

Print Saved Articles

Social Justice

Madison Powers

Bioethics.

Ed. Bruce Jennings. Vol. 6. 4th ed. Farmington Hills, MI: Macmillan Reference USA, 2014. p2966-2973.

TOPIC OVERVIEW

**Macmillan
Reference USA™**

COPYRIGHT 2014 Gale, Cengage Learning

Full Text:

Page 2966

THE SUBJECT MATTER OF SOCIAL JUSTICE
DEFINING THE BASIC STRUCTURE
A GLOBAL BASIC STRUCTURE?
NATURE, CHOICE, AND THE SCOPE OF SOCIAL RESPONSIBILITY
BIBLIOGRAPHY

The origins of modern discussions of social justice are often traced to the concept of *giustizia sociale*, first articulated in 1840 by the Jesuit priest Luigi Taparelli d'Azeglio and made known more widely with the publication of Antonio Rosmini's *La Costituzione secondo la giustizia* in 1848. A secular treatment appeared several years later in John Stuart Mill's *Utilitarianism*, where he refers to his principle of utility as "the highest abstract standard of social and distributive justice, towards which all institutions and the efforts of all virtuous citizens should be made in the utmost degree to converge" (Mill 2001 [1861], 62).

Among early-twentieth-century political theorists such as Leonard Trelawny Hobhouse (1922) the central issue of social justice was the proper distribution of advantages and disadvantages within society. As David Miller (1999) notes, the underlying assumption is that individuals, whose lives are highly interdependent and whose life prospects are therefore markedly affected by the web of social and institutional arrangements that bind them together, are justified in making claims against one another for fairness in the distribution of benefits and burdens.

In the second half of the twentieth century, John Rawls emerges as the major contemporary figure in that tradition, and his formulation of the central issues in *A Theory of Justice* (1999a [1971]) provides the point of departure for virtually all of the current debates, including the following:

1. whether the notion of social justice, understood as an attribute of social structures, can be formulated as distinct from, and indeed compatible with, ideals of justice by which individual agents and their actions are assessed;
2. whether a conceptually clear, normatively plausible specification of the elements of the social structure subject to moral assessment can be given;
3. whether the social structure subject to moral assessment is necessarily confined to domestic arrangements within a single nation-state; and
4. whether the purpose of social justice is to address only those inequalities that are caused by a particular form of social organization or, in addition, some inequalities not directly causally linked to the social structure but nonetheless amenable to reduction by the alteration of social arrangements.

Contemporary discussions of social justice are so thoroughly dominated by Rawls's contributions that debates about the very idea of social justice as a distinct subject of justice, as well as debates regarding the definition of the basic structure, necessarily begin with critical and interpretative discussions of his view. On the issues of whether the basic structure might be extended globally and of which inequalities a social-structural theory of justice is meant to address,

Rawls's own views have receded somewhat into the background of discussion, but the basic terms of these debates continue to be set by his work.

THE SUBJECT MATTER OF SOCIAL JUSTICE

In Rawls's famous dictum, justice is the “first virtue of social institutions” (1999a, 3). Social justice, on his account, is concerned with fairness in the design of the “basic structure of society” (1999a, 3), a phrase he uses throughout *A Theory of Justice* to refer to the major institutions and social arrangements within a single society, understood as “a more or less self-sufficient association of persons” bound together by rules that “specify a system of cooperation” (1999a, 4). For Rawls, a society is a normatively unique form of human interaction inasmuch as the shared understanding among its participating members is that a society is a cooperative venture for mutual advantage. Because a satisfactory life for anyone is possible only through complex and enduring processes of social cooperation, and because social cooperation enables the production of a greater sum of benefits than would be possible for persons acting on their own, distributive principles are needed for determining the proper division of social and economic advantages.

In his 2001 book, *Justice as Fairness: A Restatement*, Rawls adds renewed emphasis to the claim that the cooperative character of social organization is the “most fundamental idea” (5) or “central organizing idea” of his theory (26). More precisely, a society within which principles of social justice apply is conceived as a fair system of cooperation over time, extending from one generation to the next. In *The Law of Peoples* (1999), Rawls reaffirms a normatively laden empirical assumption that was implicit throughout *A Theory of Justice*: members of a particular society have moral standing to assert claims of distributive justice against one another, because domestic political and economic arrangements are unique in their influence on the life prospects of individuals affected by these arrangements.

Social justice is therefore cast as a set of requirements of distributive justice inasmuch as its principles are meant to regulate the distribution of various kinds of primary social goods, including liberties, opportunities, and all-purpose resources such as income and wealth. The conclusions of Rawls's arguments are well-known. Basic liberties should be equal (the Principle of Equal Basic Liberties); inequalities in opportunities attributable to morally arbitrary causes should be compressed (the Fair Equality of Opportunity Principle); and income and wealth should be distributed so as to

Page 2967

maximize the share available to the worst-off members of society (the Difference Principle). His overarching conclusion is that the totality of social arrangements must be beneficial to every fully cooperating citizen, including the least advantaged, and the set of distributive principles he defends thus provides the desiderata by which those arrangements might be judged as just.

Rawls in his later work elaborates on a further aspect of a single society that explains the need for distributive principles having purely domestic application. Citizens are entitled to press their claims for distributive justice against one another because of their shared commitment to ensuring fair terms of social cooperation among parties who think of themselves as free and equal citizens. His assumption is that the necessary conditions for sustaining a democratic political order provide significant moral constraints on permissible inequalities inasmuch as extreme inequalities in opportunity or wealth and income have a corrosive effect on one's standing as an equal participant within a democracy.

By design, a number of questions of justice are thus treated as outside the scope of Rawls's theory of social justice. Beyond the bounds of his theory are individual requirements of justice, such as the virtues of individual agents and the moral norms governing individual conduct within private associations, as well as the requirements of international justice, or moral norms governing the relations between nation-states.

While Rawls's principles of social justice reflect an underlying concern for human well-being, they are distinct from natural duties of mutual aid and duties of humanitarian assistance that all individuals have toward all other individuals by virtue of their common humanity, rather than arising from citizenship or membership in a particular society. The concern for human well-being expressed in universal principles of humanitarian assistance, for example, is typically manifested in duties to transfer resources in order to meet acute needs, while principles of social justice have a different temporal horizon and a different practical focus. Principles of social justice pertain to the norms, institutions, and social arrangements under which the conditions for the fulfillment of human needs on an ongoing basis are achieved.

Moreover, even the humanitarian duties of assistance that societies (as contrasted with individuals) have toward the global poor are not thought of by Rawls as duties for which the aim is to bring the poor up to some minimal standard of living. Nor is the goal to lessen the inequalities between the global rich and the global poor. The sole aim of assistance

to “burdened societies” is to help them develop just or decent domestic institutional arrangements so that they may discharge their own duties to ensure the well-being of their members (Rawls 1999b, 107).

The objections to Rawls's portrayal of social justice as a normatively distinct set of moral concerns are various. One objection, considered more thoroughly below, is that Rawls's conception of the kinds of social interdependence sufficient to trigger some duties of distributive justice is too restrictive. Sympathetic critics, including Samuel Scheffler (1995) and Dale Jamieson (1992) argue that the nature and extent of influence over life prospects exerted by forms of global interdependence makes the exclusive focus on a single society as the locus of moral responsibility for the life prospects of persons thus affected seem anachronistic.

More fundamental are the objections of critics who oppose the very idea of social justice as a distinct category of morality. Robert Nozick, for example, in *Anarchy, State, and Utopia*, argues for the implausibility of any “patterned conception of justice” (1974, 220) that has as its aim some preferred distributive outcome. The objection is that an outcome orientation treats the cumulative consequences of the actions of many separate individual moral agents as potentially unjust, even when those actions involve no wrongdoing or breach of individual moral duty. For Nozick, as long as there is no injustice in the acquisition or transfer of resources, then whatever distributive pattern in resources or opportunities emerges from voluntary transactions and agreements is just.

Friedrich Hayek argues similarly that virtues, properly understood, are ascribable only to individual moral agents because “only human conduct can be called just or unjust” (1976, 31); “to speak of justice always implies that some person or persons ought, or ought not, to have performed some action” (33). But instances of social injustices refer to states of affairs characterized by inequalities (for example, in well-being, opportunities, economic rewards, and so on), for which there are no identifiable agents who can be held individually accountable for unjust actions. Moreover, a theory of social justice cannot be rescued from incoherence by treating government as a moral agent. As Hayek puts it, “the demand for ‘social justice’ is addressed not to the individual but to society—yet society, in the strict sense in which it must be distinguished from the apparatus of government, is incapable of acting for a specific purpose” (64).

A different line of criticism accepts the underlying notion of a separate domain of justice by which social arrangements, rather than individual agents and actions, might be assessed, but the objection is that a conception that equates social justice with purely distributive concerns is overly narrow. Iris Marion Young (1990; 2011) has outlined the claim that

Page 2968

social justice should be concerned with the real-world processes by which certain grossly unequal distributive outcomes are systematically and routinely produced. Critics in this vein, including Young, argue for a wider conception of social justice that reflects the importance of identifying and eliminating the root causes of entrenched patterns of disadvantage, especially when they tend to reproduce and reinforce institutionalized forms of domination and control over the fates of some groups and individuals within society. On this view, the root causes of disadvantage are not necessarily traceable to unequal distributive shares of income and wealth. Deeply unfair, exclusionary social arrangements often explain the existence and persistence of some of the worst distributive inequalities, and they are unjust because they reflect an underlying inequality in moral status, even if gross inequalities in distributive outcomes are not the inevitable consequence.

Rawls replies to his various critics by saying that many of the sources of confusion surrounding his theory of social justice stem from a failure to appreciate the division of moral labor among distinct levels of justice, which he subdivides into local, domestic, and global justice (2001, 11). Local justice involves principles that apply to the voluntary transactions among individuals and the interactions among members of associations such as the family, religious institutions, unions, and universities. Principles of social justice—such as the Difference Principle or the Principle of Fair Equality of Opportunity—do not apply directly to these activities, for example, by requiring distribution of resources to family members so as to maximize the distributive share of the least advantaged, or by dictating how religious organizations should choose their church hierarchy. Principles of social justice nonetheless regulate indirectly private transactions and forms of association that are otherwise to be governed by local principles directly. His principles of social justice are described as principles that regulate the “background social framework” (2001, 10) within which private associational and market transactions occur. This characterization allows him to respond to both Nozick and Young.

In response to Nozick's claim that justice should concern itself only with fairness in voluntary transactions, Rawls argues that it is impossible to judge what counts as fairness in a particular transaction apart from a theory of social justice. Social institutions and their isolated transactions between individuals can be counted as just only when they preserve over time the background conditions that ensure the equal worth of the basic liberties to all citizens and fair equality of opportunity, both of which can be eroded by processes that involve the generational concentration of wealth

and political influence. In response to Young and others who object that his theory is inadequately attentive to status inequalities that matter on their own, and which often explain how some of the most unjust distributive inequalities are produced, Rawls points to the fundamental purpose of the background framework of justice as preserving equality of political and social standing among citizens as the overarching explanation of his theory's distributive concerns. A number of careful commentators on Rawls's work as a whole, including Samuel Scheffler (2003) and Norman Daniels (2003) argue that what makes a distributive pattern unjust is not merely that it fails to conform to some antecedent notion of a preferred distributional end-state, but the fact that some patterns of distribution are morally objectionable for the more fundamental reason that they are corrosive of equality of status.

DEFINING THE BASIC STRUCTURE

A theory of social justice requires some account of the social arrangements that are the primary objects of assessment. One approach to the identification of the constituent elements of the basic structure involves an enumeration of illustrative examples. Among Rawls's examples are political constitutions, the organization of markets, and the family, as well as various nonspecific "social practices" (1999a, 48). In addition, Rawls characterizes the basic structure by reference to the social functions that some institutions perform, as well as by reference to the consequences various social arrangements have for those persons who are affected by them. However, enumerative, functional, and consequential characterizations often differ in their implications, and political theorists following in Rawls's footsteps have taken divergent paths in developing their own accounts.

Perhaps Rawls's most explicit attempt to provide criteria for the basic structure centers on the uniquely consequential impact that various domestic social arrangements exert on individual lives. For Rawls, "the basic structure is the primary subject of justice because its effects are so profound and present from the start" (1999a, 7). The basic structure of a society is viewed as a single, unified scheme that affects the participants in social arrangements insofar as it "influences their life prospects, what they can expect to be and how well they can hope to do" (1999a, 7). The impact of the sort that matters to social justice is both "profound and pervasive" (2001, 55).

A notable feature of Rawls's consequential impact criterion is that the morally pertinent aspects of a person's life prospects that are affected are not limited to economic prospects or distributive shares of resources. For example, the basic structure determines the range of available social opportunities that are said to be valuable because they are forms of human activity important to the realization of the self and not merely valuable instrumentally for the economic

Page 2969

rewards they produce. The basic structure also determines an individual's prospects for forming a conception of the good, setting a life plan, and exercising capacities for self-direction, and together they represent a constellation of interests that Rawls describes as the "highest-order interests" of everyone affected by the basic structure (1999a, 475–76). Even individual character is shaped by the basic structure. The "social system shapes the wants and aspirations that its citizens come to have" (1999a, 259), Rawls argues, and it provides for each citizen the social basis for self-respect, which Rawls takes to be so valuable that they would do almost anything to preserve it. Moreover, it determines the extent to which individuals can cooperate as free and equal citizens in accordance with ideals of democratic equality.

Arguably, all of the enumerated examples of social-structural elements of the basic structure are highly consequential in their impact on each of the morally distinct interests that Rawls discusses. And yet, some arrangements, such as the family, which are included in his lists of examples, and which exert a profound and pervasive impact, are not on his account regulated directly by his principles. Other similarly consequential social arrangements do not even appear on any of his enumerative lists. Various manifestations of social ethos and norms of personal conduct, for example, influence levels of compensation and the range of other nonfinancial opportunities available within society. Religious practices and institutions, private schools and universities, and social customs also lock in differential life prospects in numerous ways—for example, by generating rigid gender-role expectations—but they are not counted by Rawls as part of the basic structure.

The role of consequential impact in relation to the basic structure thus remains unclear, as the discussion of the family most clearly reveals. At most, it seems to be a necessary but not sufficient condition for inclusion among the elements of the basic structure, and even inclusion among the main elements of the basic structure is not a sufficient condition triggering direct application of his distributive principles.

Another way in which the elements of the basic structure are specified in Rawls's theory is through accounts of the distinctive functional roles that the major social arrangements are said to play. However, the kinds of functional roles

Rawls alludes to are diverse. Michael Blake (2001) argues that given the overall structure of Rawls's argument, what he should have claimed is that the distinctive mark of the elements of the basic structure is the uniquely coercive role of domestic laws. Indeed, in numerous places Rawls elucidates the elements of the basic structure by noting their legally authoritative role in specifying the basic rights and duties that citizens have and by emphasizing the special social role of institutions that create a “public system of rules” (1999a, 74) that assign not only rights and duties but powers and immunities as well. All of these examples, as Blake observes, point to the seemingly unique functional characteristics of the basic structure that are specific to legal systems.

Nonetheless, other elements of the basic structure in Rawls's theory are identified by other functional roles that do not involve coercive state institutional arrangements. Rawls includes markets and other nongovernmental institutions as parts of the basic structure because of their functional role in determining the distribution of benefits and burdens, social advantages, and opportunities. Whatever the merit of Blake's account, it cannot provide the complete functional test that Rawls suggests. For not all coercive legal rules have the profound and pervasive impact on the distribution of benefits and burdens among persons affected by them, and various customs, markets, and social practices function as centrally important distributive mechanisms without doing so by way of legally coercive rules. Thus, the coercive function of legal institutions provides neither a necessary nor sufficient criterion of the basic structure.

Rawls acknowledges from the outset of his *Theory of Justice* the vagueness of his conception of the basic structure, and in later writings he speculates that it may be best to abstain from an attempt to provide a sharp criterion or definition of social justice, leaving open an assessment of the sources of profound and pervasive impact on life prospects by examining contingent circumstances that might arise. That open-endedness has led to considerable speculation not only with regard to which domestic social arrangements ought to be included in the basic structure but also whether the basic structure properly subject either to direct or indirect regulation by principles of distributive justice is confined necessarily to the domestic context.

A GLOBAL BASIC STRUCTURE?

Critics—such as Joshua Cohen and Charles Sabel (2006)—of the exclusively nation-state focus that Rawls and various Rawlsians defend have dubbed this position as a “strong-statist” view. They point to the existence of other forms of global interaction having highly consequential impact, and which, accordingly, might be sufficient to generate special duties of distributive justice, even if, for the sake of argument, they differ from distributive duties generated within the domestic context.

Robert E. Goodin (1988), Martha Nussbaum (2006), and others have made the criticism that the existence of a national scheme of cooperation is neither a necessary nor sufficient condition for triggering duties of distributive justice. Many

Page 2970

citizens—for example, those with profound physical and mental impairments—are not fully cooperating members of a domestic mutual benefit association, though they are surely owed some measure of concern as a matter of distributive justice, and many individuals who are deeply entrenched in ongoing cooperative associations that exert considerable impact on life prospects exist outside of the political and geographic boundaries of any specific nation. The trend toward greater global interdependence leads some to ask whether the current global order itself constitutes a “global basic structure” (Buchanan 2000, 700) that is properly subject to moral appraisal and, in itself, sufficient to generate some international duties of distributive justice.

For example, global economic institutions such as the World Bank, the International Monetary Fund, and the World Trade Organization often have a very large impact on residents of lesser developed nations, and among nations with weak governmental structures, they may exert as much influence as any other local or domestic factor. A number of philosophers, including Thomas Pogge (2004a) and Allen Buchanan (2000), argue that wholesale changes in health and environmental laws, trade policies, subsidies for fragile domestic industries, and the provision of social services have been required as conditions of international loans and eligibility for participation in international cooperative frameworks that less-developed nations cannot realistically refuse. The opponents of strong statism point in particular to what they take to be the contribution of externally imposed economic policies to increased poverty, which in turn has a major impact on health, and intellectual property rules that have undermined the ability of the global poor to obtain vital lifesaving medications.

Strong statist sometimes reply to such challenges by arguing that, to the extent that there are global cooperative schemes, they are still not unitary structures of the sort that Rawls views as necessary in order to trigger duties of

distributive justice. The global structure, as Michael Blake (2001) argues, lacks the high degree of institutional density typically expected from arrangements that are likely to exert the kind of profound impact on life prospects that occurs routinely in the domestic context. Even where the impact is significant, critics such as Thomas Nagel (2005) claim that it is more episodic and sporadic than the pervasive and enduring impact that domestic institutions have over the course of a complete life of citizens and, indeed, over the course of successive generations. In short, the disagreement turns initially on competing empirical conjectures regarding the extent to which the primary determinants of whether nations and the people living in them are rich or poor are purely local or whether some exogenous influences also play a large causal role.

Alternatively, strong statists can concede that the global basic structure exerts a profound and pervasive impact on life prospects of many people independently of national boundaries, but they can still deny that this fact alone is sufficient to trigger any globally applicable duties of distributive justice. For Blake, the further moral difference lies in the unique form of coercion inherent in the exercise of state power. For Thomas Nagel, the further difference has to do with the morally unique role of citizens within a democracy who collectively authorize the creation of institutional arrangements that affect life prospects. David Miller (1999) and others, meanwhile, suggest that the further difference resides in a variety of purely domestic factors such as geographic proximity, shared history, cultural homogeneity or shared understandings, special bonds of solidarity such as a common ethnic heritage or national identity, and the existence of institutions necessary for the implementation and enforcement of distributive principles.

Critics of strong statism, however, have a ready reply, especially to those who focus on the seeming uniqueness of state coercion and the imposition of a highly consequential social and economic order by democratic processes. They argue, for example, that global inequalities, when they are imposed upon the powerless, demand justification no less than within the domestic context. They claim further that as a matter of empirical fact, many of the transactions between the global affluent and the global poor are substantially nonvoluntary because they occur within the context of highly asymmetric political and economic interactions. Moreover, unlike the imposition of terms of association through democratic processes, the imposition on a global scale is unilateral and therefore suffers from a lack of a comparable buffer from overreaching by parties with stronger bargaining positions that a participatory role in decision-making on more equal terms provides.

The strong statist's position, by contrast, views global transactions as substantially voluntary; therefore, their position resembles the views of libertarians outside of the domestic context. Although egalitarian domestic social arrangements are seen by statists as providing the background conditions necessary for assessing the fairness of domestic voluntary transactions, they view cross-border market exchanges and political negotiations in the same way that libertarian theorists view all market exchanges or other voluntary bilateral interactions: that is, strong statists such as Rawls (1999b) and Nagel (2005) agree that as long as such transactions among nations or among residents of separate nations are free from coercion or fraud, there are no further moral restraints on the patterns of distribution that emerge.

Page 2971

NATURE, CHOICE, AND THE SCOPE OF SOCIAL RESPONSIBILITY

Social-structural theories of justice, whether domestic or global in their scope of application, suppose that distributive principles meant to compress inequalities in resources, well-being, comparative advantage, or social standing share a crucial premise. They attach great moral significance to the existence of densely woven webs of social interaction that are highly determinative of the life prospects of participating individuals. However, there are many other inequalities caused by a variety of factors other than social-structural factors. We thus need some account of the moral difference, if any, these causal differences make.

For simplicity we can distinguish three main sources of inequalities potentially relevant to social-structural theories of justice: inequalities that are attributable to the workings of the social structure; inequalities that are a result of the voluntary personal choices or behaviors of individual participants within a social structure; and inequalities that arise from natural differences in human endowment or other merely fortuitous events that are neither caused by personal choice nor the operation of the social structure. Accordingly, we can map the logical possibilities for the ways in which the aims of social justice might be conceived. The alternatives are (1) none; (2) causes of all three types; (3) social-structural causes only; (4) effects caused by voluntary personal choices; (5) natural causes; (6) natural and social causes; (7) natural and personal causes; and (8) social and personal causes. The live options most prominent in the literature are (in order of discussion): 1 (libertarianism); 6 (luck egalitarianism); 3 (simple social-structural theories); and 2 (complex

social-structural theories).

Among the philosophical positions that emphasize personal responsibility are libertarians (type 1), who think that none of the three causes of inequalities provides sufficient warrant for overturning the distributive outcomes produced by the voluntary choices of individuals. Justice is not properly concerned with remedying what is often called “cosmic inequalities” resulting from natural factors, reversing the consequences of the improvident choices of individuals, or addressing social-structural causes of inequality that, by definition, are not caused by identifiable agents whose conduct can be judged as wrong or unjust.

Luck egalitarians (type 6) argue that we should reform social structures in order to mitigate or compensate for inequalities that are a product of either natural contingencies or social-structural design but that we do not need to address inequalities produced by the voluntary choices of individuals. Luck egalitarians such as Gerald Cohen (1989) and Richard Arneson (1989) capitalize on an intuition that Rawls highlights: both natural and social causes of inequality in life prospects are deemed to be morally arbitrary, and for that reason there seems to be some intuitive basis for thinking it unfair to permit life prospects to be so thoroughly determined and shaped by forces lying beyond an individual's personal control. The luck egalitarian is thus responsive to familiar worries about the potential for erosion of personal responsibility, were social policy to be guided by the aim of smoothing out all inequalities, regardless of their source.

Nonetheless, purist versions of luck egalitarianism are somewhat difficult to find, at least among those who work at the intersection of theories of social justice and health. Even among self-described luck egalitarians such as Shlomi Segall (2010), the argument for excluding individuals from health care coverage for conditions that are a product of personal choice or lifestyle, on grounds of what justice requires, are tempered by other moral considerations. Segall argues that we have reasons against such exclusion, for example, based in duties that prohibit abandonment of others. Even if in principle the exclusion of treatment for ill health caused by risky or improvident personal choice has some intuitive plausibility, as luck egalitarians insist, there are ancillary moral reasons why social policy should not ignore resulting inequalities. Moreover, Dan Wikler (2004) argues that the luck egalitarian ideal within health policy contexts is seriously flawed because of the inherent limits to our ability to disentangle the relative contributions of personal choice, social-structural influence, and natural contingencies.

The luck egalitarian position is problematic for the additional reason that it wrongly presupposes that all choice-induced inequalities are on a moral par. Elizabeth Anderson (1989) offers the example of public policies that exclude from health insurance coverage an individual who has lost employer-provided coverage upon the death of a spouse because of an earlier decision to devote time to care for dependent children and therefore rely upon the insurance policy of an employed spouse. Luck egalitarianism is not merely unduly punitive in such a case; more fundamentally it treats arguably socially valuable personal choices as equivalent to paradigmatically improvident or risky choices for which some disincentive might be warranted.

A simple version of a social-structural theory (type 3) would endorse distributive duties to address inequalities that arise from the social structure itself but not inequalities that arise from voluntary personal choice or from natural contingency or “brute luck.” An attraction in hewing closely to social-structural causes of inequalities is that it has the theoretical resources to explain why it might seem unfair to assign to individuals the moral responsibility for bad outcomes that lie beyond personal control. Because they are attributable to humanly alterable social arrangements, Buchanan et al. (2000)

Page 2972

argue that such bad outcomes are within the domain of social responsibility to prevent or ameliorate, it is not the responsibility of society to address the full range of “cosmic” inequalities attributable to differences in natural endowment. Such a theory, then, is said to be more intuitively plausible because it does not attempt to alter social arrangements in pursuit of eradicating inequalities which neither individual agents nor the collective decisions and interactions of human beings had a role in generating.

However, there are very few obvious examples of theorists who give a prominent place to social-structural concerns in the simple, backward-looking manner suggested, at least when it comes to matters of justice in health care and health policy. More common are complex accounts that address at least some of the inequalities that flow from all three sources (type 2). Worries about sorting out the overlapping causal streams certainly play a part in arguing for more complex views. But of particular importance is the fact that few social-structural theories limit their concerns to remedying existing unjust inequalities caused by social-structural factors.

For example, few theories of social justice appear interested exclusively in reducing health inequalities that have arisen from and persist as a consequence of some moral defect of the institutional structure, such as institutionalized racial

discrimination. To be sure, there are many, including Powers and Faden (2006), who argue that deprivations and disadvantages that are attributable to social-structural causes generally take on a greater moral urgency than those that do not. But it would miss a crucial point of what most social-structural views are intended to do if their forward-looking concerns are not given equally prominent billing. One such argument is Norman Daniels's (1985; 2008) claim that health inequalities have a significant prospective effect on equality of opportunity. Powers and Faden (2006) and Wolff and de-Shalit (2007) argue that health inequalities may be unjust not only because they constitute an avoidable deprivation of some core element of well-being that is a constituent of a decent human life, but also for the additional forward-looking reason that, quite often, they play a further causal role within densely woven patterns of disadvantage that tend to impede sufficient realization of other core elements of human well-being.

Indeed, the ongoing and prospective focus of most social-structural theories of justice is the essential point that Rawls highlights in his later writings. In *Justice as Fairness* he emphasizes the overwhelming importance of securing, on a continuing basis, the background conditions within which patterns of human interaction can proceed without the cumulative, corrosive effects of inequalities that have further impact on a host of other values. Notably, social-structural theories occupy a unique niche among theories of justice. The prospective aims of social-structural theories of justice intersect with the retrospective aims of corrective justice. While corrective justice is meant to restore a level of well-being or social standing denied to persons and groups injured by a prior injustice, social-structural justice provides a further remedial reason for attention to their condition. In addition, however, complex social-structural theories that reflect concern for ensuring a fair basis for ongoing association require that participants be able to interact with others without the burden of crippling disadvantages. In a similar vein, Thomas Pogge, whose theory about social justice is well-known for its heavy emphasis on the enduring effects of past injustices, points to what might be called its preventive aims. He says that social justice is meant “not merely [to] repair and compensate for the effects of deprivations they have produced in the past,” but, even more important, to “avoid causing such damage in the first place insofar as reasonably possible” (Pogge 2010, 28–29).

Given the prominent place that theories of social justice assign to its preventive and prospective aims, attention to at least some naturally caused inequalities seems unavoidable, but that attention is not based on the assumption that the aim of social justice is to eliminate all morally arbitrary inequalities. While theories may differ in their judgments of which inequalities are the most appropriate basis for assessing social structures, they agree that certain forms of deprivation and disadvantage are incompatible with the aim of ensuring just background conditions within which ongoing and future interactions occur.

In sum, social-structural theories take their initial cue from a shared appreciation of the potential moral significance of highly consequential webs of historical and ongoing forms of interaction, but they differ in a variety of important respects. They differ in the ways they conceive of the elements of the basic structure that are subject to appraisal. They differ in their judgments of whether the basic structure should be construed in purely domestic terms or understood globally as well, and they differ in their assessments of the moral differences that the various causes of inequalities make to the assessment of social-structural arrangements.

SEE ALSO *Epistemic Injustice* ; *Ethics: II. Task of Ethics* ; *Global Health Inequalities and Inequities* ; *Human Rights* ; *Justice* ; *Rights* ; *Solidarity* ; *Utilitarianism*

BIBLIOGRAPHY

Anderson, Elizabeth S. 1999. “What Is the Point of Equality?” *Ethics* 109 (2): 287–337.

Page 2973

Anderson, Elizabeth S. 2010. “Justifying the Capabilities Approach to Justice.” In *Measuring Justice: Primary Goods and Capabilities*, edited by Harry Brighouse and Ingrid Robeyns, 81–100. Cambridge, UK: Cambridge University Press.

Arneson, Richard. 1989. “Equality and Equality of Opportunity for Welfare.” *Philosophical Studies* 56:77–92.

Barry, Brian. 1982. “Humanity and Justice in Global Perspective.” In *Ethics, Economics, and Law*, edited by J. Roland Pennock and John W. Chapman, 219–52. New York: New York University Press.

Beitz, Charles R. 1983. “Cosmopolitan Ideals and National Sentiment.” *Journal of Philosophy* 80 (10): 591–600.

- Blake, Michael. 2001. "Distributive Justice, State Coercion, and Autonomy." *Philosophy and Public Affairs* 30 (3): 257–96.
- Buchanan, Allen. 2000. "Rawls's *Law of Peoples*: Rules for a Vanished Westphalian World." *Ethics* 110 (4): 697–721.
- Buchanan, Allen; Dan W. Brock; Norman Daniels; and Dan Wilder. 2000. "Genes, Justice, and Human Nature." In *From Chance to Choice*, 61–103. Cambridge, UK: Cambridge University Press.
- Cohen, Gerald A. 1989. "On the Currency of Egalitarian Justice." *Ethics* 99 (4): 906–44.
- Cohen, Gerald A. 1997. "Where the Action Is: On the Site of Distributive Justice." *Philosophy and Public Affairs* 26 (1): 3–30.
- Cohen, Joshua, and Charles Sabel. 2006. "Extra Rempublicam Nulla Justitia?" *Philosophy and Public Affairs* 34 (2): 147–75.
- Daniels, Norman. 1985. *Just Health Care*. Cambridge, UK: Cambridge University Press.
- Daniels, Norman. 2003. "Democratic Equality: Rawls's Complex Egalitarianism." In *The Cambridge Companion to Rawls*, edited by Samuel Freeman, 198–210. Cambridge, UK: Cambridge University Press.
- Daniels, Norman. 2008. *Just Health: Meeting Health Needs Fairly*. New York: Cambridge University Press.
- Goodin, Robert E. 1988. "What Is So Special about Our Fellow Countrymen?" *Ethics* 98 (4): 663–86.
- Hayek, Friedrich A. 1976. *The Mirage of Social Justice*. Vol. 2 of *Law, Legislation, and Liberty*. Chicago: University of Chicago Press.
- Hobhouse, Leonard Trelawny. 1922. *The Elements of Social Justice*. London: Allen and Unwin.
- Jamieson, Dale. 1992. "Ethics, Public Policy, and Global Warming." *Science, Technology, Human Values* 17 (2): 139–53.
- Mill, John Stuart. 2001 (1861). *Utilitarianism*. 2nd ed. Edited by George Sher. Indianapolis, IN: Hackett.
- Miller, David. 1999. *Principles of Social Justice*. Cambridge, MA: Harvard University Press.
- Nagel, Thomas. 2005. "The Problem of Global Justice." *Philosophy and Public Affairs* 33 (2): 113–47.
- Nozick, Robert. 1974. *Anarchy, State, and Utopia*. New York: Basic Books.
- Nussbaum, Martha. 2000. *Women and Human Development: The Capabilities Approach*. Cambridge, UK: Cambridge University Press.
- Nussbaum, Martha. 2006. *Frontiers of Justice: Disability, Nationality, Species Membership*. Cambridge, MA: Harvard University Press.
- Pogge, Thomas W. 2000. "On the Site of Distributive Justice: Reflections on Cohen and Murphy." *Philosophy and Public Affairs* 29 (2): 137–69.
- Pogge, Thomas W. 2004a. "'Assisting' the Global Poor." In *The Ethics of Assistance*, edited by Deen K. Chatterjee, 260–88. Cambridge, UK: Cambridge University Press.
- Pogge, Thomas W. 2004b. "Relational Conceptions of Justice: Responsibilities for Health Outcomes." In *Public Health, Ethics, and Equity*, edited by Sudhir Anand, Fabienne Peter, and Amartya Sen, 135–61. New York: Oxford University Press.
- Pogge, Thomas W. 2010. "A Critique of the Capability Approach." In *Measuring Justice: Primary Goods and Capabilities*, edited by Harry Brighouse and Ingrid Robeyns, 17–60. Cambridge, UK: Cambridge University Press.
- Powers, Madison, and Ruth Faden. 2006. *Social Justice: The Moral Foundations of Public Health and Health Policy*. Oxford and New York: Oxford University Press.

- Rawls, John, 1999a (1971). *A Theory of Justice*. Cambridge, MA: Harvard University Press.
- Rawls, John. 1999b. *The Law of Peoples*. Cambridge, MA: Harvard University Press.
- Rawls, John. 2001. *Justice as Fairness: A Restatement*. Cambridge, MA: Harvard University Press.
- Scheffler, Samuel. 1995. "Individual Responsibility in a Global Age." *Social Philosophy and Policy* 12 (1): 219–36.
- Scheffler, Samuel. 2003. "What Is Egalitarianism?" *Philosophy and Public Affairs* 31 (1): 5–39.
- Segall, Shlomi. 2010. *Health, Luck, and Justice*. Princeton, NJ: Princeton University Press.
- Sen, Amartya. 1992. *Inequality Reexamined*. Oxford: Clarendon Press.
- Wikler, Dan. 2004. "Personal and Social Responsibility for Health." In *Public Health, Ethics, and Equity*, edited by Sudhir Anand, Fabienne Peter, and Amartya Sen, 109–34. New York: Oxford University Press.
- Wolff, Jonathan, and Avner de-Shalit. 2007. *Disadvantage*. New York: Oxford University Press.
- Young, Iris Marion. 1990. *Justice and the Politics of Difference*. Princeton, NJ: Princeton University Press.
- Young, Iris Marion. 2011. *Responsibility for Justice*. New York: Oxford University Press.

Madison Powers

*Senior Research Scholar, Kennedy Institute of Ethics, and
Professor of Philosophy, Georgetown University*

Source Citation (MLA 7th Edition)

Powers, Madison. "Social Justice." *Bioethics*. Ed. Bruce Jennings. 4th ed. Vol. 6. Farmington Hills, MI: Macmillan Reference USA, 2014. 2966-2973. *Gale Virtual Reference Library*. Web. 4 Sept. 2014.

Document URL

<http://go.galegroup.com/ps/i.do?id=GALE%7CCX3727400596&v=2.1&u=wash43584&it=r&p=GVRL&sw=w&asid=8567fa038e21893d49dad63c40ff4d29>

Gale Document Number: GALE|CX3727400596