numerous questions. Some of these are conceptual and concern what is actually meant; some are empirical, raised unavoidably by actual events (contemporary or historical) in Brazil; and some stem from the critical perspective of a relational approach. The following section briefly outlines these questions.
7.3 Questions about the new social contract narrative

7.31 Conceptually

A first question relates to the ambiguity of social contract talk. To refer without further elaboration simply to ‘the social contract’ and the need for it to be better (e.g. Breceda et al 2008) is to remain politically ambiguous, as there are major variances both philosophically and in terms of likely policy recommendations between different renderings of the social contract (Hickey 2011) (see also §3.2). The ideological vagueness of social contract talk is even more pronounced outside of philosophical usage; consider, for example, that while calls for a ‘new social contract’ are a perennial feature of the World Social Forum (Streck 2004, 220), the 2011 World Economic Forum in Davos also heard that “Post-Crisis Reality Requires New Social Contract” – to wit, “[t]he new post-crisis reality forces governments to create conditions for growth and not intervene in business” (World Economic Forum, n.d.).

A second question centres on the use of the social contract idea to refer to empirical reality; to characterise, analyse and explain it. Does this usage have ‘actual’ or ‘hypothetical’ contract thinking (§3.31) in mind? Does talk of Brazil’s social contract suggest that the things referred to by the term are therefore fully legitimate and justified? Does it suggest that everybody in society is party to and agrees with the contract? Does it suggest that if some of the things referred to – say, institutions, laws, and economic distributions – change then the contract will, ipso facto, change too? Which things in actual society amount to or form the social contract?

There is a related third question. In the account of Alston et al ‘the social contract’ appears simply to be co-extensive with the “mix of redistributive policies through taxes, transfers and regulation with associated levels of inequality, social mobility and development that prevails in a society” and the resulting “equilibrium” (forthcoming, 9). This seems to make the definition of ‘social contract’ simply: ‘whatever the mix of policies relevant to redistribution happens to be in a given society, and the associated outcomes’. The problem with this stems from the basic meaning of the term ‘contract’, which involves some sense of intersubjectivity or interaction.\(^\text{24}\) Whether this is thought to be in the form of an agreement, a bargain or deal, a promise, an epistemic community, or

\(^{24}\) In addition to the prevailing semantic meaning, the Latin etymology of ‘contract’ further underlines the basicness of intersubjectivity to the concept, stemming from ‘contrahere’ – to draw together, assemble, combine, make a bargain, conclude a deal, etc. – composed of com- (with) and trahere (to draw, pull).
even something that is continually contested and remade, it seems fair to say that the social contract cannot be solipsistic. If the social contract is simply exhaustively supervenient on a set of given policies and outcomes – which could in theory be the work of a lone all-powerful dictator – then we are left wondering who is party to it. Is anybody agreeing, consenting, understanding, etc.? One possible response to this could be to retool for empirical purposes what Gauthier (1979, 12) labels ‘tacit contractarianism’, namely the thought that the populace tacitly agree to the relevant things through their continued peaceful participation in the institutions of property, government, and so on. However, as Gauthier points out, the tacit consent construal of the social contract was subjected very early on to persuasive rebuttal by David Hume, who offers the metaphor of someone waking up on a ship to face the choice of obeying the captain’s orders or jumping into the ocean, given the infeasibility, for most people, of actually extracting themselves from the society into which they have been born. This was intended as a normative critique, but it also seems empirically doubtful that anybody not fomenting revolution or emigrating evinces total agreement with government policy. How, on this picture, could we tell the difference between conscious citizen agreement and merely apathy or repression?

As such, even at the conceptual level, the extension of the remit of the social contract from normative philosophy to descriptive/analytic social science is not straightforward.

7.32 Empirically and historically

While the quandaries raised above are mainly conceptual in nature, both recent events and historical factors in Brazil problematize the largely optimistic academic narratives and political rhetoric of the country’s new social contract.

In particular, widespread protests call into question rosy pictures of a country on a ‘virtuous path’ thanks to its inclusive social contract founded on near-universal agreement over particular beliefs. The protests began in early-mid 2013 in São Paulo, sparked by a 20 centavo increase in bus fares and spurred by the Movimento Passe Livre (Free Fare Movement), a far-left group campaigning for all public transport to be free at the point of access. However, fuelled by both social media and mass media and escalated by police violence, the demonstrations soon grew in size, spread far and wide in location, and diversified hugely in demands, often to the point of incoherence and
contradictoriness. While the initial grievance about high fares for poor quality bus services remained, this broadened into general complaints about the quality of public services, about the need for political reform, about corruption in politics and public administration, and a host of other petitions as the composition of the protests changed from its initial membership of students and far-left activists to include the middle class and people from across the political spectrum (Saad-Filho 2013).

Additionally, Brazil’s hosting of sporting mega-events in the shape of the football Confederations Cup (2013) and World Cup (2014), and the Olympic Games (2016), became a lightning rod for anger. The government had initially promised that the building of the requisite stadia would be financed privately and that the events would lead to improvements in infrastructure that would ultimately benefit all, but it became evident that the former was largely untrue and the latter unlikely to happen. This particularly rankled in the context of complaints about lack of investment in public services, with the half-constructed stadia rising above city skylines acting as highly visible reminders of the grievance succinctly captured on the placards of some protestors: “we don’t need the World Cup – we need money for hospitals and education” (BBC News 2013; Silva 2013).

Ultimately the summer 2013 protests became the biggest mass demonstrations in Brazil since the mobilisation for the end of the military dictatorship in the mid-1980s and the calls for the impeachment of then-President Fernando Collor de Mello on corruption charges in 1992. Protests sparked again in the lead up to the World Cup in mid-2014, with anti-World Cup marches, strikes by specific labour groups such as subway workers in São Paulo, and demonstrations by indigenous land rights activists who clashed with police in Brasilia (Guardian 2014). In a different way, 2015 saw the growth of protests over political corruption, which reached fever pitch by mid-2016 with the eruption of a fully blown political crisis culminating in the impeachment of president Dilma Rousseff. The replacement of Dilma and her coalition with Michel Temer and a much more right-leaning administration – and one that is itself mired in significantly more seriously corruption – has itself seen the continuation of widespread mobilisations, although from different sectors of society and ideological opinion. All of this raises questions for the new social contract narrative. Should the protests be understood within the rubric of social contract talk – as the contract ‘fraying’, and/or being ‘re-negotiated’, perhaps – or should they and the continued injustices of Brazilian society that they claim to oppose be understood in some other way?
Ferreira (2013) understands the protests (to that date) as a social contract issue, related to an ever-growing middle class feeling that they are not getting a fair deal in the sense of the poor quality of the public services on offer in return for the comparatively high tax take. This analysis, with its sense of a ‘deal’ (kept or unkept), is commonly reflected in the mainstream Brazilian media, and is also seemingly reflected in the government’s response to the protests. For instance, at the height of the summer 2013 demonstrations Dilma Rousseff responded by making an appearance on national television outlining ‘five pacts’ to the Brazilian people: (1) against corruption and for political reform, (2) urban mobility (the improvement of public transportation and urban reform), (3) education to be financed by royalties from oil resources, (4) health; more doctors for the poorest and most remote regions of the country, and (5) fiscal responsibility. Complaints now sometimes refer back to this and suggest that these pacts have been reneged upon; for instance, that, one year on, only one out the five have seen any progress (Folha de SãO Paulo 2014). Furthermore, as mentioned earlier, the notion of the social contract is deeply entrenched in both political and everyday discourse in Brazil (Streck 2004), and has been an important ideational resource in political activity and mobilisation from the struggle for the return to democracy onwards (Dagnino 2007). This in itself is reason enough to take the idea seriously.

On the other hand, some events seem to stretch the possibilities of a social contract conception and its ingredients of inclusion, agreement/consent, rational deliberation, and so on.

For example, the offence for which Dilma Rousseff was impeached, and the long period of PT-led government therefore aborted, was comparatively common and considered to be minor in the Brazilian context (Weisbrot 2016; Watts 2016a). Many politicians of the right-wing coalition that has taken over – including a cabinet comprised exclusively of white men, and with a strong influence of wealthy landowners (Watts 2016b; Zillman 2016) – are widely implicated in more serious and more personal corruption allegations (Greenwald 2017). Indeed, since Temer’s assumption of the presidency, concrete evidence has emerged of him involved in corruption and conspiracy while president, but he appears to be safe from any calls for impeachment (Greenwald, Fishman, and Miranda 2016). The large public protests which gave legitimacy and momentum to the impeachment drive within Congress were incited and inflamed by Brazil’s notoriously right-leaning and powerful media, owned by a small number of wealthy modern-day
coronels (Reporters Without Borders 2016; van Dijk 2017). The new government has wasted little time attempting to roll back social policies, environmental protections, and land rights introduced in the preceding decades while privatising and deregulating industries (Reuters 2016a; 2016b; Healy 2016; Splendore and Felix 2017; Survival International 2017). In light of these factors, the impeachment and change of government looks like little more than what many have called a ‘soft’ – or ‘legal’, or ‘judicial’, or ‘parliamentary’ – coup (Pitts et al. 2016; Saad-Filho 2016; F. Santos and Guarnieri 2016), and the naked exercise of power by a long-established elite in a backlash against the decade and a half of Workers’ Party rule.

At the other end of the spectrum, in May 2014 the Homeless Workers’ Movement (MTST), an urban offshoot of the well-known rural Landless Worker’s Movement (MST), occupied an area of unused privately-owned land in São Paulo close to the Arena Corinthians football stadium. The MTST demanded that the government recognise its occupation and build social housing on the land, which it did in return for a promise of no demonstrations during the World Cup, leading the MTST to declare a resounding victory (Los Angeles Times 2014; MTST 2014). The issue of the urban homeless seems a paradigmatic social justice issue, but how to understand it? The tactic of illegally occupying the land and forcing the government’s hand, using the government’s desire for a smooth World Cup as leverage, could possibly be conceptualised in social contract terms; perhaps, say, as a group ‘outside’ the contract forcibly negotiating its way into it. However, it could equally well be argued that to insist on the existence of a social contract is simply to gloss over the reality: the MST/MTST are a group who, destitute and willing to break the law, could not possibly be said to be party to any contract; instead, they simply assert power through collective mobilisation, in, ironically, a not dissimilar way to the rightist takeover. Furthermore, land occupation tactics of this kind are by no means a new thing in Brazil, and, indeed, landless people building – initially illegally – on land in the urban peripheries is arguably a central part of the story of Brazilian ‘modernity’ (Holston 2008).

Holston, focusing on the concept of citizenship, sees this as the result of the particular form of citizenship that has been present in Brazil since its inception as a nation, which he characterises as ‘inclusively inegalitarian’; on the ‘formal’ question of membership as a citizen, Brazilian citizenship is fully inclusive, while on the ‘substantive’ question of the content or meaning of citizen status, Brazilian citizenship has always featured a
massively inegalitarian ordering of rights, status, wealth, power, and so on (2008, 3-37). This citizenship, for Holston, is ‘differentiated’ in that it draws on social differences such as level of education, race, gender, and so on, to allocate different treatment to different types of citizens. “[M]ost Brazilians have been denied political rights, limited in property ownership, forced into segregated and often illegal conditions of residence, estranged from the law, and funnelled into labor as servile workers. These discriminations result not from the exclusion of Brazilians from citizenship itself. [...] Rather, these Brazilians are discriminated against because they are certain kinds of citizens” (7).

This relates strongly to relational concerns about social contract thought. For instance, it touches on the centrality of groups and social positions to understanding injustices (§5.32), in contrast to analytical lenses – such as social contract or formal citizenship – where society is conceived as an undifferentiated collection of individual will-bearing agents. This in turn closely links to the question of difference (§5.33), both in the sense of ‘internal’ differences between citizens’ individual attributes that are shaped by socialization within particular social groups and positions, and ‘external’ difference in the sense of relations to other groups. This complicates any situation of formal equality such as citizenship or the social contract. It also shows the necessity, for grasping actually-existing injustices, of a conception of basic structure that includes informal and historical aspects. As Holston points out, in Brazil salient aspects of this type include steep hierarchies between and differential treatment of socio-economic groups, as well as groups based on gender and race. In a country with Brazil’s past, historical factors are highly problematic for the notion of the social contract.

It is for these sorts of reasons, too, that postcolonial theorists have typically been sceptical of liberalism more generally (Thomas 1999; Ivison 2002, 30–48; Kapur 2013), such as in the aspects of abstraction and individualism inherent to social contract thought. In the context of the postcolony, these methodological ploys ignore defining aspects of society: a comparatively recent history that looms large and whose legacy can still be seen in the present, typically in the form of wide inequalities of various types, as well uneven development and political dysfunctionality. In Brazil in particular, for instance, the trajectory established by the strategy for economic exploitation of the colony fostered pronounced inequalities (Frankema 2008; Wegenast 2010; Naritomi, Soares, and Assunção 2012) and lingering effects in terms of political clientelism and patronage (Avritzer 2009, 117–23). Meanwhile, the colonists’ extensive use of slave
labour established racial hierarchies that mean that, well over a century since abolition in 1888 (Brazil was the last country in the Americas to abolish slavery) racial inequality and discrimination remains pronounced (Twine 1998; Telles 2014). Brazil received by some distance the largest population of African slaves (around five million) of any territory in the transatlantic slave trade (Slave Voyages 2017), with Rio de Janeiro the single most numerically significant receiving port in the history of slavery. There was also widespread enslavement of indigenous people (Miki 2014). Today racial inequality is marked across various indicators such as income, education, health, etc. (Pinheiro and IPEA 2012, whose study also records the intersection of these dynamics with gender inequality).

Paixão et al (2010, 26) point out that if the country’s population were disaggregated by racial identity, ‘white Brazil’ would have a HDI of 0.832, compared to 0.717 for the black population or 0.723 for ‘pardos’ (‘brown’ or mixed-race); in other words, white and non-white Brazil would be countries around 40 places apart in the international HDI ranking.

7.33 Links to relational critiques of social contract theory

These empirical and historical aspects cast doubt on the new social contract narrative and recall the critiques motivating the relational account of social justice and the features of the positive outline (§5.2). One is the importance of starting from actually-existing injustice. To talk of Brazil’s ‘new social contract’ as a starting point for academic analysis is to invite the perception that the slate has been wiped clean; that such problems as now exist have arisen only after this punctuated change. It is to construe the Brazilian population as if it is comprised of equally empowered and similarly-positioned citizens giving consent to a contract, rather than a heterogeneous mix of groups situated in relations of power and inequality, some vying to overcome historical disadvantage and others to retain or restore privilege. Particularly in the light of the ‘soft coup’ of 2016, with its installation of a conservative government dominated by white and propertied elites, which swiftly attempted to roll back a number of progressive advances introduced in the preceding decades, to overlook this seems naïve. These considerations also recall the importance of social difference and relations between groups to understanding questions of social justice in the non-ideal world. Similarly, as Holston’s analysis of a formally egalitarian but informally inegalitarian regime of citizenship points to, there are instances of social injustice that only come into view when including such informal-historical aspects of basic structure in analysis.
The story of the rise of the PT, which is crucial to understanding the recent trajectory of Brazil, is partly a story of a move from radical origins to a more centrist position, and the adoption of a social contract discourse was bound up in this. Saha and Lima (2003, 13) characterise the PT’s 2002 manifesto, explicitly couched in social contract terms, as “a carefully worded manifesto of the left, but not of the radical left”. Campello (2013) undertakes a content analysis of PT discourse to argue that this shift didn’t happen gradually, but rather suddenly in 2002 in response to a perceived need to secure broader support. She shows how at this time campaign materials suddenly show a dramatically lower count of ‘conflictive’ words implying ‘friends and enemies’ and a confrontational zero-sum understanding of politics, and instead employ ‘non-conflictive’ language and a positive-sum, technocratic approach to politics. “As Lula becomes the candidate of all groups, and proposes social contract instead of class struggle, technocratic terms like efficiency, efficient, proposals, priority, project, team, platform also gain relevance” (26, emphasis in original). This further reflects the idea that the social contract narrative steers the conversation away from the more difficult questions concerning the nature of relations between groups.

As this suggests, there may be pragmatic political reasons for adopting the language of the liberal social contract. Additionally, the idea has, of course, long since entered general parlance as a looser concept, and can be rhetorically powerful. However, at least as a starting point for rigorous investigations of social injustices, the iconography of the social contract is more likely to obscure than to illuminate many pertinent questions.
8. Planting democracy in Brazil’s social assistance sector: a relational social justice reading

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8.1 Introduction

In Chapters 4 and 5 I argued that a relational approach successfully identifies and offers ways to move beyond a number of limitations with the more well-established liberal social contract account of social justice. In particular, it provides the basis for a more insightful and historically-informed social theory of injustice and its overcoming than that implied by social contract accounts. In Chapter 7 I furthered this argument with reference to the question of how to conceptualise the recent socio-political trajectory of Brazil, arguing that attempts to understand this historical episode as a case of a ‘new social contract’ suffer from several of the flaws that we would expect in light of the considerations of earlier chapters. This was a wide-lens discussion surveying historical trends in a whole country. In this chapter I shift focus to a comparatively more specific empirical window onto the broad considerations – theoretical and historical respectively – of chapters 5 and 7.

One defining feature of the Brazilian post-redemocratisation experience has been wide-ranging experimentation in democratic practices, in particular tending towards greater decentralisation and social participation. Another has been a large expansion in state
social policy, with redistributive effects. These two features have both been a key part of the trajectory characterised, as per Chapter 7, as Brazil’s ‘new social contract’. They meet in the subject of this chapter: the system of decentralised and participatory governance of the social assistance sector, seen especially in joint state-society policy councils and conferences. As outlined in Chapter 6, in addition to secondary sources and the theoretical argument, the discussion draws extra insight from interviews with municipal and state council members in Rio de Janeiro state between October and December 2015.

After providing an overview of the system, including its origins and political context, I argue that it is appropriate to analyse these institutional initiatives as being concerned with, and raising questions of, social justice. Furthermore, they represent a comparatively novel kind of social justice project, one that displays resonances with contractarian imagery, but whose real significance comes into view when understood as a response to a particular historical context, and as an intervention targeting a specifically formal-political species of injustice. A relational approach to the social justice aspects of this project provides a basis for distinctive insights into both the possibilities and the challenges of this participatory experiment.

8.2 Context, origins, and features of state-society governance in social assistance

8.21 Social assistance in Brazil: origins, development, and synergy with redemocratisation

It is useful to quickly clarify terminology as exact usage can vary across countries and contexts. Social assistance can be understood as a component of what has, within international development and public policy circles, come to be known as social protection. Within social protection, authors typically distinguish between a) social insurance (sometimes called social security due to US influence) i.e. contributory schemes protecting individuals against life’s contingencies, and b) social assistance: public and tax-financed programmes addressing deprivation (e.g. Conway et al 2000, 5–6). (Some add a third component, labour market interventions, as well (van Ginneken 2000; Barrientos and Pellissery 2012).) The distinction is seen in Brazil’s 1988 Federal Constitution, which mandates systems of contributory social security and, contrastingly, social assistance provided to “whomever may need it, regardless of contribution to social

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25 More detail on the history of specific policies is in Appendix 1 if required.
security” (Brasil 2015, 76). In turn this maps onto a historical sequence in state action in Brazil, from entirely Bismarckian contributory social security for particular labour groups, to a more recent emphasis on assistance as a right of citizenship and eligibility (Hunter 2014). Social assistance in this sense is the concern of the state-society policy councils under discussion here.26

Social assistance as public policy has existed in some form in Brazil since the Estado Novo regime (1937-45) that consolidated Getúlio Vargas’s populist dictatorship. At this point the state essentially just approved and sometimes financially supported the activities of private bodies (Jaccoud et al 2010, 3); the Catholic Church and related philanthropic groups were prominent players. At around the same time, contributory social insurance schemes were introduced for particular groups of formal sector industrial workers – typically those presenting a latent threat of organised mobilisation (Leubolt 2014, 2–3) – and the civilian and military bureaucracies.

One result was to further deepen the divides of formal/informal and urban/rural (most rural labour was in the informal sector). The work card of formal sector employees, necessary for accessing social policy benefits, became almost a de facto citizenship card (Hunter 2014, 18–19). Another effect was to make social protection essentially a deliverance of presidential patronage, regional clientelist coronéis (‘colonels’), or charitable religious groups; something bestowed, and potentially taken away.

The post-war era saw some expansion, with further centralization and the incorporation of new groups into social protection coverage (Draibe et al 1995, 3). Notably, the left-leaning president João Goulart (1961-64) granted further concessions to organised labour. Social protection became intensely politicised and controversial, provoking a reaction from the political right. The social security department was identified as a hotbed of the ‘communist plot’ that provided the rationale for the coup subsequently mounted by the military, with the support of elements of civil society and the middle class, the latifundistas (large land owners), banking interests, and the US government (Malloy 1979, 117–22; Kornbluh 2004; Leubolt 2014, 4).

26 Within the social assistance sector in Brazil the term ‘social protection’ is sometimes used, perhaps reflecting its current prominence on the development agenda internationally, but the label of social assistance, understood as a subset of social protection, is both more common and more helpful for this discussion since the actual features of the sector in question fit well into social assistance as defined in distinction to social insurance/security.
The social policy of the military period from 1964 was highly conservative, somewhat expanding social protection for the middle class, while violently repressing social movements for redistribution (Leubolt 2014, 4). Schemes were limited in scope and target population, and difficult to access, but formed the seeds of later programmes (Barrientos 2013a, 890–91; Hunter 2014, 24–25), and installed some of the apparatus for centrally administering a state-run social protection system (Draibe et al 1995, 3–4).

The 1988 Constitution represented a major shift. As above, social protection had been a minor area of government action, and was either based on the contributory principle or linked to patronage or charity. Since the return to democracy, the sector has greatly expanded and its emphasis shifted from social insurance to publicly-funded and non-contributory social assistance (Jaccoud et al 2010, 3) based on the citizenship principle (Barrientos and Pellissery 2012, 15).

This shift is also a story of social movement and local government activism, both in the mobilisations and debates feeding into redemocratisation and the constitution’s content, and in the subsequent realization of that document’s implications. An important legislative step was the 1993 Lei Orgânica de Assistência Social (LOAS – Organic Law of Social Assistance), which built on parts of the Constitution relating to social assistance following successful lobbying of Congress by social movements and municipal governments. The LOAS, drawing on examples in the health sector, provided the legal basis for social assistance policy councils at municipal, state, and federal levels.

The LOAS also introduced the Benefício de Prestação Continuada (BPC – Continuous Cash Benefit), a pension for over 65s and disabled people which has significantly reduced poverty and destitution (Jaccoud et al 2010, 5–6) and improved pension coverage (Barrientos 2013a, 887). The programme requires claimants only to be destitute and to provide identity documentation, compared to unfeasibly restrictive hurdles to access in older incarnations (Hunter 2014, 25–26). Similarly, Previdência Social Rural (Rural Social Insurance) is technically contributory but practically almost entirely non-contributory (Barrientos, Debowicz, and Woolard 2014).

The most internationally-known component of social assistance in Brazil is the Bolsa Família (Family Grant). Its predecessor Bolsa Escola was born of the ferment of new ideas circulating during re-democratisation and pioneered in municipal-level experimentation. Following the economic crises of the 1980s and their devastating
effects on income and poverty levels, proposals for a minimum income gained new momentum (Rocha 2013, 21). These met with ideas about targeting and education-related conditionalities aimed at halting intergenerational poverty (Barrientos and Pellisserie 2012, 16). After experimentation with Bolsa Escola at municipal level, it became a federal programme in 2001, along with several other cash transfer programmes probably spurred by the political threat of the PT.

Following the 2002 election of President Lula and the new PT-led government, several of these were consolidated into Bolsa Família, an efficient simplification (Jaccoud et al 2010, 8). This represented a slight departure from the party’s tendency to view such programmes as assistêncialismo, i.e. a demobilizing and somewhat paternalistic welfarism, less important than more fundamental egalitarian transformations. (Aloízio Mercadante, a founding member, wrote that for the PT poverty is not an “isolated, conjunctural or residual phenomenon that can be resolved through philanthropic or welfarist [assistencialista] means”, instead pointing to structural and historical factors (Pereira 2015, 1686).) The softening of this position was probably a matter of electoral strategy (Saha and Lima 2003; Campello 2013). However, the PT did also continue to espouse a minimum income, introducing this in 2004 (Rocha 2013, 23).

Turning to the current situation, the BPC and Bolsa Família are now the two main cash transfer elements of social assistance (Jaccoud et al 2010, 5–6). The new generation of Brazilian social policy is clearly more aimed at children than before (Hunter 2014, 31). It is also greatly more decentralised, with an incentive system for municipality performance (Barrientos and Pellisserie 2012, 17). The ‘Unified System of Social Assistance’ management system and its Cadastro Único (Single Registry) electronic database allows the monitoring of cash transfer recipients over time and easier co-ordination between different agencies (Jaccoud, Hadjab, and Chaibub 2010, 8).

A further feature that can often be downplayed in the literature is a range of primary care and social work services; the social assistance sector in Brazil is not simply a case of cash transfers. The 2011 update to the LOAS differentiates ‘basic’ and ‘special’ levels of protection; the latter involves entirely non-cash transfer actions, while the former involves a mixture (Brasil 2011, Art. §6–A). The distinction can be seen in the two different types of reference centres (citizens’ first point of contact) for social assistance. The majority of municipalities have at least one of a general type, Centro de Referência
de Assistência Social (CRAS), and one of a ‘specialized’ type, Centro de Referência Especializado de Assistência Social (CREAS).

The former is a portal to ‘basic’ services; they enter citizens’ details into the Cadastro Único and advise on rights and claiming cash transfers. They also, if appropriate, refer visitors to services like ‘Comprehensive Family Care Programme’ (Programa de Antenção Integral à Família, PAIF) or ‘Socioeducational Services for Adolescents’ (ProJovem Adolescente), or social centres for the elderly. Also involved is support of transfer recipients, for instance families who fail to comply with conditionalities (Jaccoud et al 2010, 18). The basic level of social assistance is conceived as mainly preventative in scope, pre-empting situations of risk through developing the abilities of individuals and through strengthening family and community ties. It is sometimes described in rights-based terms as trying to ensure the avoidance of rights violations, and is primarily aimed at the population considered to be vulnerable to poverty and/or socially excluded in some way.

Special social assistance is more reactive, for situations where rights have already been violated, for instance for families or individuals suffering abandonment, physical or psychological abuse, substance abuse, educational problems, homelessness, child labour, etc. This is the area that CREASs are responsible for and requires more individualised and flexible attention, encompassing various support services, such as the child labour eradication programme, a programme combating sexual abuse of children and adolescents, women’s shelters, psychological help services, and support services for disabled people and the elderly.

Overall, social assistance has had a significant macro-level impact on inequality in Brazil (Leubolt 2014). Its expansion has also been politically very significant, both as the subject of strong interest and debate in public and in Congress, and in delivering electoral gains to politicians adopting a pro-poor stance. Bolsa Família was almost certainly highly significant in the electoral performance of the PT in 2006 and 2010 (Pereira 2015, 1692). However, despite this link between transfers and votes, there is evidence to suggest that this interrelation does not merely represent a return to the clientelist dynamic of older formal and informal sources of social assistance; recipients of transfers understand the status of the transfer as a citizenship right and do not fear that that their vote choices or other political activities will endanger this (Hunter 2014,
Social policy in general has been pushed to the top of the political agenda, and Brazil is now “one of the most important examples of effective delivery of social assistance in the developing world” (Barrientos and Pellissery 2012, 15).

This status was in large part arrived at through important changes during and following the return to democracy in the late 1980s. As above, significant steps came through experimentation by local governments, and, in general, they and other organisations and movements undertook important struggles to implement the idealised mandates of the constitution. This also fed into the general vogue for democracy in Brazil following decades of dictatorship, including more localised and participatory democratic experiments. Such participatory governance, therefore, emerged as part of the wider process of seeking what, as per Chapter 7, is often considered to be a new social contract. One famous example is participatory budgeting in the city of Porto Alegre, which became known worldwide as a hub of progressive democratic thinking and has frequently hosted the World Social Forum. However, the system of decentralised and participatory oversight of social assistance is another example of this tendency. Legally, this was written into the LOAS of 1993. It then became the subject of prolonged efforts by social assistance organisations, local governments, and social movements to make a reality of the legal blueprint. Its now-widespread institutionalisation is a lesser-known but significant aspect of the post-'88 democratic push in Brazil, and of the social assistance sector.

8.22 Contemporary situation

As of 2014, there were 5,366 active municipal social assistance councils (Conselho Municipal de Assistência Social – CMAS) out of 5,570 municipalities across Brazil (96.34%). In addition to this there are 27 higher-level councils (Conselho Estadual de Assistência Social – CEAS) for the states, and above those the one federal-level council (Conselho Nacional de Assistência Social – CNAS), based in Brasília.

Councils at each level hold monthly meetings. There are normally around eighteen seats in total. Membership comprises 50% representatives of the state (the relevant municipal, state, or federal government), typically officials in the social assistance sector, and 50%
representatives of society, frequently labelled as the ‘civil society’ component, but arguably including a broader spread of actors than that implies. The civil society contingent is further divided between representatives of social assistance entities (such as service providers, NGOs, and religious and/or philanthropic groups); representatives of social assistance professionals (such as trade union or professional association members); and representatives of ‘users’ of social assistance (such as users’ groups or residents’ associations, or, simply, members of the public). The civil society members of a council are all elected, for two-year terms, in an open forum that is facilitated by the government but in which it cannot participate. Organisations wishing to send a member to sit on the council attend this event, participate in a general debate, and then vote for members of the council, but cannot vote for their own organisation.

The government members are considered representatives of ‘public power’ and are selected by the administration; they commonly comprise officials in social assistance or related sectors, sometimes the municipal/state secretary of social assistance, and sometimes treasury/accounts officials. Once all of the members of a council for a coming two-year mandate are decided they elect a chairperson; the chair is drawn alternately from the government members for one mandate, the civil society members the next.

Councils also usually organise themselves into ‘thematic commissions’, smaller working groups which hold their own extra sessions and report back to the main council. Common themes are Budgeting and Finance, Standards and Oversight (developing and monitoring standards of implementation), Policy (discussing social assistance policy adjustments, indicators for evaluation, etc.), and others such as Ethics or Dissemination (of information about council work), but the exact setup is decided by councils.

There is intended to be interaction and feedback between the levels of municipal, state, and federal. The members of the federal CNAS are allotted CEASs to liaise with, and in turn members of CEASs are allotted CMASs within their state to liaise with. All of the municipal councils in a given state hold annual conferences which report up to their CEAS and which also elect two representatives of municipalities to attend CEAS sessions. There is also a nationwide conference of municipalities. Likewise, all state councils attend annual conferences which report to the CNAS in Brasília. Additionally, all main council meetings at all levels are open to the public, and because of this it is relatively

28 ‘Users’ (usuários) is the predominant term in Brazil.
common for members of the floor at state and federal councils to be visiting from municipal or state councils respectively; they and other attendees can contribute to discussions with the approval of the chair (but not vote).

The legislative basis for the councils envisions “deliberative and decision-making bodies of a decentralised and participatory system of social assistance” (Brasil 1993, §16).

The remit and intended functions of the councils includes policy formation in social assistance, which can be enacted by decree of the council, monitoring and evaluating activities in the sector, and regulating organisations and bodies that are social assistance service providers. Councils at all levels contribute to and approve two-year policy plans (including budget and financing details) for social assistance in their jurisdiction; this approval is legally required in order for the government to execute the plan and before funds can be disbursed. As such, councils legally have veto power over social assistance policies and budgets.

Councils at the different levels of government are designed to be formally similar in many ways, just operating at different scales. The CNAS approves federal resource-sharing criteria for states and municipalities, and CEASs in turn approve state resource-sharing between their municipalities. Municipal social assistance budgets typically comprise funding streams from federal and state sources as well as the municipality’s own resources. While the federal and state councils take decisions of a wider scope that shape many of aspects of how social assistance is delivered and managed across all localities, the municipal councils have a different but significant form of influence relating to the specificities of how social assistance actually happens in their municipality. Additionally they are in a position to receive frequent and direct feedback from the frontline of implementation and relating to the whole of the geographical area that they are responsible for in a way that state and federal councils aren’t; state and federal councils have to collate and devise a response to the varied claims of many different localities, apprehended less frequently (for instance in annual conferences).

29 “[I]nstâncias deliberativas do sistema descentralizado e participativo de assistência social.” Unlike the seeming English equivalent, in Portuguese the verb deliberar has a dual meaning of both ‘to discuss, mull over, weigh up, etc.’ and ‘to decide, resolve’. Choosing only one or the other understanding would have significant implications on what the councils are understood to do; deliberating i.e. discussing, debating, airing views publicly, and perhaps producing reports, recommendations (but possibly without actually being empowered to resolve questions), vs. deciding i.e. settling issues, voting, setting policies (but possibly not with a significantly deliberative, discursive character). In fact, the councils perform both sorts of function, suggesting that in this case ‘deliberative and decision-making’ is the best English translation.
To give examples of actions at each level: a CNAS decree in 2005 founded the ‘Unified System of Social Assistance’ (Sistema Único de Assistência Social – SUAS) as a national implementation system, which replaced the somewhat more ad hoc and variegated prior situation, reorganising and regulating the social assistance sector as a whole. The Rio de Janeiro state council – CEAS-RJ – contributed to the conception of, and then in 2011 formally approved, a new Rio de Janeiro state cash transfer programme called Programa Renda Melhor (‘Improved Income Programme’) which uses state-level funds to supplement the income of families who are already in receipt of Bolsa Família and whose per capita income nevertheless remained below the RJ state-defined extreme poverty line. The state piloted this in several municipalities before rolling it out across the state. Meanwhile, the CMAS of Petrópolis, in the Rio de Janeiro interior, has in recent resolutions approved a municipal ‘Plan of Care for Children, Adolescents and Youths’, accepted a community arts and sports centre as a registered provider of social assistance services, and decreed that surplus funds from federal and state streams from two years previously be used for social assistance in the current period.

In general, then, councils at each level of government are designed to have a role in policy formation, in overseeing and monitoring implementation, in approving budgets, and, in a broader sense, in cultivating a sense of political legitimacy and accountability for the social assistance sector through the co-involvement of state and society.

Having provided an overview of the relevant context and history, I now turn to a more analytical examination of this system in relation to the overarching theoretical discussion of the thesis.

8.3 Analysing the ‘participatory and decentralised management’ project in social assistance

8.3.1 The social assistance sector as a matter of justice

Social assistance is not automatically considered as a question of social justice. Some commentators will tend to see it as relating normatively to poverty reduction or basic human rights, or perhaps to goals of economic growth or human capital development. However, a powerful case for considering social assistance through the particular normative framing of social justice comes from the Rawlsian intuition that a socially

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30 This is a mildly interpretive rendering of Rawls’s position but one that, as I argue in §5.24, is a plausible representation of the basic impulse of the original position as a device of justification.
just society would be one where the basic structure does not contain institutional features that no member of that society could impartially justify to another (given sufficient knowledge of social life and human needs). In the case of social assistance, any party in an original position-style choice situation would, in light of knowledge of contingencies such as poverty, illness, disability, old age, unemployment, and so on, advocate the institutionalisation of the means to address such contingencies (Rawls [1971] 1999). As such, the absence of such measures, in a society featuring the material wherewithal to implement them, would be an aspect of the basic structure that nobody could impartially justify. In Chapter 5 I argued that this kernel insight is persuasive and, although by no means the whole story, should remain part of any approach to social justice (§5.24); from the relational perspective that it is my overall project to outline, this particular insight is deepened through clarification that, conceptually, the injustice obtains due to the presence of comparatively materially well-off sections of society, thereby constituting those suffering from such contingencies without redress as an automatically disadvantaged group in relation to society as a whole, whose members enter into social interaction on an unequal footing, and who are also likely to be situated in unequal relations in the categories of cultural-symbolic recognition and political power. In recent literature social protection policy is increasingly conceptualised within the rubric of social justice (Devereux and Sabates-Wheeler 2008; Barrientos 2013b, 25-44; Hickey 2014)

Furthermore, the focus of the discussion in this chapter is not just social assistance itself but a particular institutional and political character of the sector in Brazil. With this we move beyond questions of poverty into questions that I believe can coherently be thought of as ones of social justice. In Fraser’s terms, these concern justice within the domain of the political per se (see below). However, in Rawlsian terms too, conceiving of society as a system of cooperation that may or may not be fair involves procedural concerns regarding the nature of deliberation and justification within the ‘public political culture’ of a democratic society (Rawls 2001, 5–8). As such, I propose to consider the new Brazilian social assistance sector as a matter of social justice; as a phenomenon, or a project, even, that concerns itself with and raises questions of social justice.

It is important to clarify that my aim is not primarily to undertake an evaluation of the sector; to weigh up various factors and then pronounce the whole to be socially just or unjust. For one thing, this research has not involved the comprehensive sectoral data-
gathering that such a judgement would require; for another, that would not reflect the primary research question, which pertains to the merits of a particular approach to social justice evaluation. As such, what I intend the discussion to show is what a relational approach does to the normative parameters of an investigation; how various factors relevant to an evaluation in terms of social justice come into view which otherwise would have remained hidden. Doing so means that along the way evaluative terms and sentiments are of course used or implied, but the primary purpose is not to produce an overall moral judgement on the subject matter.

8.32 Decentralised and participatory: altering the historical formal-political structure

I’ll first simply consider what kind of thing the system of decentralised and participatory governance is; if this is a social justice project, then what is it trying to achieve and how? (For now I take this at face value and defer critical questions of problems and complications to §8.4.)

In the terms of Fraser’s 3-part division of social justice (outlined in Chapter 6), social assistance policy itself has aspects of economic distribution (for instance with cash transfers), and perhaps of recognition (for instance in ‘special’ social assistance relating to abuse or the community involvement of the disabled or elderly). However, I wish to suggest that understanding the significance and normative parameters of the social participation aspect of the sector requires attention to the third category – which Fraser nicknames ‘representation’ and which in §6.24 I clarified as ‘formal-political structure’ – and to the historical baseline preceding this episode (as per §5.35).

Quite a number of concepts have now been introduced, so it may be helpful to briefly recall where we are in relation to the overall theoretical framework of the thesis. Having arrived at an outline of a relational approach to social justice through Chapters 4 and 5, I then introduced Nancy Fraser’s 3-part conceptualisation of the practical domains of the politics of justice as a useful meso-level theory to aid empirical applications. This comprises (1) economic distribution and processes; (2) social-cultural recognition; (3) formal-political structure. The discussion in this chapter focusses on empirical usage of the last of these three (with Fraser’s caveat that the three are causally interactive), and divides it further into ‘procedural’ and ‘spatial’ variables. Thus, in the following diagram, the red box indicates where we are now.
Unpacking the idea of ‘formal-political structure’

Formal-political structure relates to questions of the political per se, which in Chapter 6 I argued fall into two types: questions about the constitution of political space itself – boundaries, scales, inclusion criteria, etc. – and questions about institutions that regulate political processes; how contestation and decision-making are organised, procedures of participation, voting, deliberation, and so on. Variables of the former type define the *spatial* aspect of a given political context, while variables of the latter type define the *procedural* aspect. Together these add up to the formal-political structure existing at a particular time, where structure is understood, as outlined in Chapters 4 and 5, as the comparatively durable background ‘givens’ to the agency of individual and group undertakings. This conceptualisation is summarised in the diagram below.
On this conceptualisation, we can understand the construction of the decentralised and participatory governance system in Brazil’s social assistance sector as an attempt to significantly change relevant aspects of the formal-political structure (on the right of the diagram) – thereby presenting different structural ‘givens’ to future actors – by altering the sorts of variables found on the left of the diagram.

This may seem like a complicated way of making a rather simple point, but it helps to explain two things.

The first is the idea of a category of justice where the relevant contested variables are purely to do with the domain of the political per se. The introduction of this governance system is an attempt to advance social justice in a domain that is not economic or distributive, nor to do with recognition, but rather purely related to the structure of political space and procedure.
Historical context

This is better understood through consideration of the second thing, which is the relevance of historical context to the normative parameters of a particular social justice question or project, as I have argued (§5.35) represents an advantage of a relational rather than contractarian approach. In order to fully understand what is at stake in this case we need to recall the historical situation that this participatory-democratic project has been a response to, namely a situation of widespread clientelism and paternalism where social assistance was available only through patron-client relations with regional political bosses, and/or through philanthropic aid from charitable or religious organisations or wealthy benefactors. In this scenario those who need assistance have no role in decisions that affect them regarding its administering or other conditions. They have no recourse if assistance is withdrawn (or not provided in the first place), and no method through which to raise a contestation or justice claim (an example of procedural factors); the political community relating to social assistance is drawn in such a way that recipients are not part of it (an example of spatial factors).

In other words, while of course there are political-economic and recognition aspects involved as well, we can identify that a key part of the historical situation of social assistance was a particular formal-political structure, and that this is what the new participatory governance system is attempting to alter. The origins of the older structure stemmed back through several eras to the period in the 17th and 18th century when the Portuguese crown attempted to intensify control and exploitation of the colony. This was done through a system of landowners who were awarded vast portions of land and the right to exploit these for lucrative products such as sugar-cane or Brazil-wood, in return for loyalty and military and administrative support, and the growing economic productivity of the colony. These land barons were immensely powerful within their considerable locales of influence, controlling huge numbers of tenant labourers and slaves, and appointing police, magistrates, tax collectors, and so on (Valença 1999, 5-8). Essentially they were semi-autonomous extensions of the central colonial state. Indeed, one major legacy of this latifundia mode of colonialism was the gradual solidification of this situation into the recognised system of coronelismo that peaked during the First Republic of 1889-1930. The newly republican state lacked the infrastructural capacity to penetrate far beyond metropolitan areas, and instead relied on a quid pro quo with the regional land barons, styled coronéis (colonels). Under this arrangement the large
population of labourers subsisting in dependence to the coronel would be delivered to state governments as a vote bank, while in return the coronel received funds to bestow benefits or public works on the local population, and a blind eye to his (sic) installing of family and allies in local public offices (Hentschke 2006, 286–87).

This represents a distinctive formal-political structure comprising a strong central federal government, but with weaker satellite state governments exercising power over local areas through a symbiotic relationship with a de facto oligarch in each area, who had the power to decide who entered into local government positions. Such social assistance-like activities that existed were subject to decisions taken by local governments (controlled by the coronéis) or by philanthropic religious organisations. This particular formal-political structure was altered to some extent with the advent of the Vargas era, where state power and capacity was strengthened considerably, but in many ways it survived the 1930 coup, and in some regions and in some forms persisted well into the late 20th century (Valença 1999).

Even with the inauguration of social assistance as public policy under Vargas’s authoritarian Estado Novo from 1937, the role of the state was still only that of facilitating the activities of private entities; religious and philanthropic groups provided assistance on the basis of charity, while, in the regions, the clientelist barons retained influence. The pervasiveness of paternalist or clientelist relations was not limited to the non-state arena, though, as Vargas introduced social insurance schemes for specific labour sectors to buy off unrest (Leubolt 2014, 2–3), and successfully inculcated a sense of social protection as a deliverance of presidential patronage, attaining the sobriquet ‘father of the poor’.

As such, part of what is new about the new Brazilian social assistance sector is, say, new and higher cash transfers, in an attempt to counteract social injustice in the distributive economic domain. But another striking aspect is the attempt to address unaccountability and people’s inability to initiate contestation over decisions that affect them; the sort of consideration at issue in Fraser’s claim that questions such as how things are decided and who decides are questions of justice in their own right.

In the actions taken in Brazil’s social assistance sector since 1988, this has been partly a case of trying to introduce involvement in decision-making of social groups who have historically been disadvantaged and embedded in patron-client relations. However, it has
also involved a more abstract attempt to re-shape the formal-political structure of the sector in such a way as to remove the underlying conditions that allow for the development of clientelism and patrimonial dependence, by institutionalising a system of sectoral management and policy decision that, in theory, automatically militates away from domination by powerful interests, in several ways.

Spatial variables

The ‘power-sharing’ design (Avritzer 2012) of 50% state and 50% society seeks to avoid either side attaining undue influence, and to act as an inbuilt accountability mechanism placing government social assistance officials under the burden of having to agree any decision with non-state actors, and of regular exposure to their concerns and opinions. The biannual alternation of council presidencies between state and society members relates to the same concerns.

Meanwhile, the further three-way division of the society component into representatives of relevant civil society groups, of social assistance professionals, and of users of social assistance is likewise intended to avoid the domination of any one particular interest. In particular the consequence that seats on every council will be held by users of social assistance and/or representatives from users’ groups suggests a marked overturning of the historical situation where recipients of assistance having a say in policy decisions was unimaginable. Furthermore, the novel method of selecting the society component of municipal councils – through a meeting entirely open to public participation and entirely closed to government participation – suggests that at least at the most grassroots level Fraser’s question of ‘who decides who decides?’ is in theory completely open.

Publicity is also an important element. The fact that council sessions at all levels are entirely open to the public, and their minuted records available online, means that in theory any citizen can scrutinise proceedings. This is a distinct departure from the prior situation where the decision-making processes leading to particular resolutions over social assistance-related issues were not knowable for the vast majority of citizens.

A further area of restructuring is in the considerable decentralisation designed into the system. This is slightly more vexed in relation to the historical precursors, in that under coronelismo decentralisation was a key condition allowing regional landowners to dominate local governance (a stronger centralised power might have precluded this
possibility). However, provided that the other features just mentioned are functioning correctly, then in the current system decentralisation should act as a further progressive restructuring device. As long as we can be satisfied that the membership of the council is legitimate, comprising government officials elected in legitimate local elections and non-state council members chosen through an open public meeting, then the fact that it oversees the social assistance budget and access to disbursements in the municipality should ward off the possibility of domination by powerful local actors, and of corrupt clientelist practices.\textsuperscript{31} At the same time, this level of decentralisation should also avoid excessive centralisation of power (of which the patrimonial power vested in the office of the president during the Estado Novo represents the acme). The municipal councils enjoy in many respects a direct relationship with the federal level. The state councils deal with specific state-level issues that arise, but don’t act as an intermediary between federal and municipal in all issues. This design feature is intended to avoid funds meant for local-level implementation having to pass through state governments and possibly be shuffled around into other areas of expenditure (and, more pessimistically, to cut out a further middleman and therefore opportunity for corruption).

The features mentioned above represent, on the whole, the relevant spatial variables, defining the make-up of political space for the participatory governance aspect of social assistance; the scales and boundaries of policy communities (municipal, state, federal), membership criteria for involvement, who counts as a stakeholder, who makes decisions, who decides who makes decisions, the jurisdiction of the decision-makers, and so on.

> Procedural variables

There are also a number of distinctive variables to do with procedural features regulating how activities are carried out within this space. These features clearly aim at being democratic, but which particular account of democracy best describes them is quite a

\textsuperscript{31} For instance, research presented by Hunter and Sugiyama (2013) on Bolsa Família has shown that the potential for corruption or client-patron dynamics in the programme is low owing to a combination of the important technical aspect of transfers being paid to recipients directly via an ATM-style card, and the more general sense of accountability and transparency created by citizen oversight and the abundance of clear information about how the programme should work. The programme has succeeded in ensuring that the vast majority of recipients perceive the transfers as a citizens’ right accessed on the basis of technical criteria rather than of local political give and take or vote buying. Typically clientelism in this sort of programme is made possible by recipients’ lack of information on how the programme is ideally supposed to function, and their impression that available benefits are gotten through murky and ad hoc channels that are personalistic and not open to scrutiny. This impression is what can be exploited by those on the ‘patron’ side of the relationship as recipients come reluctantly to accept this apparent modus vivendi.
complicated matter, but one that is relevant to social justice within the political category as conceptualised by Fraser. In literature on the social assistance sector its democratic governance aspect is frequently described using, in particular, the terms ‘deliberative’ and ‘participatory’, often somewhat interchangeably. However, deliberative democracy and participatory democracy can imply quite distinct theories and practices of political engagement (Floridia 2013). I believe that in fact the governance of the sector displays traits characteristic of primarily deliberative, but also participatory and representative models of democracy.

Cunha (2009, 185–88) argues that the system of social assistance councils and conferences reflects core principles of the ideal of deliberative democracy: equal participation in deliberation processes; publicity, understood both as the openness of proceedings and as the public, rather than partial, address of arguments given; and plurality, where deliberators recognise diverse others in the process as equals so that conflict addressed through dialogue can yield agreements. I would add that as well as these regulatory norms, the system’s design is clearly intended to, in a more qualitative sense, imbue decision-making with a deliberative character. The LOAS frequently valorises deliberation, and the typical format of council sessions (mandated by internal regulations) involves in-depth discussions with contributions from various speakers. The method of council members being split into subsidiary ‘thematic commissions’ which look into different questions (e.g. finance, operational rules, dissemination) in special detail and report to the main council session also reflects the commonly-held rationale for deliberative democracy that it increases the informational inputs into decision-making and leads to more ‘correct’ or ‘practically rational’ decisions (Cooke 2000, 952–53). In a well-known formulation by Habermas (1996, 305–6), who is a touchstone for many defences of deliberative democracy, the idea is that “the unforced force of the better argument” will be allowed to prevail. The content of deliberations is also open to assessment by others since they are published as minutes and resolutions, and meetings are open to the public. Additionally the meetings of the federal-level CNAS are live-streamed online; a particularly ambitious municipal CMAS in the Rio de Janeiro interior has applied for funding to install cameras in its own meeting place to do likewise.

As is pointed out by Floridia (2013), the desire to realise deliberative democracy has led to the development of various ‘participatory methods’ in the literal sense of methods to bring about participation in deliberative processes. However, in a stricter sense relating
to the respective theories and political histories of deliberative and participatory democracy, “not all forms of deliberation are ‘participative’; and not all forms of participation are ‘deliberative’” (3). What deliberative democracy rejects is an aggregative view of democracy, where voters’ preferences are simply ‘data’, static and waiting to be counted. Instead it emphasises the potential transformation of opinions and understandings through dialogue. What participatory democracy rejects, meanwhile, is the notion of representation; or, at least, it draws a sharp distinction between representation and direct participation and espouses a preference for significant amounts of the latter due to scepticism about the former.

At this point the two traditions arise from different motivations but are not necessarily incompatible. One trait that they significantly have in common is a fear of political apathy and of a lack of understanding of political issues on the part of citizens. Both traditions emphasise the potential of deliberation and political participation to have an educative role, raising political consciousness and community self-awareness and thereby the quality of democracy. This is reflected in regular training that council members receive to be better able to contribute to the council, and in projects to disseminate information about councils’ work to citizens and to try to catalyse greater involvement of the public. Again, this is significant in relation to the historical context of low education for a large stratum of the population that had, anyway, long since become accustomed to having no influence in political questions.

However, the nub of the difference between the two visions relates to a different view of political decision-making. In participatory democracy, decision-making happens through the direct action of citizens who exercise power and decide over issues affecting their lives. In deliberative democracy, deliberation is a step or phase preceding decision, which imbues that decision with greater legitimacy, but it is not the decision itself; that must happen within legitimate institutionalised democratic procedures. This is the meaning of Habermas’s idea of ‘two-track’ legitimacy; legitimate deliberation procedures and legitimate decision procedures (Floridia 2013, 3-6). While deliberative democracy aims at provisionally binding decisions, the deliberation itself is only to ‘influence’ a decision that will be taken by appointed decision-makers like a government or other leaders (Gutmann and Thompson 2009, 5).
In light of this, we can see that the system of governance in Brazilian social assistance sits in a complex relation to these traditions. While, as above, the tradition of deliberative democracy would appear to be the predominant model, there are other aspects more reflective of participatory democracy and which would be at odds with a strict deliberative ideal. For example, there are instances of direct decision-power wielding by citizens; all members of councils (i.e. including non-state members) vote on questions of policy and through doing so create binding resolutions. An open meeting of citizens – to which anybody can come – selects which organisations will have seats on municipal councils. And at municipal, state, and national conferences held annually, members of the public can simply turn up and participate from the floor. All present vote over agenda-setting proposals to be given to councils. Members of the public unattached to particular organisations could even, in theory at least, be elected as delegates from municipal or state conferences to attend the subsequent higher level conference (Pogrebinschi 2012, 62). As such, many decisions are not only taken by democratically elected individuals who have become part of the state proper, but also by members of ‘society’ who directly exercise power as well as deliberating.

However, such participation as exists is clearly only partial in comparison with pure notions of participatory democracy, where all citizens affected by a decision will exercise power in that decision. The non-state council members are in a sense performing a representative role; while they are citizens directly exercising power, there are obviously many more citizens who are not, and the role of the non-state council members is to represent them, particularly those who are specifically designated as representatives of users of social assistance. Nevertheless, they are not representatives in the same sense as elected officials with a mandate drawn from a public election; that is the role of the government members of the council (typically comprising elected politicians and members of their appointed departmental staff) who are designated as representatives of ‘public power’.

As such, in what I have defined as the ‘procedural aspect’ of Fraser’s formal-political space category, the system of decentralised and participatory governance is designed to function predominantly in the mode of deliberative democracy, but also blends in some aspects of participatory and representative models at different moments. Understanding this, in conjunction with the nature of the ‘spatial’ aspects of the system, is a necessary step towards grasping various factors relevant to social justice, as expanded on below.
Furthermore, it is only when considered in relation to the historical context – in the terms used here, the pre-existing formal-political structure – that we can properly assess the real meaning and value of an action. In contemporary Brazil the agential construction of a new social assistance system has taken place upon the structural ‘stage’ bequeathed by a colonial legacy, wide and ingrained inequality, clientelism, and the political disempowerment of broad swaths of the population. In a counterfactual scenario of greater equality, relatively healthy levels of normal political participation, diverse social groups in political power, and a long-since well-established rational-bureaucratic framework resistant to elite domination, a substantially different political character to the sector might be preferable. In other words, the historical context significantly determines what the pertinent injustices to be addressed are considered to be, and what the appropriate social justice-oriented responses are.

8.4 Complications for the ideal

The previous section analysed the design of the social assistance sector’s decentralised and participatory management system largely as a design. This was in order to explain how a relational approach would analytically frame the social justice questions raised by this context, and how this aids understanding even just of what the system can be taken to be trying to achieve. However, as outlined in Chapter 5, an important aspect of this approach is to take the idea of basic structure – our ‘primary subject matter’ in thinking about social justice (Rawls 2001, 10–12; Young 2006b) – and expand it from a largely formal and legalistic notion relating to laws, policies, and official institutions (such as the design and legal basis of the Brazilian social assistance sector), into a more sociological notion of structure. This means considering the durable background features of societies – including laws and institutions, but also elements such as economic processes, cultural norms, prevalent symbolic and discursive practices, social group relations, and the like – that provide the background conditions to agency. By virtue of being in a bi-directional causal relationship with agents, such structural features are normatively evaluable (see §5.31). They also condition the functioning of particular initiatives or processes and so are relevant in an analytical, explanatory sense. These considerations are part of the reason for Fraser’s clarification that all three of the heuristic categories of justice are to be thought of as interacting causally. They are also the motivation for a relational approach’s preference for a historicaised and contextualised approach to questions of justice, and the assertion that we require a usable social theory of injustice;
one which goes beyond what normative theory about principles is able to provide in terms of worldly application, but which our ideal-level theory must also cohere with and enable, given that normative ideal theory provides the ‘tracks’ that structure subsequent thought and action.

The above is essentially what is at issue if we consider a number of factors that complicate the social justice project that I, relatively uncritically, outlined in the previous section.

8.41 Spatial

I explained above that the political design of the new social assistance sector responds to the historical baseline – the exclusion, from decision-making and contestation over social assistance, of socio-economic groups most likely to be recipients of (or to need) social assistance – with features such as the state/society power-sharing principle, the mandatory inclusion of recipients or their representatives on councils, and the publicity of all decision-making and deliberation. However, these measures do not by themselves automatically overturn the historical situation; opening up the management and policy process to social participation does not guarantee that who participates will not simply reflect existing social inequalities or marginalisation.

This is an issue that some council members are aware of. For instance, one municipal council is beginning to undertake “a big labour of outreach, education and conscientization”\(^{32}\) in schools and community centres in the periphery of their city (where poorer households are clustered). This is in response to a worry that many people who might benefit from raising issues in the CMAS either don’t know about it or don’t view it as significant or relevant to them, and the aim is to increase attendance of such people at meetings, and to reach recipients of social assistance who might be interested in putting themselves forward for the council seats allocated to ‘users of social assistance’. In another municipality, the social assistance department supports one of the seat-holding civil society organisations to organise large monthly gatherings at different locations around the more peripheral areas of the municipality, at which residents can

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\(^{32}\) Interview with government official in charge of supporting state-society councils and commissions in a Rio de Janeiro municipality
make requests for issues to be raised at council sessions.\textsuperscript{33} They can also make personal claims for social assistance, and/or become registered on the Cadastro Único. In this municipality (as in many) a major issue is documentation among the poor and homeless, a lack of which means that many people do not and cannot access social assistance. The proactive and targeted outreach is a recent and intentional shift in approach; nowadays the department specifically goes out to neighbourhoods in the periphery to register people and to raise awareness of the function of the CMAS, rather than waiting for residents to come to them.

In these instances, the efficacy of the institutional initiative aimed at advancing social justice is complicated by historical-structural factors. Specifically, in the terms of the Fraser-derived framework above, the attempt to transmit justice in the arena of political space experiences signal interference from the category of ‘redistribution’. This is due to the differentiating effect that economic deprivation and attendant factors such as lack of education and social marginalisation have on likelihood and ability to participate. There is also the more prosaic fact of government buildings and CMAS locations being in town centres; in most Rio de Janeiro municipalities the ‘periphery’ is a phenomenon in which the socio-economic and the geographical meet, and the homes of the poorer population tend to be geographically distant from the urban centre. Almost uniformly, council members interviewed commented that the involvement of social assistance recipients themselves is weak; this tallies with the findings of research surveys (e.g. Cunha 2010, 121–24). This is particularly an issue given that this group was arguably the primary intended beneficiary group of the alteration in political structure in light of their historical exclusion.

As such, the Rawlsian idea of equal opportunity to participate in the political process or to hold office – the guarantee of ‘fair value of the political liberties’ (discussed in §4.33) – is complicated in this context. For some people, the opening up of social assistance governance to social participation represents a straightforward opportunity that they are able to come forward and claim should they wish to, but for others this is not so. Now, the fact that different people might have different abilities and propensities to take up this opportunity is not, by itself, troubling vis-à-vis social justice; that could simply innocuously reflect the diversity of individuals in a normal society. It is when we, like the

\textsuperscript{33} Interview with (government) president of the CMAS in a Rio de Janeiro municipality. The municipality is quite large and has high levels of poverty and destitution, hence this tactic.
interviewees mentioned above, note that the issue cleaves markedly along social group lines – in this case a socio-economic group – that this does become relevant to the question of social justice. Specifically, the issue of ‘difference’ in both external and internal senses (see §5.33) comes into play; differences in positionality and relations, but also in personal attributes of individuals such as education, attitudes, etc. that will shape participation levels. This leads Cunha (2010, 96) to describe the social assistance councils as facing a “double challenge” of not only political inclusion but also social inclusion; an aspect, that, she argues, is revealed when moving beyond an abstracted liberal picture of the individuals involved in the councils. This is part of, in my terms, broadening the notion of basic structure into a more sociological and historical idea.

A further important spatial aspect of the attempt to alter formal-political structure in social assistance is decentralisation, intended to bring democratic power closer to citizens by allowing local areas greater latitude in defining courses of action appropriate for their specificities. One complication that this generates is that different places’ experiences of the participatory management system can be widely divergent; the nature and consequences of such democratic initiatives is highly context-dependent on the socio-political and institutional baseline present during the establishment of the initiatives and their ongoing operation (Cunha 2009, 185; Avritzer 2012, 122). For instance, a study using an index measuring the ‘intensity’ of political participation in selected municipalities notes that places such as Porto Alegre, Belo Horizonte, and Recife, which have a long tradition and established infrastructure of popular participation, rank very highly when measuring participation in contemporary local democracy initiatives. Conversely, municipalities with historically minimal levels of popular participation and high incidence of clientelism, particularly in the poorer north east of Brazil, display very low intensity of participation in the new post-’88 initiatives of local democracy (Pires and Vaz 2010, 261–62). (The Rio de Janeiro municipalities in their sample fall around the middle of the rankings.) Additionally, higher and lower intensities of participation between different municipalities are clearly correlated with higher and lower HDI (human development index) and income measurements (ibid., 263–64).

Some members of municipal councils are cynical about their relationship with the state and federal councils in the three-tier structure. According to the government secretary of social assistance in one municipality, “[t]he national council just dictates rules – the
same with the state. Really [these higher-level councils] just exist because of protocol, to satisfy the law... but going by the content of the law there should be much more interaction and feedback. [...] Things are imposed on us, top down, contrary to the constitution, which says that there should be a dialogue.” On the other hand the municipal councils may have some advantages over the higher levels: “Today in [our municipality] the CMAS is very organised and established, very participative, we have a good integration between civil society and government. [...] The state and federal levels are still much more fragile – I think in the municipal councils we strongly feel the responsibility to look after our local areas, whereas the state and national councils don’t have this natural connection to specific places. And they don’t ask the municipalities enough about what is going on there, there is not enough feedback. [...] The reality of Mesquita is not the reality of Nova Iguaçu.34 Who defends this place right here? No-one else!” “Often we just find ways to organise ourselves here, resolve issues here, and not pay too much attention to what happens at the higher levels.”

8.42 Procedural

As mentioned in the previous section, fostering substantial rates of involvement of recipients of social assistance has been a challenge. Involving the construction of a political community and questions of inclusion/exclusion, this fits into what I’ve defined as a ‘spatial’ issue, within Fraser concept of representation. Procedurally, meanwhile, the project’s attempt to alter formal-political structure is primarily focussed on operating through and realising a deliberative model of democracy. This too faces a number of complexities, such as in relation to the deliberative-democratic ideal of equal participation, meaning that there are complications for not only spatial but also procedural aspects. As the (society side) president of one municipal council commented: “Firstly we lack representation from recipients, but also, what kind of participation is it going to be?”; she worried that the frequency and quality of contributions from recipients who are involved tends to be limited. Meanwhile, according to a member of the state council, “the role of the government side is very strong, they have great articulacy, capacity... I think they have a preponderance, within the council”. Worries like these point not just to participation per se, but the nature of that participation and of the practice of deliberation.

34 Neighbouring municipalities in the greater Rio metropolitan area – names changed
Such concerns tally with worries about deliberative norms that arise from preoccupations typical of a relational approach, and can be seen in light of the theoretical debate on deliberative democracy. For instance, Young (2001) raises a series of problems for deliberativists; in turn, Kadlec and Friedman (2007) wish to take these seriously but ultimately to suggest that these are not fatal problems for the theory and practice of deliberative democracy. This exchange is instructive in relation to the case of Brazil’s social assistance sector. I believe that, taking seriously the features of a relational approach outlined in Chapter 5 and considering the empirical example at hand, we can see ways in which Young raises legitimate concerns about the deliberative ideal, but also wrongly downplays a number of possible ways in which practices of deliberation could themselves over time mitigate some of these worries.

Young’s primary point is that the existence of structural inequalities in societies means that we should not be naïve about the notion of equality within deliberation. She stages a four-step dialogue between an advocate of what she terms an ‘activist’ view, critiquing deliberative norms of political action, and a defender of these norms. (For the avoidance of confusion, I am not presenting this activist view as an avatar of the approach to social justice that I advocate in the thesis overall, since, as the discussion below will reveal, I am not in agreement with all of the relevant points.)

The first criticism is that in the real world the disempowered should be mistrustful of formal political processes, which are almost always dominated by elites and powerful interests. Deliberation takes place, certainly, but normally it excludes the disadvantaged and powerless, and often is not public. This criticism, Young says, can easily be responded to; the deliberative aspect might be fulfilled, but the democratic aspect not, so true deliberative democracy would need to overcome this. Such is what, at the most minimal level, the new system in Brazil is trying to overcome, and it achieves this through the publicness of the councils and conferences, and the mandatory inclusion of non-government and recipient members on councils, directly overturning the historical situation in the (quasi) social assistance sector, which would indeed have merited this critique.

The activist critic then points out that mere formal inclusion is not sufficient. Prevailing inequalities mean that certain actors always have more power in the deliberative situation, greater access to those facilitating the deliberation, more ease of participation,
etc., and are typically able to dominate proceedings. Again, this is relatively easy to respond to; for true deliberative democracy we should engage and argue with those who design such deliberative fora to avoid this. And again, this is relatively straightforward in the case of the Brazilian social assistance sector, being the rationale behind the power-sharing design, the 50-50 state/society membership of the councils, the alternating presidency, and so on. This can be seen in action in episodes such as one mentioned by a member of the Rio de Janeiro state council. The annual budget governing spending allocations for social assistance cannot be put into law without the agreement of all of the council; this is a constitutional requirement. In 2013 the passing of a new budget blueprint was blocked for 18 months by the society component of the state council, until they agreed to its contents. More challenging is the issue of the involvement of poor and typically socially marginal recipients of social assistance, as mentioned above, but the outreach activities of some municipalities aim to address this.

The critic then, thirdly, complains that even if we can create a deliberative space that can overcome these first two problems, social context and prevailing power constrains in an unjustifiable way the agenda of matters that are up for deliberation. Such an agenda should be open to normative scrutiny, rather than a given. If some of these assumed things are actually unjust, then by participating in the deliberative process that assumes them we tacitly assent and thereby legitimate the injustice. Therefore, it would be wrong to engage in such a process. This was not something that anybody interviewed for this project raised, but it is clear that by their very nature the policy councils and conferences held within the social assistance sector operate with agendas for deliberation whose possible subjects are relatively circumscribed. This is partly due to the fact of being sectoral – simply being within the social assistance sector implies certain boundaries to discussion – and partly due to the hierarchy at work; municipal councils are constrained in some respects by what state councils decide; state councils by what the national council decides; the national council is (in practice) constrained by what the Ministry is willing to countenance; and the Ministry is constrained by the overall direction of government and the executive power of the president’s office. Regarding how much of a problem this is, I return to this point below.

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35 Interview with civil society member of the Rio de Janeiro state CEAS
36 Ministry of Social and Agrarian Development. Prior to the removal of President Dilma Rousseff in 2016 the ministry in question was known as the Ministry of Social Development and Fighting Hunger. This was merged with the Ministry of Agrarian Development by the new interim president Michel Temer.
Fourthly and finally, the activist worries that, even if we have managed to resolve all of the above – to create a deliberative space that is inclusive, public, not dominated by the powerful, and sufficiently removed from immediate political assumptions that fundamental questions can be discussed – we have, nevertheless, the problem of ‘hegemonic discourse’. This was, in my interpretation, a common theme across conversations with council participants. Several interviewees commented that recipients of social assistance have a less authoritative presence within discussions. Or, for instance, in a municipal council: “If the deaf or blind, if disabled users of social assistance participate, it is harder for them. [...] The council can be a trying experience.” 37 Or in relation to the balance between the state and society components: “I’ve never known it to be a situation of ‘controlling by force’ or suchlike, there is always a discourse of ‘oh, very democratic’. But [the government members] are more prepared, more articulate, have greater capacity”. 38 In particular, a common sentiment among interviewees was that the government members of councils are generally considerably more literate in economics and fiscal matters, and often the society members need to be helped to understand proposals in this area. However (my comment now), economics is not an apolitical and ideology-free science.

In other words, this issue is to do with the idea that when people enter into deliberation – even if under the rarefied conditions that Young’s activist has demanded – they don’t cease to be social beings who have developed in a certain way in the social milieu, using language in particular ways and basing their thoughts and proposals on certain assumptions in the manner that is a pre-condition for any kind of thought. These aspects can reflect the inequalities that are supposedly ‘outside the room’ and condition the nature of the deliberation that takes place within it. Certain participants’ way of speaking will automatically elevate (or decrease) their status and influence; perhaps their skill at putting across an argument, maybe the signifiers of social class or education. Again, this relates to ‘difference’ in both the internal and external senses (§5.23). When council members enter the deliberative space, basic structure has already gone a long way towards both a) differentially shaping the socialisation and personal development of individuals, and thus their internal attributes such as confidence, articulacy, argumentative ability, knowledge of pertinent subjects (economics, policy, etc.), and b) furnishing well-established social group relations and norms of speech and behaviour.

37 Interview with civil society president of a municipal CMAS
38 Interview with civil society member of the Rio de Janeiro state CEAS
that confer more or less power on different participants in this social interaction. This is a further way in which the practical operation of the initiative in the domain of formal-political structure is acted upon causally by factors from the domains of political economy (‘redistribution’) and cultural normativity (‘recognition’).

However, Kadlec and Friedman (2007) argue that Young’s critique is guilty of a too-monolithic conception of insurmountable structures of inequality and power relations, and a too-narrow and pessimistic conception of deliberation, such that the latter could never do anything about the former. In other words, Young’s picture is all structure with insufficient room for action and agency. To any student of Young’s work this will sound a surprising allegation, and in the argument in question (e.g. Young 2001) her stance is more nuanced. Indeed, this reflects how a relational approach would take seriously the idea of the bi-directional causal relationship between structures and agents (§5.21). Whether or not their criticism of Young on this point is fair, I believe that from a relational perspective we should heed Kadlec and Friedman’s call not to disregard the capacity of ordinary citizens to be critically aware of contextual inequalities and to challenge structures through the activity of deliberation (2007, 6).

Additionally, what I think they do correctly object to in Young’s critique is that it fails to consider whether the practice of deliberative democracy itself could contribute to social change, perhaps gradually. It seems that for Young, such as in her ‘activist’ character’s third line of argument, a project either legitimates and reinforces structures, or is something completely different in nature and undermines them. This over-simplification has problematic implications.

First is her suggestion that overcoming the problem of constrained agendas requires deliberative settings where all fundamental economic and social structures can be up for debate. In Young’s dialogue, the deliberative democrat sees the force of the activist’s argument and agrees that true deliberative democracy requires this. However, I am unconvinced that the deliberativist should accept this, as it unfairly forces her to propose deliberative democracy in an untenable form. This last resort of a no-holds-barred deliberative carte blanche seems infeasible in practice; if deliberative councils, forums, policy units, and so on can only ever operate on the basis that anything is fair game for discussion then clearly such processes would serve little useful function and be extremely time-consuming. Discussions of this nature would surely only be able to be
staged at particular and not very frequent times, rather than allowed in every procedure of deliberative democracy. If this were the only form of deliberative democracy allowable then it would indeed seem a questionable proposal.

Second, and relatedly, the assumption that political projects divide cleanly into those that legitimate and reinforce unjust structures and those that undermine them means that Young doesn’t countenance that a project could be doing both but in different ways. Or that, perhaps, even while the way that a particular deliberative-democratic project plays out might reflect pre-existing inequalities, simply the praxis of carrying out the event, and many others like it, might in small ways chip away at those inequalities, create moments of opening, windows of opportunities, small victories, and so on. Even though – as most would surely recognise – formal inclusion alone is not sufficient, it is also not therefore simply causally null, an inconsequential event without implications. This is particularly relevant when considered historically. In relation to the specific ills that the participatory and decentralised governance initiative aims to remedy – unaccountability, clientelism, and the exclusion of the poor from decisions over matters affecting their lives – it is possible that even a minimally functional infrastructure of deliberative democracy, whatever its limitations might be, will in the medium-term amount to a significant advance against the relevant injustices.

This can be so in two ways. Firstly, the spread of deliberative practices and the fact of citizens from poor or socially marginalised groups being present in such practices – and functioning as role models and/or conduits for information – could have gradual effects on political consciousness, education and engagement among such groups. Secondly, the simple fact of including previously excluded groups in contestation and decision-making is likely to have effects on the direction of politics.

This latter point is interesting in light of a common complaint from council members interviewed. According to the LOAS, council members are supposed to deliberate from the point of view of the common interest, i.e. impartially and thinking about the overall good of society rather than the specific social or interest group that they personally come from. Several interviewees complained that many council members sometimes fail to do this. “Unfortunately what happens is that each group wants to fight for their own piece of cake, have disputes of power, and that’s where tensions arise.”

39 Civil society participant in a municipal council in the Rio de Janeiro interior
self-interest in deliberations and arguments, so there can be a lack of a collective viewpoint. More political education is needed to understand the role of the citizen in politics. It’s important for people who understand this to pass on this idea of the group, of society, rather than specific interest.”

However, in relation to this issue another interviewee commented “When I look at the micro, it’s easy to think ‘what is the point of all these councils, all these disputes?’ But when I look at the macro, I see that with the construction of civil society, things have improved for the population, more social assistance, more people reading and writing, more recognition, better access to services. Lots of improvements. It’s not perfect, but when I look at the micro it looks like every organisation is out to get its own resources or look after its own interests, but when I look at the macro I see that all of this is headed on a path.” As this suggests, it may not be the case that a strict deliberative ideal of impartial public rationality needs to be practiced for the initiative to have progressive effects; perhaps the council members from the trade union, the homeless movement, and the women’s shelter all argue amongst themselves, but just the fact of the inclusion of such groups in the decision-making process is likely to have significant consequences.

For a relational approach, gauging the actuality of such possible advances, and how they weigh up against the pitfalls of legitimation, would be part of evaluating the degree to which the direction of travel of an initiative such as this one is transformative as opposed to affirmative of durable injustices. The brief discussion immediately above (about ways in which the ripples of cause and effect from the praxis of deliberative democracy in the social assistance sector might mitigate Young’s worries about deliberativism) is mainly conjectural as this research has not addressed these quite expansive empirical questions. The intention in highlighting these ‘complications’ – spatial and procedural – is to illustrate the sorts of concerns that a relational approach raises; these, I believe, also tally with and can shed light on concerns raised by participants in the context in question. To explain this further I’d like to briefly raise a more specific example.

8.43 Example: the involvement of the homeless population

Almost every council participant interviewed raised the issue of the involvement of homeless people in the councils and conferences; that is, when reflecting on how their own councils functioned, they felt that a weak point was no or very limited participation

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40 Civil society member of the state-level council
from the ‘street population’ (população em situação de rua\textsuperscript{41}). This also ties in with this group’s general disconnection from social assistance as a whole; a nationwide survey found that 88.5% of the street population do not access any government services whatsoever (WWP 2015, 7). Homelessness is a widespread and long-established phenomenon in Brazil as a whole and in Rio de Janeiro (SMDS 2014), where homeless people are a ubiquitous presence throughout the city.

I am unaware of whether there could be an explanation for why this issue was raised by most interviewees at that particular time – recent media coverage of the homeless, for instance – or whether it has simply grown into a common concern. But at any rate, considering the universal intent of the LOAS, this seems to identify a clear issue for the social assistance sector considered, as per §8.31, as a project of social justice. This suggests that this would be a valuable area for further, more empirically-focussed research, investigating the topic of the participation of the street population in the social assistance sector. Such research could usefully be carried out on the basis of a relational approach to social justice; this can be seen in the nature of the relevant lines of inquiry.

An inquiry concerned with social justice operates with a rule-of-thumb norm or principle; in §5.24 I argued that in a relational approach this would be a ‘negative identificatory norm’, namely that a social injustice is where it is an outcome of the prevailing basic structure – for instance of dynamic and evolving but well-established processes of economic production, cultural normativity, and political power – that a particular social group enters into social interaction in an unequal relation with other groups in that interaction, or that a particular social position is constituted in an impartially unjustifiable relation to other positions or groups. The ways in which this is the case with the question of the participation of the street population in the social assistance sector, the reasons why, and possible strategies for counteraction, would, then, be the subject of a social justice-focussed investigation into this context.

To my mind there are three lines of inquiry that initially present themselves in relation to this topic. (Here I simply take my bearings from the issues raised by council members interviewed, and secondary sources; empirical investigation of this topic, including

\textsuperscript{41} Very literally, ‘population in the situation/condition/position of the street’. The term is essentially interchangeable with the English designation ‘homeless people’, and I use it as such, but perhaps has the merit of reflecting the idea of living on the streets – developing ways of being in that social-spatial locale – as opposed to simply lacking housing, which is an analytical distinction that is relevant to some of the considerations in this section.
gathering primary data from homeless council participants/non-participants, would be a different enterprise.)

One is similar to the discussion in §8.42 regarding complications for the deliberative-democratic ideals of the participatory and decentralised management system. As with Cunha’s (2010, 96) identification (mentioned earlier) of the “double challenge” facing the social assistance councils – political and social inclusion – formal openness doesn’t guarantee actual involvement. For instance, the public meetings that select the ‘society’ representatives on the councils give a striking openness to the question of who will attain the decision-making power of a council seat, suggesting that this would be the route for the otherwise powerless to attempt to gain influence. But when asked to reflect on whether there are any groups or organisations under-represented in this process, out of those germane to the sector, a civil society member of the state council singled out the homeless population as conspicuous by its absence.42 Furthermore, as seen earlier, as much as formal inclusion doesn’t automatically mean actual inclusion, actual inclusion doesn’t automatically mean equal status and dialogue in a social contract-like situation. For instance, while there is typically representation from the political movement of the street population on the state council, “they do not have a ‘commanding voice’” (voz de comando).43 This is a slightly less tangible, quantifiable issue, but nevertheless an important one.

A second line of inquiry is slightly different. Several interviewees commented in relation to this topic that part of the challenge was considerable apathy on the part of many homeless people towards the social assistance sector in general, both the idea of accessing as a citizens’ right services or transfers, and the idea of becoming involved politically in contesting policy and participating in deliberation. “The street population now have a strong organisation [the MNPR, see below] but possibly they don’t understand the importance of participating in the social assistance council, that it can help them”.44 A participant in the state council who works professionally with homeless people commented: “The lives of many homeless people are very oppressed. […] Sometimes you try to tell people ‘You have rights!’ and they just say ‘nah...’. They don’t

42 Interview with civil society member of the state CEAS
43 Interview with a state member of the Rio de Janeiro state CEAS
44 Interview with civil society member of the state CEAS
trust the system. The municipal guard just comes and beats them...”45 (i.e. that is their overriding experience of officialdom). As such, this question is focussed on something about the relevant individuals themselves. Worries like these relate to what I called the ‘internal’ form of difference (§5.33); the differential effect that being situated in a particular social group or position has on individuals’ personal characteristics and behaviours. While, trivially, all individuals are different, if such differences cleave along social group lines and result in a certain group entering into social interaction on an unequal footing, then the criteria of the ‘identificatory norm’ above are met. Understanding this from a social justice perspective calls for integration with social theory that can grasp the link from structure (the nature of the street population as a defined social group positioned in a certain relation to the rest of society) to individual traits and habituated actions. For instance, a concept such as Bourdieu’s idea of ‘habitus’ could be apposite insofar as it seeks to account for regularities in dispositions and behaviour among social groups, in absence of rules or coercion. Here I leave this just as a suggestion, informed by Young’s (2006b, 97) argument that this kind of theory – including ‘habitus’ in particular – would enable a useful intermediary for the extension of social justice theory into empirical applications.

Meanwhile, this question of apathy and scepticism towards social assistance institutions can also have aspects of ‘external’ difference (the idea that a group’s relations to other groups and to prevailing institutions mean that people are positioned differently (§5.33)). For instance, the common condition among the homeless population of being sem documentação (without documents) may seem at a glance like a rather prosaic administrative matter, but is in fact a major issue, particularly since it can be a condition that people are born into. “Currently one of the things that takes most of our attention is people without documents. At the moment there are lots of children in the municipality who ‘don’t exist’. Lots of children in the whole country who ‘don’t exist’. “46 Because of this there is a significant population of people who have always lived ‘off the grid’, with the result that the proactive protective institutions of the state, such as in health or social assistance, are not effectuated for such people. “Another difficulty with rights, with the laws, is that when they were made, they weren’t conceived and constructed with homeless people in mind. For example, the CPF number – you need it to access almost

45 Interview with participant in the state CEAS
46 Interview with civil society council member in a municipality in the greater Rio metropolitan area
everything that the laws give you a right to, but people don’t have this on the street.”

The CPF number is a (putatively) universal registry of identity used by the Federal Revenue. A unique number is assigned to every citizen or resident, and is required in all walks of life; getting a bank account, applying for a job, accessing state benefits or services, accessing healthcare, etc. Without a CPF a ‘normal’ life is essentially impossible. Thus, the widespread situation among the homeless population of being sem documentação is an aspect of ‘external’ difference – the relation between this group and society at large – that likely further explains disconnection from the social assistance sector.

If the above sketches – of inequality within formal deliberative equality, and of the relevance of internal and external difference – are accurate then it seems plausible that justice in this context requires measures that proactively and specifically respond to these factors, which implies taking the homeless population as a distinct group or collectivity with a claim to justice.

This in fact relates to the third area that I wish to highlight as being pressing for an investigation into this context undertaken on the basis of a relational approach. This concerns, more optimistically, events that would seem on the face of it to represent ‘advances’ for social justice in relation to the homeless population, and what the conditions for this were. There now exists a well-established and nationwide social movement of the street population, the Movimento Nacional da População de Rua (MNPR – National Movement of the Street Population). This was catalysed in 2004 by a cluster of violent and fatal attacks on homeless people in São Paulo, leading to demonstrations and ultimately the formation of a movement. This movement marched on the Congress in Brasília in 2005, gaining an audience with President Lula which ultimately led to a National Meeting and the amendment of the original 1993 law of social assistance (LOAS) to include the service of social assistance to homeless people (Brasil 2005). Further mobilisation led to a second National Meeting in 2009 and the creation of a decreto (decree) outlining a ‘National Policy on Homeless People’ (Brasil 2009). This is highly practically significant as it provides the legal basis for particular laws, policies and agencies addressing the rights and needs of the homeless population.

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47 Interview with participant in the state CEAS
As pointed out to me by an interviewee, the 2005 amendment is striking for being the first time that homeless people are explicitly mentioned in Brazilian law (WWP 2015, 3), while the 2009 decree is the first time that the street population is recognised as a specific social group with distinct rights, experiences, and needs (Brasil 2009, Art. 1o). Meanwhile, the movement represents arguably the first large-scale moment of conscious group self-recognition of the street population nationally in Brazil (MNPR 2010, 28–29). It is now one of the most significant social movements in Brazil, and at the time of my visit had two members on the national council of social assistance in Brasília. It undertakes a variety of actions such as large occupations, demonstrations, and national congresses (Baumgarten 2013, 9). The legal measures have now changed everyday conditions. “Before this the homeless were always criminalised. The Penal Code before this outlawed hanging around, asking for money, sleeping on the streets. But thanks to the organisation of the Movimento Nacional meeting there in Brasília to get the public policy, came the first law.”

The movement currently campaigns to see the National Policy that is provided for in the 2009 decree realized and implemented by social assistance departments across the country. According to movement leaders, they consider their most important task as being building the self-esteem of their fellow homeless and overcoming the lack of belief in their rights (Baumgarten 2013, 7).

As such, insofar as these things can be considered as advances for social justice in relation to the street population, it seems that a paradigmatic case of ‘recognition’ has been behind these advances. The street population becoming recognised as a distinct group, both by themselves and by official laws and institutions, set in motion the basis for some – still germinal – legal, political and cultural changes. Moreover, the social justice questions in this context are only visible when theorizing social groups or positional collectivities as the subjects of injustice, as per §5.22. The street population in Brazil is a more substantial phenomenon than merely a particular range or pattern in the distribution of goods and rights; it is a structurally and historically durable social group, membership of which has causal effects on how a person’s life will go. Recognising this was a necessary pre-condition to more progressive legislation and social policy.

48 Interview with participant in the Rio de Janeiro state CEAS
49 Interview with participant in the Rio de Janeiro state CEAS
8.5 Conclusions

Social assistance in Brazil, and its integration with democratic participation, could be discussed from a variety of perspectives. However, as I have argued in this chapter, a persuasive case can be made for seeing this as a matter of social justice, given the important range of strongly normative, rather than merely technical, questions involved. More specifically, a relational approach to social justice affords distinctive insights, through its inclusion of a dimension of in/justice that is specifically to do with questions of the political per se, through its adherence to a historicised approach to understanding social injustices, and through its characteristic ontology of social relations between different groups arising out of the interaction with structural context. An analysis on this basis helps us to understand more fully what the system of decentralised and participatory governance in social assistance is attempting to achieve, and a number of important ways in which this represents advances for social justice; equally, it uncovers a number of challenges for the real-world functioning of this participatory-democratic experiment as against its ideal institutional description.

By contrast, although deliberative citizen councils and conferences have obvious resonances with contractarian imagery, their significance goes beyond that of a discursive space legitimating social arrangements. They are more accurately seen as an attempt to address historical injustices faced by specific groups and social positions, within the domain of political power (‘representation’). Their success or otherwise should thus be judged by the extent to which they overcome this to achieve a comparatively transformative (§5.25) alteration in formal-political structure. An additional pitfall of beginning analysis from a liberal contractarian framing is the obscuring of ontologically group-based inequalities, of the type that this initial investigation strongly suggests currently mars the participation of the street population in the social assistance sector. Similarly, important questions about inequalities and cross-cutting social difference internal to deliberative spaces would remain invisible were we to assume that councils can straightforwardly function as quasi-social contract interactions. As such, this chapter’s more specific investigation echoes the reasons for wariness of the broader trope of Brazil’s new social contract; an attractive but potentially misleading narrative.
9. Conclusions

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9.1 Introduction: the overall theoretical argument

In this thesis I have addressed the primary research question of whether a relational approach to social justice can provide a coherent and persuasive alternative to the liberal social contract account. I have answered broadly in the affirmative. While a liberal account such as Rawls's mature ‘justice as fairness’ can reply to many traditional relational critiques, and contains insights that remain important, it is inadequate to the task of diagnosing and understanding real-world instances of social injustice and how they either persist or are overcome. The reasons for this primarily relate to the overall purpose and mode of theory and to basic questions of social ontology, and thus necessitate a substantially different approach, one that makes use of critical social theory’s understanding of supra-individual social phenomena such as relations, groups, social structure, historical causality, and the like. A thus-altered ‘factual picture’ – even if the ‘value commitments’ of liberal egalitarianism are retained (Mills 2000) – provides the basis for a distinct relational approach as a full account of social justice and injustice. Outlining such an approach in full was beyond the scope of this project, but I have offered conclusions regarding what its theoretical bases would be; its theoretical
aims and mode, ontology, empirical ‘space’ or domains of assessment, normative basis, and practical and social-theoretic implications. The later chapters further explored the practical and evaluative implications of adopting a relational approach to social justice through an examination of participatory democracy in Brazil’s social assistance sector. In that discussion I argued that a relational approach is able to shed light on both important successes and challenges of this democratic experimentation in ways that are unavailable under a social contract conceptualisation.

I now revisit in turn the contributory research questions identified in Chapter 1, before considering broader implications of the research.

9.2 Contributory research questions

9.21 RQ¹

What is meant by a relational approach to social justice?

Various calls for a relational approach to social justice in academic and practical literatures (§1.2) form part of the scholarly justification for this project. Given that these discussions do not specify what a relational approach actually entails (nor cite precise accounts thereof), a question logically prior to the main research question was simply to clarify to what they are referring, both in the sense of content and of relevant writers and schools of thought.

I argued that, in the absence of a definitive account or explicit school of thought, the closest thing to a ‘home literature’ for such an approach is found in a counter-tradition of critical responses to social contract theory and its later application in liberal thought on social justice. This originates in Hegelian and Marxian objections to liberalism, is more fully developed in feminist theory, and finds contemporary expression in the veins of critical theory (e.g. Rainer Forst, Mara Marin), feminist socialism (e.g. Iris Young, Nancy Fraser), critical race theory (e.g. Charles Mills, Naomi Zack), feminism (e.g. Carole Pateman, Martha Nussbaum), and relational egalitarianism (e.g. Elizabeth Anderson, Samuel Scheffler). While this covers a broad range of positions, often with significant differences of their own, I analysed (§3.3) these contributions as often raising similar (and interrelated) strands of disagreement with liberal social contract thought.
One strand alleges ignorance of social difference, particularly regarding differential need among individuals and the relations of care and asymmetric dependence this entails. This can be traced back to the view, articulated influentially by Hegel, that theoretically rendering individuals in a pre- or non-social and un-individuated state – as in the Hobbesian or Lockean ‘state of nature’ or the Rawlsian ‘original position’ – is an incoherent idea that bears no relation to real social individuals. From this comes the implication that social difference is an unignorable fact rather than something to be abstracted away from, as argued for instance by Martha Nussbaum.

A second strand criticises the perceived atomic individualism of liberalism, as in arguments from Michael Sandel or Seyla Benhabib questioning the coherence of the notion of a human agent separated from communal and affective ties.

A third line of critique argues that attempts to utilise a concept of ‘abstracted man’, extricated from history and social relations, will in fact be perniciously prejudicial towards dominant groups, as argued by Carole Pateman, regarding gender, and Charles Mills, regarding race. This critique instead urges the importance of actual history.

It is clear that these lines of argument are strongly interrelated; each just places the emphasis on a different aspect of the problem. A fourth line of critique provides, in my view, something of a compendium of all of these and articulates the salient issues in the most fundamental form; Young’s critique of the ‘distributive paradigm’ in social justice thinking.

Firstly, this targets an alleged narrowness of subject-matter; a tendency to think of social justice exclusively in terms of economic distribution and formal-legal rights. Against this has been proposed a subject-matter extension to include aspects such as power and political structure, cultural normativity, recognition and identity, and productive processes and practices. In addition to Young’s work, such an extension has been investigated by Fraser, who ultimately argues for three interacting domains of social justice, comprising economic production and distribution, cultural normativity, and political power.

Secondly, and more fundamentally, I argued that the critique is really one of social ontology. Young (and similar critics) propose the view that, for the purposes of thinking about social justice, the relevant parts and divisions of the world are supra-individual
social phenomena – relations, groups, positions, structures – rather than individuals and the formal or material goods held by them (this latter ontology being that mandated by a distributive paradigm).

This answered the descriptive question of what, broadly, references to a relational approach refer to. However, since this covers a relatively diverse spectrum of views, some in disagreement, there is also an analytical question of which arguments from within this broad ‘relational’ tendency are more or less successful, and which aspects should inform a coherent and persuasive version of a relational approach. This is addressed in the subsequent questions.

9.22  \textit{RQ}^2

\textit{Does a relational approach to social justice successfully critique limitations of the liberal social contract account?}

This question has two aspects: one is whether the counter-tradition identified as the referent of talk of a relational approach mounts critiques of liberal contractarianism that are successful; the other is, if, as I argue, this is not entirely the case, what a refined version of the relational critique would entail.

To approach these questions I placed the traditional relational critiques in dialogue with the account presented by Rawls in his late work \textit{Justice as Fairness: A Restatement}, chosen as a version of a liberal social contract account of social justice that is both strong – thus presenting compelling counter-arguments to relational critiques – and expansive, presenting a self-standing account of social justice rather than merely a partial examination of some tangents.

I argue that this mature account of Rawls’s can offer persuasive replies to many relational critiques. However, most of these replies are facilitated by the abstract and ideal nature of social contract theory, and consist of simply restating the original make-up and aims of Rawls’s project and pointing out that the issues criticised fall outside of or are contrary to these. I argue (§4.2) that, as such, rather than giving up in the face of this response, the critic should directly address this question of the nature and aims of theorising social justice. Following Sen (2009), I argue that we are (or should be) far more animated by the question of injustice than of justice. Thus (in my own interpretation), the primary desideratum incumbent upon social justice theory should be
that it enables understanding of real-world instances of social injustice and how they either persist or are overcome. Both theoretically and in relation to the empirical example of Brazilian social assistance I argue that a liberal social contract conception faces a range of problems in meeting this desideratum. Predominantly these stem from this conception’s in-built ontological individualism and related propensity to focus on questions of distribution and formal rights.

While (unlike Sen) not a critique of ideal theory per se, this does call for far greater utilisation, in normative justice theory, of analytical social theory’s understanding of supra-individual social phenomena; relations, groups, social structure, historical causality, and the like. This would entail departures from Rawlsian social justice sufficiently significant to call for a distinctive relational approach.

However, I concur with Mills (2000) that an approach to justice comprises both a ‘value component’ and a ‘factual picture’, and that it is the factual picture that is problematic in liberal accounts. I also follow Young (2006b) and Fraser (2012) in agreeing with Rawls’s starting point that the proper primary subject of social justice thought is the ‘basic structure’ of society. The preceding points, combined, mean that ‘basic structure’ – its features and its causal relationship with agents – becomes an important social-theoretic idea needing explanation. I argue (§4.3) that the (rather cursory) account given by Rawls is overly focussed on formal-legal institutions; a better conception, fit for understanding real social injustice, would also include socio-cultural and historical aspects of the basic structure of societies, and would envision ‘structure’ in a more dynamic and processual light in view of structure-agency interaction.

As such, one upshot (§5.24) is that, at least for the account provisionally sketched in this thesis, a relational approach need not necessarily have significantly different value commitments to the traditional liberal attachments to liberty, equality, and ‘ethically thin’ neutrality regarding conceptions of the good. Another upshot (§5.25-35) is that justice theory in this vein would enjoy a far closer relationship with social theory, not simply as a practical matter in response to particular cases, but as a contributor to the abstract theorisation of justice and injustice.

9.23 RQ³
Can a relational approach provide a viable alternative account of social justice? (And what would the features of this be?)

I conclude that a relational approach can provide a viable alternative account of social justice. This I have attempted to demonstrate by proposing, in light of the examination and refinement of the relational critique of liberal contractarianism, what the distinguishing features of a persuasive relational approach would be, and explaining how these overcome problems and limitations of social contract versions. It has been beyond the scope of this thesis to outline a full theoretical treatise – a comprehensive ‘theory of justice’, in the manner of Rawls – but I argue that it is possible to identify what the theoretical bases of such an account would be, as outlined in Chapter 5.

A distinctive starting point is the theoretical desideratum of understanding injustice and its overcoming (§5.21); the primary purpose of social justice theory is to enhance understanding of real social injustice, and thereby to inform counteraction (the ‘activist desideratum’). As such, a relational approach is primarily a theory of injustice (although this does not entail a rejection of ideal theory or of positive theorisation of justice).

A second starting point (§5.22) is a particular social ontology (essentially an answer to the question ‘what are the salient parts and divisions of the world in cases of social injustice?’). This comprises social groups, the relations in which they stand, and the prevailing basic structure out of which groups and relations arise, as opposed to the distributive ontology of discrete individual locations hosting portions of a distribuend. This also evinces broad agreement with the ‘basic structure’ as primary subject, with the caveat of a refined conception of basic structure as including informal (non-legislated and non-officially institutionalised) social phenomena, and as existing in dynamic, ‘morphogenetic’, interaction with agency. Thus, theorisation of social justice is principally concerned with the underlying level of durable features, both formal and informal-historical, that causally shape a society’s reproduction and evolution through time, and which present the relatively stable background ‘givens’ that enable and constrain agents, but which can also be altered through action.

In a third dimension, the question of the ‘space’ or ‘metric’ of justice, a relational approach holds a pluralist stance; there are plural social domains or axes relevant to social justice. A useful heuristic categorisation is Fraser’s tripartite conception comprising economic production and distribution, cultural normativity, and political
process and power, reflecting the various things people may have reason to value (or disvalue) and to make justice claims over. None of these are necessarily more fundamental, and factors in one domain may interact with other domains, as in links between economic wealth and political power, or cultural disparagement and socio-economic disadvantage.

A fourth question facing my outline of a relational approach concerns its status as normative theory; where does the specifically normative – i.e. motivating and ‘ought’-generating – aspect come from? In §4.44 and §5.24 I concurred with Mills (2000) that the value commitments of a liberal egalitarianism such as Rawls’s are not the problem for relational critics, and can be retained. This is a ‘thin’ set of values comprising liberty/self-determination, the a priori moral equality of persons, and ethical neutrality between ‘conceptions of the good’. The distinctive contribution of a successful relational approach would be in diagnoses of what social injustice is and how and why it persists, suggesting that the most pertinent normative content is not so much an ideal, defining right action or perfect justice, but rather what we could call a ‘negative norm’ – a description of a ‘bad’ rather than a ‘good’, a ‘wrong’ rather than a ‘right’. This is normative – motivational, ‘ought’-generating, action-spurring – through its identificatory aspect; identifying what injustice is. In §5.24 I consider the contents of such an identificatory negative norm of injustice. Drawing on writers such as Young, Fraser, and Anderson, as well as Rawls, I suggest a possible formulation such that: a social injustice is where the prevailing basic structure generates as a relatively durable feature of social life that a particular group enters into social interaction in an unequal relation with other groups in that interaction, or that a particular social position is constituted in an impartially unjustifiable relation to other positions or groups. This, of course, relies on a number of clarificatory definitions offered elsewhere in Chapters 4 and 5.

This summarises a norm or rule-of-thumb principle that is negative and diagnostic. By contrast, I have had little to say about what a positive vision of social justice looks like under the relational approach I have outlined. This is partly due to its identification of understanding social injustice as the primary objective, and partly due to its acceptance of liberal ethical agnosticism over conceptions of the good. The topic of social justice is limited in scope; it doesn’t encompass all important aspects of normativity, morality, ethics, and so on. For these reasons, even a positive vision under a relational conception would still be somewhat minimalist and negative. There will always be bad, undesirable,
unfair, and morally objectionable experiences in human life. A socially just society, perhaps, would be one where these only arose at the interpersonal level of individual agency, rather than also being generated in the basic structure of society in such a way that they position social groups in unequal relations. Identifiable groups, collectivities, and social difference would of course still exist, but the link between these and injustice would be dissolved, leaving only interpersonal, rather than social, injustice. However, this is a rather speculative discussion; in the foreseeable future a relational approach’s negative and diagnostic emphasis on social-theoretic understanding of injustice remains more salient.

These choices in the first four ‘dimensions’ have implications for the fifth, that of practical and evaluative strategies. It may initially seem that a basic structure-focussed approach makes it difficult to evaluate or advocate agential phenomena such as actions, policies, campaigns, and so on. However, as I argue in §5.25, under a relational approach the conception of the ‘agents’ of justice – and therefore the addressees of theory – would include, for instance, non-state actors, social movements, and individual citizens, as well as the state. Additionally, as discussed in §5.22, approaching structure and agency through an ‘analytically dualist’ (Archer 1995) understanding that renders the relationship between structure and agency as a temporal one can clarify matters. Rather than seeing structure and agency as simply co-constitutive, on a temporalized (‘morphogenetic’) understanding, structures constrain and enable agents in particular ways; agents can, conditioned by this, take actions that to greater or lesser degrees reproduce or transform these structures, thereby defining the structures and enabling and constraining factors presented to future agents. Since a social injustice is (as per the ‘negative norm’, above) a durable aspect of the basic structure that causally affects (enables/constrains) agents in particular ways, the first practical question under a relational conception is what the relevant causal processes are and how they can be altered; the practical ideal is of being transformative as opposed to affirmative, in the terms of a distinction of Fraser’s that I argued is helpful in theorising practical and evaluative implications of a relational approach. Therefore, while social injustice is located in the basic structure prevailing at a given time, praxis would be concerned with the ways in which actions reproduce or transform structures and thus what the nature of the basic structure facing future agents will be.
Of course, it is easy to make facile appeals for an approach that ‘gets to the bottom of things’ and that addresses underlying causes as opposed to superficial outcomes. What exactly structural reproduction or transformation mean, and how to rigorously assess when either has occurred, are questions that are far from straightforward. Nevertheless, nor are they lacking in existing theorisation, and there is a substantial and growing body of social science and theory that both a) looks at the sorts of empirical matters that a relational approach points to, and b) is theoretically compatible with a relational approach (§5.25). Indeed, in general, the approach I have outlined enjoys a considerably closer relationship with social theory than do liberal theories of justice. This is because to meet the injustice-focussed primary desideratum our conception of injustice – even at the abstract theoretical level – must involve supra-individual social phenomena and a ‘space’ of injustice that includes informal and historical factors. As such, social theory is important to practical applications in particular historical circumstances, but also as a contributor to theorisations of injustice and justice, which even in abstract still rely on some ‘factual picture’ assumptions (Mills 2000) regarding what actual societies can be assumed to be like. The ontological critique that I have advanced involves the claim that the particular factual picture relied on by liberal contractarianism leads investigation of injustice awry and thus prevents the meeting of the ‘activist desideratum’ (§5.21). In Chapter 6 I consider further how a relational approach could be applied to more practical questions, arguing that this requires a meso-level theory, and that a framework derived from Fraser represents the strongest current candidate from within theory harmonious with a relational approach. Fraser argues that heuristically the practical-political space of contestation over social justice can be understood in terms of three domains; political-economic production and distribution (‘redistribution’), cultural normativity and identity (‘recognition’), and formal-political structure (‘representation’). I further develop and use Fraser’s theorisation of these domains – particularly ‘representation’ – in Chapter 8.

These theoretical starting points lead to a number of resulting preoccupations and focusses for theory investigating injustice.

One is causality; to claim that the basic structure is normatively evaluable entails both that it is causally efficacious upon agents (otherwise it would not be normatively interesting), and that agents can be causally efficacious upon it (otherwise normative interest in the basic structure would be futile). This means that, in an approach with the aim of understanding real injustice and how it either perpetuates or is overcome, basic
structure and its causal relationship with agents becomes a crucial social-theoretic concern. I argued that the relevant causality can be understood in the manner of what Mackie (1980, 59-87) labels an ‘INUS condition’ (see §5.31). Moreover, following exponents of the critical realist philosophy of science, the basic structure can be understood as the Aristotelian ‘material cause’ of social reproduction, as in the classical metaphor of the relationship between bronze raw material and the statue made from it. The basic structure amounts to the ‘raw material’ that actors are presented with and out of which they reproduce society. Practically this necessitates analysing lines of causality from structure to social groups subject to injustice and identifying actions that would alter these.

A second consequence concerns a move beyond questions of distribution, and, relatedly, towards the centrality of social groups and positions under a relational conception of injustice. Distributions, both between individuals and groups, remain important, but are not the only or the most fundamental question (§5.32). Meanwhile, injustices may befall individuals, but social injustices happen (analytically speaking) to groups or social position-derived collectivities and inhere in the basic-structural relations in which they are situated vis-à-vis other groups and prevailing institutions, processes, etc. Thus there is a shift of empirical focus, away from (exclusively) distributions of goods, and a shift of ontological picture, from that embedded in the ‘distributive paradigm’ – of discrete individual locations and distributable material – to the relational ontology described above.

Thirdly, for purposes of understanding injustice, social difference becomes an unignorable factor; that is, differences between people’s personal characteristics and social identities, as opposed to simply between the goods they hold. I argued (§5.33) that we can heuristically identify both ‘internal’ (personal development) and ‘external’ (relations, situatedness) aspects of difference. A relational approach emphasises that in many practical considerations of social justice, overlooking or abstracting away from these is liable to mislead.

A fourth consequence of the distinctive starting points of a relational approach is a considerably expanded subject matter for social justice. Given the ‘pluralist’ approach to the space of justice, a diversity of empirical domains become salient. Not all relevant social phenomena can be accurately captured by quantitative metrics, and consequently
social justice thought and action will involve irreducibly qualitative information and will 
sometimes be less neatly measurable and more discursive, a necessary trade-off for a 
more true-to-life rendering of the facets of real claims of social injustice.

A fifth consequence is the importance of history to understanding injustice, both in 
abstract and particular. As above, the conception of basic structure is extended to 
include informal aspects that are essentially historical insofar as they denote things that 
are causally relevant to social justice not as formal laws or institutions but as the path 
dependences or tendencies of particular historical configurations. This includes, for 
instance, class formation, influential norms or practices, and social categorisations or 
groupings. In this sense, ‘informal’ means ‘historical’, insofar as it refers to durable 
tendencies and causal processes arising out of history, as opposed to formally inscribed 
societal laws. Partly this relates to the call to investigate causal processes underlying 
manifestations of social injustice (Young 1990, 15-38), in order to evaluate such 
processes themselves as a matter of justice, and to envision ‘transformative’ remedies 
(Fraser 1995, 84). However, history is not only an issue for the practical effort of 
disrupting unjust processes. As argued in §5.35, the abstract theorisation of what justice 
and injustice conceptually entail must include history, not in the sense of particular 
histories, but of the historicity of several concepts central to understanding social 
injustice even in abstract: social groups and positions which transcend particular 
individuals (§5.32); social difference, in internal and external senses (§5.33); and the 
informal aspects of the basic structure of societies (§4.32; §5.21).

9.24  RQ4

What insights are provided by a critical investigation of the historical narrative of Brazil’s 
‘new social contract’?

The fourth contributory question turns to the secondary research strategy; to enrich the 
theoretical investigation by exploring how several key concerns are salient in the 
empirical context of contemporary Brazil.

Chapter 7 adopts a broad historical view and examines the common narrative among 
authors and political actors presenting Brazil’s trajectory since redemocratisation as a 
‘new social contract’ in action. I argue that, although Brazil certainly has been through a 
range of important changes that should hearten progressives and egalitarians, to
analyse both these and existing challenges through a contractarian lens is empirically questionable and normatively unhelpful.

There are conceptual questions. The social contract typically is applied to Brazil without any sense of the intersubjectivity needed to make the idea of contract coherent; who consents to the contract? Instead it simply seems to denote a particular policy mix.

There are also empirical questions. The recent re-emergence of mass protests in Brazil seems to contradict relatively optimistic narratives of generalised consensus. However, if that can perhaps be conceptualised as the contract being ‘under stress’ or ‘contested’, other instances make the peaceful picture of consensual and deliberative contractarian politics appear rather naïve. One example is illegal – but frequently successful – land occupations by the destitute. Another example, at the opposite end of the spectrums of both ideology and magnitude, is the installation of an unelected conservative government in 2016, essentially a judicially-approved ‘soft coup’ restoring to power the representatives of a landed elite threatened by 13 years of PT rule.

In general, informal-historical and non-legislated aspects of the basic structure of Brazilian society contain underlying seams of social injustice that a contract iconography tends to occlude.

9.25 RQ5

Can a relational approach provide a basis for understanding the social justice issues in a specific empirical window onto this broad context, the decentralised and participatory-democratic management of social assistance?

The final contributory research question seeks to examine both the theoretical issues of RQs 1-3 and the historical discussion of RQ4 from a different angle by relating them to the specific empirical window of Brazil’s decentralised and participatory system for social assistance policy and implementation. I provided an overview of this system (§8.2), which comprises regular councils and conferences at federal, state, and municipal levels throughout Brazil. Councils feature a state-society power-sharing arrangement and espouse principles of deliberation and social participation. The non-state membership bloc of councils has veto power over policy decisions and budgets, as well as contributing to policy, and overseeing implementation. Overall, the system represents an ambitious institutional experiment in democratisation.
I argued (§8.31) that this experiment is concerned with, and raises, questions of social justice, and (§8.32) that an examination on the basis of a relational approach can provide incisive understanding of these.

Understanding the nature of this democratic experiment as a project of social justice requires attention to Fraser’s third heuristic category, namely ‘representation’, which I unpacked as ‘formal-political structure’ (§8.32). I further suggested that this structure arises out of variables that can be classified as either ‘spatial’ or ‘procedural’. The former relate to the constitution of political space itself; boundaries and jurisdictions, the drawing of political communities, scale, levels of de/centralisation, etc. The latter relate to institutions, rules, and norms that regulate political processes, such as procedures for voting, deliberation, participation, contestation, etc. Together these spatial and procedural variables add up to the formal-political structure existing at a given time. While aspects of Fraser’s other domains – economic distribution, some elements of recognition – are also involved in social assistance more broadly, the democratic experimentation in social assistance is a move in the domain of the political per se, aimed at overturning specific historical injustices of that nature.

Indeed, as that suggests, as well as understanding non-distributive and structural issues of power and political space and procedure, grasping this episode’s significance to social justice is also only possible in relation to relevant historical context and the ‘baseline’ this provides. Central to the historical situation of social assistance was a particular formal-political structure stemming from the latifundia and later coronelismo systems arising out of the modus operandi of Portuguese colonisation, and the evolution of these dynamics through the authoritarian Estado Novo and the 1964-88 military dictatorship. This structure featured, spatially, a strong central government but weak regional governments only capable of exercising power through a quid pro quo with local oligarchs, and a drawing of social assistance’s ‘political community’ such that recipients (current or prospective) were excluded. Procedurally, it featured no channels for contestation or appeal, meaning that social assistance was inherently based on clientelist and paternalist relations between an impoverished and disenfranchised class, and a small class of landowners and regional political barons.

This particular aspect of the basic structure of Brazilian society persisted in some places and forms well into the late 20th century, and thus is what brings significance to the
features of the new and explicitly ‘decentralised and participatory’ political management system. Spatially this involves the state-society power-sharing design (including a reservation of council seats for recipients of social assistance), the devolvement of significant independent powers to municipalities (as opposed to states and the federal government), and the publicity of all activities. Procedurally it involves a blending of a primarily deliberative model of democracy with aspects of the logics of participatory and representative models.

I argued that overall this new system, and the spatial and procedural variables it intervenes in, is best understood against the baseline of the pre-existing formal-political structure it both arises out of and responds to (returning to the metaphor of §5.31, the ‘raw material’ out of which the agential construction of the system attempts to (differently) reproduce society).

In §8.4 I turned to complications for the system, in relation to its ideal design.

In terms of spatial aspects, there is no guarantee that social participation will not reflect existing inequalities, an issue that some councils are becoming aware of and proactively attempting to counter, particularly in relation to the participation of recipients of social assistance. Another complication is that decentralisation means that different places have widely divergent experiences of the success – inclusivity, deliberativeness, etc. – of participatory management due to strong context- and path-dependence. For instance, poorer areas with more ingrained traditions of clientelism and minimal popular political engagement typically see far lower intensity of participation in new democratic initiatives such as that in social assistance.

Procedurally, I consider several worries about a deliberative ideal of democracy that are characteristic of radical critiques (summarised by Young (2001)) and which initially seem reminiscent of relational concerns. Some of these tally with issues which arose in interviews with council participants. For instance, the quantity of participation is one question, but the quality or nature of it another, and this may differ significantly among participants. A similar worry concerns ‘hegemonic discourse’; when participants enter the deliberative space – even one carefully calibrated to inculcate equality – they remain social beings who have developed in different circumstances and whose seemingly individual characteristics (articulacy, confidence, knowledge, signifiers of status/class) reflect basic-structural factors. This type of concern was frequently raised by
interviewees, for instance in relation to the participation of recipients of social assistance within councils, or the dynamic between government members of councils/conferences and non-government members. However, I also argue that other worries, such as the possible exclusivity of deliberative spaces, or merely superficial formal inclusion, are adequately addressed by the system’s design and by actions taken by councils. Moreover, when taking seriously the idea that social justice questions are only fully comprehensible and evaluable in relation to the relevant historical baseline, various aspects of the deliberative-democratic efforts of the system are arguably significant ‘transformative’ interventions in the formal-political structure of social assistance in Brazil. In this sense, some aspects of the radical critique of deliberative democracy fail to consider ways in which the practice of deliberative democracy may itself have causal effects on social change.

Finally, in §8.43 I considered these ‘complications’ from a specific angle by looking at the involvement of the homeless population, an issue raised near-universally in interviews. I suggested that this would be a valuable area for further and more empirically specific research, and that several lines of inquiry that initially present themselves as important to this topic recommend a relational approach. One relates to inclusion, both in the sense of the gap between formal openness and actual inclusion, and the less quantifiable question of unequal status and discursive power within the deliberative space. Another relates to ‘difference’ in both internal and external senses (§5.33), specifically regarding apathy and scepticism towards state institutions on the part of the homeless, and being positioned outside of the official ‘grid’ of government services and records. A third relevant area relates to the role of ‘recognition’ factors in such advances as have been made thus far: both the rise of a highly effective nationwide social movement of the street population, and the basis of important new laws that this movement negotiated with the government, are paradigmatic cases of the politics of recognition. Recognition – both by official institutions and by members themselves – of the street population as a distinct group or collectivity with a claim to justice was a key precursor to a number of germinal transitions in the direction of social justice. Homelessness in Brazil is a more substantial phenomenon than simply a particular range or pattern within the overall distribution of goods and rights; the street population is a structurally durable social group, membership of which has causal effects on how a person’s life will go.
This points to a limitation of attempting to apply a contractarian lens to this situation, namely the inability to diagnose the specifically group-based nature of injustices, where groups and their relations are structurally durable and have causal properties, as opposed to merely being epiphenomenal to distributions among individuals. Similarly, various important questions about inequalities internal to deliberative spaces and differences in the nature of participation among different groups would remain hidden if we assume that councils and conferences can unproblematically function as quasi-social contract interactions of commensurable individuals. It is only to the extent that the system functions as a structural change in political space and procedure, shifting power towards recipients of social assistance, that it represents a genuine advance against the baseline injustice. Moreover, comprehending that baseline and its significance for understanding and evaluating the system requires the historicised approach that by the lights of a relational view is necessary to understanding actually-existing injustice.

9.3 Broader implications and contributions

These conclusions imply a number of contributions to broader discussions.

9.31 Theorising social justice

> Clarifying what a relational approach is

In Chapter 1 I outlined how recent literature has called for a relational approach to social justice, amidst the context of a more general rise of relational thinking in the social sciences, while in Chapters 3 and 4 I explained how these calls point to a critical counter-tradition to the dominant liberal social contract view, but not to an explicit positive account of a relational approach. In this research I have clarified the initial motivations for such an approach, including reasons for dissatisfaction with the liberal mainstream. I have critically examined and in some respects gone beyond existing literature to offer an analysis of the distinguishing impulses of a relational approach to social justice, and an argumentative case for what a coherent programme of theoretical bases for this approach should involve. The analysis undertaken here suggests that, while there are a range of apparent differences, the most fundamental feature distinguishing relational from liberal approaches is the different ontology underlying their social-theoretic ‘factual picture’ of social injustice.
Identifying more and less fruitful critiques of liberal contractarianism

However, this doesn’t tell us what particular type of relational stance is preferable. Chapter 4 demonstrates that many common relational critiques of the social contract and of liberal political thought are either answerable by an account such as Rawls’s *Justice as Fairness*, or only work by appending a prior argument about the appropriate desiderata for theoretical work on social justice. This latter is not necessarily an illegitimate move – indeed, I endorse this as an important aspect of outlining a fuller relational approach – but means that these critiques do not decisively criticise Rawls’s account in and of itself, and have the appearance of misunderstanding his project. As such, more fruitful lines of critique (see §4.41) focus on a) the aims and desiderata of theory (and advocate an ‘activist’ desideratum of enabling understanding of real injustice and thereby aiding counter-actions); b) the account of ‘basic structure’, which in an injustice-focussed approach becomes an important social-theoretic idea, but which requires significant alteration from the Rawlsian version on pain of vulnerability to the critique of the distributive paradigm; and c) the fact that many ‘practical’ issues delegated by Rawls to social science are so significant and expansive that they represent a starting point for a fully-fledged alternative approach to justice, and one where it is doubtful that the conceptual resources furnished by distributive and contractarian approaches are helpful.

An intermediate position in the ideal vs non-ideal theory debate

As this suggests, the version of a relational approach proposed here would be one that, in Zack’s (2017) phrase, ‘starts from injustice’. This is supported by what Wolff (2015a) labels the ‘manifest injustice thesis’ of Amartya Sen; what we really care about in real life, and what should therefore motivate theory, is the existence of obvious real injustice (Sen 2009). If theory cannot cater to this interest, it is unclear what real value it has.

However, for reasons outlined in §2.21 and §5.21, Sen’s (and Zack’s) further inference that this therefore invalidates the project of ideal theory is unwarranted. Ideal theory can perform valuable tasks in service of conceptual clarity (Schemmel 2011a) and also practical-political ‘inspiration’ or motivation (Wolff 2015a). The critique that I advance is simply that a) in present and foreseeable conditions ideal theory of justice is significantly less pressing than insightful theorisation of injustice, and b) ideal theory needs to harmonise conceptually with injustice theory in order to avoid being either misleading or
irrelevant; for instance, an ideal account of justice couched in terms of individual distribution and with no notion of social groups has little to offer to investigations of injustice whose ontological stock-in-trade is of necessity one of groups, relations, structures, histories, cultural norms, and so on. This suggests that ideal theory should take its lead – conceptually, terminologically, etc. – from non-ideal theory, rather than, as commonly assumed, vice versa.

In a similar vein I explain why Rawls is incorrect in his seeming assumption that dealing in ‘full compliance’ theory excuses the theorist from thinking about injustice. Conversely, as tacitly recognised in his own justification for the difference principle’s being an ongoing, proactive institution – and as is demonstrated explicitly by Young (2006a) – there can be injustice even in a scenario of full compliance by agents.

As such, this aspect of the thesis’s argument has helped to outline a relatively novel intermediate position in the ongoing debate between ideal versus non-ideal theoretical approaches to social justice and egalitarianism. Note that the idea isn’t simply ‘half and half’ or ‘both are important’; the argument aims to redefine the order of logical priority and relative importance in favour of non-ideal theory, while defending the ongoing value of ideal theory, and also blurring the often-assumed boundaries of the two with the argument that ideal theory, insofar as it relies on implicit (abstracted) ‘factual pictures’ of societies, must still engage with a conception of injustice, derived from the features of real injustices.

> Links between political philosophy and social science

An implication of this is that adopting a relational approach would mean that the theorisation of social justice/injustice, even purely at the philosophical level, would become an enterprise in much closer contact with social theory, and disciplines such as history and sociology, than has hitherto been the case. This also stems from the conclusion that the chief distinguishing aspect of a relational approach is a distinct factual picture of what the social world is actually like, as opposed to different value commitments. In that sense, making the case for, and further developing, a relational approach involves analytical social theory more than philosophical elaboration of normative ideals. This echoes Young’s (2006b, 96) comment that the Rawlsian idea of the basic structure can be deepened through engagement with social theory – such as, in her examples, that of Bourdieu or Tilly – able to provide insight into the relations,
processes, and structures of injustice, as a complement to the identification of ideal normative principles. This also demonstrates how a relational approach can situate itself within and enjoy fruitful symbiosis with the turn to relational thinking in the social sciences more broadly (§1.2).

> Critique of (current) relational egalitarianism: what kind of relationality?

One further implication, of this research, for the theoretical literature has been to suggest reasons to doubt that the relational egalitarian school of thought within political philosophy can provide (or at least has thus far provided) an account of social justice to satisfy those who have critiqued liberal contractarianism from a (broader) ‘relational’ perspective. Given the name, relational egalitarianism is a natural place to look when investigating what a ‘relational approach’ to social justice might (and should) entail, but much work under this banner has tended to be ‘relational’ in the sense of focussing on the quality or attitude of interpersonal relationships (§5.22). By contrast, I have argued for a fuller integration of the social-theoretic concepts of social groups, structures, histories, identities, and so on – the types of social relations that transcend and condition particular individual relationships – into the ontological ‘factual picture’ of injustice. I teased out these points of criticism through consideration of the ‘sufficiency’/‘adequacy’ view that Anderson derives from her relational egalitarianism, largely discarding the politics of egalitarian distribution, and her related defence of the institution of private education.

This is not necessarily to reject outright any prospect for a relational egalitarian account. For instance, Scheffler (2015) differs from the above by, instead, simply clarifying the hierarchy of normative importance of relational over distributive equality. In my view this is a more persuasive egalitarian stance; even on a relational approach, classical questions of distribution are still important (§5.32) insofar as distributions can be both objectionable per se, and/or an aspect of causal processes reproducing injustice. Meanwhile, Schemmel (2011b; 2012) similarly defends the ongoing relevance of distribution, adding the institutionalist idea that (relational) egalitarians should be concerned with the normative attitudes expressed in how institutions treat people. Nevertheless, I conclude that attempts to articulate a relational egalitarian understanding of social justice could be deepened through greater theoretical inclusion of the idea of (ontologically) group-based injustice as an aspect of basic structure. Here, a focus on ‘social relations’ denotes not just the normative importance of the quality or
tone of interpersonal transactions (absence of condescension, servility, abuse, etc.) but also the idea of structurally-durable types of relations that groups find themselves situated within. This includes, for instance, gender or race relations; ‘relations of production’ in the Marxian sense; ‘vulnerability to homelessness’ as per Young (2006a); relations of political domination or exploitation, as in the historical baseline formal-political structure of social assistance in Brazil (Chapter 8); relations between ‘categorical pairs’ of groups as in Tilly’s (1999) analysis of durable inequality; it also even, arguably, includes Rawls’s idea of ‘social positions’ insofar as such positions are derived from expectations of primary goods over a whole life, thus pointing to basic structure-derived positions transcending particular individuals (I propose this somewhat hermeneutic appropriation of Rawls’s argument in §4.33).

Indeed, this critical assessment of the current relational egalitarian literature also sheds further light on the approach outlined and advocated in this thesis, namely that it is ‘relational’ in both a specific and a general sense.

Specifically, it denotes the immediate sense at issue in relational egalitarianism as above: to focus obsessively on distributive patterns is to fetishize what is only instrumentally relevant at the expense of what is truly important to the ideal of egalitarianism, namely social relations and relationships that embody mutual respect and dignity, allowing individuals to interact on an equal footing without deference and servility, dominance and condescension. This aids conceptual clarity by establishing the normative ordinality between distributions and relations (Wolff 1998; Schemmel 2012; Scheffler 2015).

However, more generally it denotes a deeper ontological and epistemic genre or paradigm, one of seeing objects as constituted and defined by relation with other objects, rather than by internal essences, and of construing the parts of the social world relevant to social justice theory as being supra-individual social relations, groups, structures, and so on, rather than individuals and the goods possessed by or located at them (§5.22). This recalls ideas such as the Hegelian-originating notion of the logical priority of society to individual (§3.31), and the idea of any given individual’s contextual ‘situatedness’ in relation to various aspects of social structure – institutions, cultural norms, economic processes, members of other social identities, etc. – as in feminist thought. ‘Relational’ in this usage also is associated with the both causal and moral
significance of interrelatedness, as in, for instance, Young’s (2006a) attempt to normatively ground personal responsibility for justice in the fact of the causal connectedness of members of societies (see also Marin (forthcoming)). A similar idea is expressed very well by Mosse’s (2010) argument for a relational, as opposed to ‘residual’, conception of global poverty and its relation to development; that is, the idea that many populations living in poverty are not somehow hitherto left out of or residual to ‘development’, but rather are situated in particular ways within processes of development stemming from historically-derived economic and political relations.

In turn, such ideas chime with a broader ‘relational turn’ in social sciences, as in the ‘relational realism’ underpinning Tilly’s investigation of durable inequality (Tilly 1999; Tarrow 2008) or the relational sociology proposed by Crossley (2010) and contrasted with ‘substantivalism’. Similarly, many preoccupations of a relational approach – the existence of emergent social phenomena, as opposed to only individuals and the material world; structural and/or historical causality; the reproduction or transformation of social ‘raw material’ by agents – are central topics within the critical realist methodological paradigm (§5.22; §5.31). This suggests that, although not necessarily without complications, the normative theory and implied research agenda of a relational approach to social justice can join up with existing currents in social theory and science.

9.32 Links to policy and practice

> The Brazilian context

Chapters 7 and 8 call into question academic and political narratives that have characterised Brazil’s post-redemocratisation trajectory as a case of a ‘new social contract’. This is both for theoretical reasons and in the face of empirical realities in contemporary Brazil and the enduring influence of their historical precursors (§7.3). This is relevant to debates, currently live in the country, between broadly liberal and radical traditions. It is also relevant to an international audience, particularly in development studies, that has recently looked to Brazil as something of a ‘success story’ of pro-poor growth, development, and democratisation (although naturally the recent political corruption scandal has seriously dampened this enthusiasm). Insofar as this audience seeks ‘lessons’ from the Brazilian experience, an implication of this thesis’s argument is that when it comes to social injustices of a historically durable type, particularly in a post-colonial and post-slavery setting, the theoretical framing of social contract, with its
various assumptions, obscures a range of important complexities. It invites consideration of the present context as if it represents an entirely clean break with the past, when historical inequalities can still be traced into the present.

More specifically, Chapter 8 suggests that it would be mistaken to think of policy councils and conferences in the social assistance sector as pure contractarian or deliberative spaces. Approaching the participatory and deliberative ideals of the system’s legislative basis requires proactive awareness and attenuation of informal inequalities between participants such as state representatives and society representatives, and disabled or homeless members and other members; an issue that some councils recognise and which was a frequent concern of participants interviewed for this research.

In particular, as argued in §8.43, the question of the involvement of the homeless population in the social assistance sector’s democratic mechanisms is a pressing and potentially fruitful line of inquiry for empirical and analytical research grounded in a relational approach to social justice and aimed at informing practical actions and policies. Additionally, the national movement of the homeless in Brazil (MNPR) offers a potentially valuable case study of group ‘conscientization’ and recognition that would be of interest to students and activists of existing or potential social movements based around claims of group-relational injustice. For the reasons outlined, taking a social contract lens as a starting point would risk leading analysis awry: misconstruing the social group-based nature of the relevant justice claims; overlooking the issue of informal types of inequality arising from the shaping effects of social group differentiation but manifesting in spaces of formal equality; and inculcating a sense that progress towards justice would necessarily require society-wide rational consensus when more realistically (§7.3) many disadvantaged groups in Brazil are unavoidably in a struggle for power in relation to a longstanding conservative elite opposed to any transformative change.

> The wider world

More broadly, the conclusions of the thesis are offered at a time when a social justice agenda is gaining prominence in both literature and practice in areas such as development studies and public policy. This is a good trend given the tendency of such fields to gloss over salient questions of normative underpinnings or goals in favour of technocratic considerations. However, given the wide range of stances and related practical implications within social justice thought (see Chapter 2), clarity is needed
regarding exactly what is meant by social justice, if the idea is to avoid becoming another vacuous ‘buzzword’ (Cornwall and Brock 2005) devoid of critical purchase and transformative intent. For instance, as Deveraux and Sabates-Wheeler (2007) argue in relation to social protection, designing such policies and programmes is not just a technical method but a reflection of ideological and normative ‘vision’. Which understanding of social justice informs policy frameworks affects practical outcomes (Hickey 2014). In this context, a well-defined relational approach, which incorporates a thoroughgoing analysis of social injustice and moves beyond the idealism, individualism, and ahistoricism characteristic of hitherto dominant liberal approaches, can make a major contribution in retaining the radical content of the idea of overcoming injustice.

9.33 Limitations and directions for further research

As I have emphasised, the account offered is not a full ‘theory of justice’ in the vein of Rawls or other political philosophers. Instead, I have sought to identify ‘theoretical bases’; what I mean by this are those fundamental aspects of an approach that – whatever further theoretical elaboration might be offered on top of this base – are pervasive and distinguish it from competing approaches. Consequently, there is much that could, given further research, be said to elaborate a fuller theoretical account.

One example is that I have not discussed global justice or justice across the borders of societies or states. I believe that the account I have given is not definitionally statist and un-extendable to a global or transnational frame, but I have not covered this. My discussions have arguably tended to imply the frame of a bounded state, and my examination of the Brazilian context takes Brazil as a distinct society, when, of course, numerous important issues surround the country’s economic and political relationships with the rest of the world, some of which are doubtless conceivable as issues of justice. While Rawls, for instance, was reluctant to go very far in extending his account to the international arena (Rawls 1999), and others have, in contrast, attempted just that (Pogge 1988; Kuper 2000), the possibilities for the extension into a global frame of an account such as that presented here are promising. An extended focus that includes cultural forms of injustice and questions of people’s disempowerment from political processes that affect their lives, as well as the damage to human relations wrought by still-relevant historical injustices, promises to be apt to consider distinctive injustices at the transnational level (S. O’Neill and Walsh 2009).
Another example is the conception of social group or collectivity at work in a relational approach. For the purposes of the account offered here I gave what I believe is a relatively persuasive and nuanced conception (§5.32) of the relevant group subjects, as existing somewhere on a continuum from merely latent or transient ‘serial’ collectivities implied by structurally-derived social positions, through to entrenched and familiar social groups such as those of gender, race, or class. However, the definitional question of social groups is highly complex, and fraught with pitfalls such as essentializing social identities or neglecting cross-cutting or overlapping group membership. This is one central subject of a significant literature on the phenomenon of intersectionality (e.g. Crenshaw 1989; McCall 2005; Nash 2008; Collins and Bilge 2016). Meanwhile the philosophical question of how to understand groups or collectives as normative agents – bearers of rights and duties, subjects of injustice, etc. – is also far from straightforward, but subject to discussion (e.g. Kymlicka 1996; Young 2001; S. Collins 2013). As such, there is scope for the solution sketched in §5.32 to be expanded into a fuller discussion.

Additionally, some of the ‘answers’ given by a relational approach to the questions of particular dimensions are, in my view, less integral to the approach than others, and thus more potentially flexible. For instance, the ontological picture presented in §5.22 is a core commitment, without which an account would simply be a different approach to that advocated here. The starting-point ‘activist desideratum’ (§5.21) falls into a similar category. By contrast, while I have outlined what I believe are persuasive answers to the questions of empirical ‘space’ and normative basis – and answers that flow smoothly from the overall concerns and motivations of a relational approach – I am less willing to claim that these are non-negotiable components. For instance, diversifying the empirical focusses of justice away from (only) economic goods and formal rights is important within a relational approach, and a pluralist strategy harmonises with other commitments such as ethical thinness and ‘starting from injustice’. However, as indicated in §5.23, it may be that a convincing project could be outlined that retains this while arguing for capabilities as a more specific methodological tool for assessment. Recent work by Robeyns (forthcoming) may open this possibility by conceiving of the capabilities approach in a more limited and ‘modular’ fashion. This is, of course, somewhat speculative at this point, but the well-established status of the capabilities approach and its methodological operationalizability recommend this as an interesting possibility.
Similarly, I have argued (§5.24) that a relational approach is not primarily distinguished from liberal approaches in the dimension of normative basis or ‘value commitments’, and that, in fact, core liberal values are both highly defensible and usefully ‘thin’. It is the exclusively ideal approach and faulty social-ontological ‘factual picture’ of liberal contractarianism that generates serious problems. However, the idea that a relational approach grows out of various radical objections to contractarianism and yet shares ‘liberal values’ may simply seem too unpalatable or rhetorically confused to many more radical thinkers or activists who are habitually averse to liberalism. There seems no reason to deny the possibility of providing an alternative, non-liberal value basis that would perform the same function (providing normative grounding) but use distinctive values. However, in my view this would still have to be bound by the requirement of ethical thinness; it is difficult to see past the idea that in the highly diverse societies that the world is increasingly composed of, conceptions of justice must not alienate (or oppressively try to normalise) particular groups’ or cultures’ deeply-held convictions about the good life (Rawls 1993; Fraser and Honneth 2003, 222–233).

There are possible areas for further research concerning synergies with other theories. For instance, I have overall found reason to distance my account from relational egalitarianism as thus far presented in the literature (see §5.22; §9.31). However, there are also obvious overlaps; the critique of distributive renderings of justice; the focus on (in some sense) social relations; the espousal of ideal-type relational egalitarian goals (§5.24). As such, it may be arguable that the account here presented points to something like a ‘critical relational egalitarianism’, or a primarily non-ideal complement to ideal-theoretic work on relational equality. Nevertheless, for the reasons given, there are significant differences meaning that synthesis is not automatic or easy.

A synergy that is in my view more obvious, but not fully developed here, is with the critical realist methodological paradigm, as mentioned in §5.22 and §5.31. Many concerns that I have defined as central to a relational approach are theorised within the critical realist literature. One is realism about social structure and relations, stemming from the concept of emergence; “structured objects in the world are more than the aggregate sum of their constituent parts. That is, the whole has qualitative properties that are different from properties of the constituent parts” (Smith and Seward 2009, 217). Another is a focus on causality – meaning actual causal processes as opposed to Humean ‘constant conjunction’ or correlational inferences of causality (Fairclough, Jessop, and Sayer 2004;
Groff 2009) – as in the search for underlying causal or generative mechanisms, tendencies, ‘powers’, and so on, and the examination of causal relationships between structures and agents (Archer 1995; Lewis 2000; Groff 2004). Additionally, insofar as the ‘critical’ element of critical realism denotes a normative standpoint for social science (Sayer 1997; 2000, 172–88), an account of social injustice that ontologically coheres with critical realism could help clarify the normative backdrop to critical social science.

The empirical aspect of this research also has clear limitation. As specified (§1.4; §6.4), the exploration of the Brazilian context is illustrative rather than a full application of the theory, and its relationship with the theoretical argument is exemplificatory rather than evidentiary; the empirical discussion does not ‘prove’ the normative theory, although my aim was that it does add further weight to my claims of that theory’s merits. An expanded version of the fieldwork project informing Chapter 8 would enable a fuller evaluation of the functioning of participatory-democratic and decentralised governance in social assistance. With more interviews – for instance, covering different states across Brazil – and greater integration with available quantitative data, a more critical and judgement-forming assessment could be given. There are, additionally, parallel initiatives in sectors such as health and education that it would be interesting to compare with the social assistance sector from the perspective of a relational approach.

A more detailed possibility is, as argued in §8.43, an investigation of the involvement of the homeless/street population within mechanisms of participatory governance and the democratisation push more generally. This is an under-researched area (particularly in the English-language literature) that should be politically and practically pressing for researchers interested in social justice. The National Movement (MNPR) and its achievements and struggles thus far appears, at least on the initial basis of this research, to represent a fascinating case study for students of social movement struggles for justice and the interaction of politics of redistribution, recognition, and representation. In general, the initial study undertaken in this thesis project reinforced my view that contemporary Brazil represents a context highly resonant with the question of what social justice means practically and in very non-ideal and historically-conditioned circumstances. As a ‘society’ member of a council in the Rio de Janeiro periphery, an experienced activist and civil society organiser, commented during her interview: “We have really great laws in Brazil. If the Constitution of ‘88 were effective both in law and de facto, this would be the greatest country in the world. But...”.

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11. Appendixes

11.1 Appendix 1: A policy history of social assistance in Brazil

Social assistance as public policy has existed in some form in Brazil since the era of the Estado Novo regime (1937-45) established by Getúlio Vargas as a consolidation of his populist dictatorship. A newly created national council considered grant applications from and provided subsidies to private social assistance associations; as such, the role of the state in social assistance was at this point essentially a case of approving and sometimes financially supporting the activities of private bodies (Jaccoud et al 2010, 3). The Catholic Church and related philanthropic groups were prominent players in this early scenario. At around the same time, in tune with Vargas’s overall corporatist style of government, contributory social insurance schemes were introduced for particular groups of formal sector industrial workers – typically those which appeared to present a latent threat of organised mobilisation (Leubolt 2014, 2–3) – and the civilian and military bureaucracies.

This had several results. One was to further deepen the divides of formal/informal and urban/rural (the vast majority of rural labour was in the informal sector). The official work card of formal sector employees, necessary for accessing social policy benefits, became almost a de facto citizenship card (Hunter 2014, 18–19). Another effect was to make social protection essentially a deliverance of either presidential patronage, regional clientelist coronéis (‘colonels’), or charitable religious groups; something bestowed, and potentially taken away.

Following the Second World War, during the (somewhat more) democratic ‘Second Republic’, there was some expansion within the model established during the Estado Novo, i.e. further centralization and the incorporation of some new groups into social protection coverage (Draibe et al 1995, 3). Most notably, the administration of the left-leaning president João Goulart (1961-64) granted further concessions to organised labour groups, as well as proposing land reforms. Thanks to these moves, social protection became an intensely politicised and publicly controversial issue. It provoked a reaction from the right to the extent that the social security administration department was singled out as a key bastion of the 'communist plot' that provided the rationale leading to the coup subsequently mounted by the military with the support of elements of
civil society and the middle class, as well as of the latifundistas (large land owners), banking interests, and the US government (Malloy 1979, 117–22; Kornbluh 2004; Leubolt 2014, 4).

The social policy regime of the military period from 1964 was highly conservative and had clear social inclusion/exclusion rules, but put in place some of the governmental apparatus for centrally administering a state-run social protection system (Draibe et al 1995, 3–4). There was some expansion in social protection for the middle class, while social movements for redistribution were violently repressed (Leubolt 2014, 4). The 1970s saw the introduction of, for instance, the Renda Mensal Vitalícia (Lifelong Monthly Income) for over-70s or the severely disabled earning less than 60% of the minimum wage, and Pro-Rural, a reboot of the ‘FUNRURAL’ fund introduced under Goulart which aimed at providing health insurance and pensions for workers in rural areas. Both of these schemes were very limited in scope and target population, and difficult to access, but formed the seeds of later social assistance programmes (see below) (Barrientos 2013a, 890–91; Hunter 2014, 24–25)

Following the decline of the military regime, the 1988 Constitution represented a major shift in terms of social protection in Brazil. Previously, as above, social protection had tended to be a very minor area of government action, and was either based on the contributory principle or linked to patronage or charity. Since the return to democracy and the new constitution, social protection has been greatly expanded and has shifted in emphasis from contributory social insurance to publicly-funded and non-contributory social assistance (Jaccoud et al 2010, 3). The Constitution legally introduced the citizenship principle to social assistance (Barrientos and Pellissey 2012, 15).

As well as the importance of the Constitution, this shift is also a story of social movement and local government activism, both in the mobilisations and debates feeding into redemocratisation and the substantive content of the new constitution, and in the effective post-constitution realization of that document’s implications.

An important legislative step in realizing the aims of the Constitution was the 1993 Lei Orgânica de Assistência Social (LOAS – Organic Law of Social Assistance), which built on the parts of the Constitution relating to social assistance. The LOAS was the fruit of concerted pressure from social movements and municipal governments who successfully lobbied Congress to introduce a seminal ‘Organic Law’ in the vein of the successful
health sector reforms, and strongly shaped its content. (Several characteristic tropes of contemporary Brazilian social policy were pioneered in the health sector, including an Organic Law of Health, the use of decentralised and participatory policy councils, and the introduction of a ‘unified system’ regulating the entire sector.) It was the LOAS that called for the creation of social assistance policy councils at municipal, state, and federal levels, and provided the legal basis for this.

The LOAS also mandated the introduction of the Benefício de Prestação Continuada (BPC – Continuous Cash Benefit), a pension of one minimum wage per month which is unconditional and non-contributory for over 65s and for disabled people unable to live independently, whose household income is less than a quarter of the minimum wage. The BPC has helped to significantly reduce poverty and destitution among the elderly in Brazil (Jaccoud et al 2010, 5–6), and pension coverage of over-65s has reached 86%, a high figure in the Latin American context (Barrientos 2013a, 887). The BPC was strengthened during the Lula government, and its value increased considerably given that it is linked to the minimum wage, which increased several times in that period. While the programme was essentially an expansion of the military-era Renda Mensal Vitalícia, it requires claimants only to be destitute and to provide identity documentation, compared to the highly restrictive and unfeasibly demanding hurdles to access in the older scheme (Hunter 2014, 25–26). This strategy of taking an existing old programme and simply making it greatly more inclusive was also followed with the reincarnation of Pro-Rural/FUNRURAL as Previdência Social Rural (Rural Social Insurance), which is technically contributory but practically almost entirely non-contributory (Barrientos, Debowicz, and Woolard 2014).

The opposite was the case with the origins of the most internationally-known component of social assistance in Brazil, the Bolsa Família (Family Grant), whose predecessor programme Bolsa Escola was a new initiative born of the ferment of new ideas circulating during the re-democratisation phase and pioneered in municipal-level experimentation. Proposals for some kind of citizens’ minimum income had been aired in Brazil since the 1970s, but following the economic crises of the 1980s and their devastating effects on income and poverty levels, such proposals gained new momentum (Rocha 2013, 21).
In 1991-2 the Workers’ Party’s (PT) first senator, Eduardo Suplicy, made a proposal for a national minimum income, conceived as a question of social justice. Having been approved by the Senate, this proposal progressed to the Chamber of Deputies, where it took on a different emphasis to do with fighting poverty, and met with another well-known proposal, by José Márcio Camargo, an economist connected to the PT. This was for an income transfer to poor families with children of mandatory school age, at that time 7-14 years old. While this shared with Suplicy’s proposal that it would transfer income to adults as an individual right, it was fundamentally different in that it would be targeted and means tested.50 This idea proved particularly attractive given that, as well as poverty, school attendance was a serious problem in the early 1990s, particularly in rural areas where on average only 78% of school-age children went to school. Linking the income guarantee to schooling was the result of the theory that unless linked to basic services the transfers would not have much effect on intergenerational poverty and its causes (Barrientos and Pellissery 2012, 16). However, as the PT was defeated in the 1994 presidential elections, the proposals to implement Bolsa Escola nationally didn’t come to pass (at that point). Instead, experiments began to be made at municipal level.

The first two of these happened almost simultaneously in 1995, in the Campinas municipality in São Paulo state, and in the Federal District. In Campinas the programme was introduced by a Social Democratic Party (PSDB) governor in a context of particularly extreme income inequality. In the Federal District it was introduced by the PT governor Cristóvam Buarque, the original formulator of a Bolsa Escola-like proposal while an academic at the University of Brasília (Rocha 2013, 25–31). The idea quickly spread to other municipalities, and in 1997 the federal government began providing some funding, before Bolsa Escola became a fully-fledged federal programme in 2001. This was probably partly in response to significant short-term adverse effects of the Plano Real anti-inflation fiscal measures of the mid-1990s which politically-speaking necessitated some poverty activism from the government. During the later 1990s and early 2000s political competition to the rising threat of the PT led to a proliferation of cash transfer programmes, often with overlapping beneficiary populations (Barrientos and Pellissery 2012, 16).

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50 (Although interestingly an earlier proposal by Camargo was more universalist in proposing a transfer equal to the minimum wage to all families with children in public school.)
Following the 2002 election of President Lula and the new PT-led government, several of these programmes were consolidated into *Bolsa Família*, turning a rather messy situation into a simple and effective one (Jaccoud et al 2010, 8). This represented a slight departure from older principles for a party which traditionally tended to view such programmes as assistêncialismo, i.e. a demobilizing and somewhat paternalistic welfarism, clearly lower on the priority list than more fundamental egalitarian transformations. For instance, Aloízio Mercadante, a founding member of the PT and recently chief of staff in the Dilma Rousseff government, wrote that for the PT poverty is not an “isolated, conjunctural or residual phenomenon that can be resolved through philanthropic or welfarist [assistencialista] means”, instead pointing to structural and historical factors (Pereira 2015, 1686). The softening of this position can probably mainly be seen as a matter of electoral strategy (Saha and Lima 2003; Campello 2013). Programmatically the PT also remained loyal to Suplicy’s original minimum income proposal and it eventually became law in 2004 (Rocha 2013, 23).

Turning to the current situation, the *Benefício de Prestação Continuada* and the *Bolsa Família* are now the two main cash transfer elements of social assistance in Brazil (Jaccoud et al 2010, 5–6). The new generation of Brazilian social policy is clearly more aimed at children than in the earlier military and pre-military eras (Hunter 2014, 31). It is also greatly more decentralised; the importance of this principle can be seen in the fact that the federal government uses a ‘Decentralisation Index’ which ranks municipalities according to performance and affects federal funding streams, and is designed to lead both to incentives for municipalities to be pro-active and to support for those of lower capacity (Barrientos and Pellissery 2012, 17). The ‘Unified System of Social Assistance’ management system and its *Cadastro Único* (Single Registry) electronic database allows the monitoring of cash transfer recipients over time, as well as easier co-ordination between different agencies, being accessible across all relevant authorities (Barrientos and Pellissery 2012, 7; Jaccoud, Hadjab, and Chaibub 2010, 8).

A further feature that can often be downplayed in the literature is a range of primary care and social work services; the social assistance sector in Brazil is not simply a case of cash transfers. The 2011 update to the Organic Law of Social Assistance describes social assistance in Brazil as being split into ‘basic’ and ‘special’ levels of protection; the latter involves entirely non-cash transfer actions, while the former involves a mixture (Brasil 2011, Art. §6–A). The distinction between basic and special is perhaps most
easily understood by looking at the two different types of reference centres for social assistance. The majority of municipalities have at least one of a general type, Centro de Referência de Assistência Social (CRAS), and one of a ‘specialized’ type, Centro de Referência Especializado de Assistência Social (CREAS). These act as the front-line first point of contact for citizens to access social assistance services.

CRASs are conceived as a portal to ‘basic’ social assistance; they will enter citizens’ details into the Cadastro Único database and advise them of their rights and how to claim cash transfers. They will also, if appropriate, refer visitors to services like ‘Comprehensive Family Care Programme’ (Programa de Antenção Integral à Família, PAIF) or ‘Socioeducational Services for Adolescents’ (ProJovem Adolescente), or social centres for the elderly. Also involved is support of cash transfer recipients, for instance working with families who fail to comply with conditionalities (Jaccoud et al 2010, 18).

The basic level of social assistance is conceived as being mainly preventative in scope, aiming to pre-empt situations of risk through developing the potential and abilities of individuals and through strengthening family and community ties. It is sometimes described in rights-based terms as trying to ensure the avoidance of rights violations. It is primarily aimed at the population considered to be vulnerable to poverty and/or socially excluded in some way.

Special social assistance is more reactive, for situations where rights have already been violated, for instance for families or individuals who find themselves in situations of abandonment, physical or psychological abuse, substance abuse, educational issues, homelessness, child labour, or other things. The 2011 LOAS update describes it as a case of ‘reconstruction’; of family ties, community ties, and the rights and potential of individuals. This is the area that CREASs are responsible for helping citizens to access and requires more individualised and flexible attention. It relates to various support services, such as the child labour eradication programme, a programme combating sexual abuse of children and adolescents, women’s shelters, psychological help services, and support services for disabled people and the elderly.

Overall, social assistance has had a significant macro-level impact on inequality in Brazil (Leubolt 2014). Its expansion has also been politically very significant, both as the subject of strong interest and debate in public and in Congress, and in delivering electoral gains to politicians adopting a pro-poor stance. Bolsa Família was almost
certainly highly significant in the electoral performance of the PT in 2006 and 2010 (Pereira 2015, 1692). However, despite this link between transfers and votes, there is evidence to suggest that this interrelation does not merely represent a return to the clientelist dynamic of older formal and informal sources of social assistance; recipients of transfers understand the status of the transfer as a citizenship right and do not fear that their vote choices or other political activities will endanger this (Hunter 2014, 30). Social policy in general has been pushed to the top of the political agenda, and Brazil is now “one of the most important examples of effective delivery of social assistance in the developing world” (Barrientos and Pellisery 2012, 15).