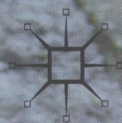




Social Injustice

Essays in
Political Philosophy

Vittorio Bufacchi

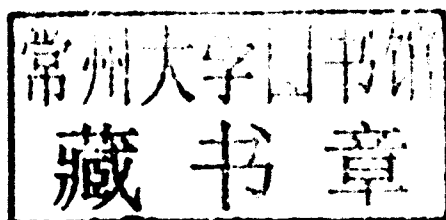


Social Injustice

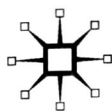
Essays in Political Philosophy

Vittorio Bufacchi

University College Cork, Ireland



palgrave
macmillan



© Vittorio Bufacchi 2012

All rights reserved. No reproduction, copy or transmission of this publication may be made without written permission.

No portion of this publication may be reproduced, copied or transmitted save with written permission or in accordance with the provisions of the Copyright, Designs and Patents Act 1988, or under the terms of any licence permitting limited copying issued by the Copyright Licensing Agency, Saffron House, 6–10 Kirby Street, London EC1N 8TS.

Any person who does any unauthorized act in relation to this publication may be liable to criminal prosecution and civil claims for damages.

The author has asserted his right to be identified as the author of this work in accordance with the Copyright, Designs and Patents Act 1988.

First published 2012 by
PALGRAVE MACMILLAN

Palgrave Macmillan in the UK is an imprint of Macmillan Publishers Limited, registered in England, company number 785998, of Houndmills, Basingstoke, Hampshire RG21 6XS.

Palgrave Macmillan in the US is a division of St Martin's Press LLC, 175 Fifth Avenue, New York, NY 10010.

Palgrave Macmillan is the global academic imprint of the above companies and has companies and representatives throughout the world.

Palgrave® and Macmillan® are registered trademarks in the United States, the United Kingdom, Europe and other countries.

ISBN: 978–0–230–25160–1

This book is printed on paper suitable for recycling and made from fully managed and sustained forest sources. Logging, pulping and manufacturing processes are expected to conform to the environmental regulations of the country of origin.

A catalogue record for this book is available from the British Library.

A catalog record for this book is available from the Library of Congress.

10 9 8 7 6 5 4 3 2 1
21 20 19 18 17 16 15 14 13 12

Printed and bound in Great Britain by
CPI Antony Rowe, Chippenham and Eastbourne

Social Injustice

Also by Vittorio Bufacchi

VIOLENCE AND SOCIAL JUSTICE

VIOLENCE: A Philosophical Anthology

RETHINKING VIOLENCE

In memory of Brian Barry (1936–2009)

*Ma a noi piace pensarlo ancora dietro al motore
mentre fa correr via la macchina a vapore
e che ci giunga un giorno ancora la notizia
di una locomotiva, come una cosa viva,
lanciata a bomba contro l' ingiustizia,
lanciata a bomba contro l' ingiustizia,
lanciata a bomba contro l' ingiustizia!*

Francesco Guccini, 'La Locomotiva', 1972

Preface and Acknowledgements

This book is motivated by a desire to place social injustice at the forefront of our moral and political concerns. It wants to encourage more contemporary political philosophers to prioritize the question of social injustice, and theorize solutions to this ubiquitous problem. A sound understanding of the nature of social injustice is ultimately the foundation upon which the discipline of political philosophy rests. And yet, while so much is assumed about social injustice, very little is written on social injustice, especially by political philosophers.

In the opening pages of *A Theory of Justice* John Rawls famously claims that justice is the first virtue of social institutions, and that laws and institutions must be reformed or abolished if they are unjust. He goes on to say that 'these propositions seem to express our intuitive conviction of the primacy of justice' (pp. 3–4). I concur with Rawls's hypothesis, and I endorse his undertaking. My only reservation is that I would express my intuitive conviction in terms of the primacy of injustice, not justice.

This book aims to address the disproportionate attention received by social justice compared to social injustice. Justice is derivative upon injustice in the same way that medicine is derivative upon illness; a theory of justice sets out to overcome or surmount injustice, which suggests that before a theory of justice can do any work, indeed even before a theory of justice takes form, the nature and meaning of injustice must be understood and explained. Injustice is the fundamental problem towards which a theory of justice is the solution. Indeed, if injustice was not a problem, or if it did not exist, there would not be any need for a theory of justice; in philosophy as in plumbing, it is nonsensical to discuss solutions independently from problems. By putting into focus the problem of social injustice, the hope is that in the future more political philosophers will devote their energies on recommending institutional reforms that will avert the persistence of social injustice, both domestically and globally.

With the exception of Chapter 1, 'Making Sense of Social Injustice', and Chapter 13, 'Socialism in the 21st Century: Liberal, Democratic and Market Oriented', all the other chapters in this book were published previously, over a period of eight years between 2000 and 2008. With a PhD (1994) under my belt from the London School of Economics, written under the strict supervision of Brian Barry, in the early stages

of my career I set out to solve puzzles in a vast range of areas, including social justice, liberty, equality, contractualism, exploitation, torture, moral motivations, democratic theory, and voting behaviour. It is only recently (and after publishing three books on violence and social justice: Bufacchi 2007, 2009, and 2011) that I realized that what was driving me all through this time was a strong sense of social injustice, and a desire to understand its nature and implications.

This book is dedicated to Brian Barry. While best known for his work on social justice, there is no doubt in my mind that what got Brian interested in political philosophy in the first place, and sustained his focus throughout his career, was the desire to make a contribution towards the fight against the endemic social injustice in our world. While he never wrote specifically on the topic, social injustice was the main thread of all his works, from *Political Argument* (1965) to *Why Social Justice Matters* (2005). We all miss him, for his scholarship, guidance, and friendship. And we also miss his remarkable wife, Anni.

The vast majority of the chapters that make up this book were written in the period when I met my wife, Jools Gilson. I am extremely grateful to her for all the support she has given me over the years. More than any other person I know, she is an expert on the injustice of being married to a man who struggles with the technicalities of changing a light bulb.

Different chapters of this book draw on the following publications:

- 'Why Political Philosophy Matters', *European Journal of Political Theory*, Vol. 7, No. 2, 2008, pp. 255–264. © 2008. Reprinted by permission of Sage Publications Ltd.
- 'Empirical Philosophy: Theory and Practice', *International Journal of Applied Philosophy*, Vol. 18, No. 1, Spring 2004, pp. 39–52. © 2004. Reprinted by permission of Philosophy Documentation Center.
- 'The Injustice of Exploitation', *Critical Review of International Social and Political Philosophy*, Vol. 5, No. 1, 2002, pp. 1–15. © 2002. Reprinted by permission of Taylor & Francis.
- 'Torture, Terrorism and the State: A Refutation of the Ticking-Bomb Argument' (with Jean Maria Arrigo), *Journal of Applied Philosophy*, Vol. 23, No. 3, 2006, pp. 339–357. © 2006. Reprinted by permission of Blackwell Publishers Ltd.
- 'The Enlightenment, Contractualism, and the Moral Polity', in N. Geras and R. Wokler (eds) *The Enlightenment and Modernity* (Basingstoke: Palgrave Macmillan), 2000, pp. 204–224. © 2000. Reprinted by permission of Palgrave Macmillan.

- 'Motivating Justice', *Contemporary Political Theory*, Vol. 4, No. 1, February 2005, pp. 25–41. © 2005. Reprinted by permission of Palgrave Macmillan.
- 'Justice, Equality, Liberty', in R. Axtmann (ed.) *Understanding Democratic Politics: An Introduction* (London: Sage), 2003, pp. 31–40. © 2003. Reprinted by permission of Sage Publications Ltd.
- 'Sceptical Democracy', *Politics*, Vol. 21, No. 1, 2001, pp. 23–30. © 2001. Reprinted by permission of Blackwell Publishers Ltd.
- 'Political Scepticism: A Reply to the Critics', *Politics*, Vol. 23, No. 2, 2003, pp. 137–140. © 2003. Reprinted by permission of Blackwell Publishers Ltd.
- 'Voting, Rationality and Reputation', *Political Studies*, Vol. 49, No. 4, 2001, pp. 714–729. © 2001. Reprinted by permission of Blackwell Publishers Ltd.
- 'Deliberative Democracy among the Communities of Population in Resistance', *Report on Guatemala*, Vol. 22, No. 3, 2001, pp. 9–12.

I wish to thank the editors and publishers of these journals and books for permission to use the relevant material in modified forms here.

Contents

<i>List of Boxes</i>	viii
<i>Preface and Acknowledgements</i>	ix
1 Making Sense of Social Injustice	1
2 Why Political Philosophy Matters: The Imperative of Social Injustice	17
3 Studying Social Injustice: The Methodology of Empirical Philosophy	30
4 The Injustice of Exploitation	45
5 Torture, Terrorism, and the State: A Refutation of the Ticking-Bomb Argument (with Jean Maria Arrigo)	58
6 The Enlightenment, Contractualism, and the Moral Polity	77
7 Motivating Justice	95
8 Justice, Equality, Liberty	111
9 Sceptical Democracy	123
10 Political Scepticism: A Reply to the Critics	131
11 Voting, Rationality, and Reputation	136
12 Deliberative Democracy in Action	152
13 Socialism in the 21st Century: Liberal, Democratic, and Market Oriented	161
<i>Notes</i>	171
<i>Bibliography</i>	185
<i>Index</i>	199

Boxes

1.1	Principles of justice/injustice (I)	2
1.2	Principles of justice/injustice (II)	2
3.1	Two approaches in applied philosophy	38
6.1	Social contract	80
6.2	Hobbesian social contract	83
6.3	Kantian social contract	85
9.1	Liberal democracy between anti-democratic threats	125

1

Making Sense of Social Injustice

The idea of social injustice is pivotal to much contemporary moral and political philosophy, and yet mysteriously this concept has repeatedly failed to attract the detailed analysis it deserves. What makes this lacuna in the literature even more surprising is the fact that the idea of social justice has attracted more attention than any other single concept in moral and political philosophy over the past 50 years. How could so much be written about social justice, and so little about social injustice? This book is an attempt to rebalance this anomaly.

There is an apparently plausible explanation for why so little has been written about social injustice. Political philosophers have a tendency to refer to social injustice merely as the lack of social justice; therefore by focusing (directly) on issues of social justice, they also (indirectly) shed light on the idea of social injustice. Or so they think. This is the view, for example, of John Rawls – arguably the most influential exponent of the pivotal role of social justice in contemporary political philosophy. After telling us that justice (in its more general conception) can be expressed in the following terms: ‘All social values – liberty and opportunity, income and wealth, and the bases of self-respect – are to be distributed equally unless an unequal distribution of any, or all, of these values is to everyone’s advantage’, Rawls (1972, 62) goes on to say that ‘Injustice, then, is simply inequalities that are not to the benefit of all’. In other words, for Rawls injustice is simply the absence of justice.

For too long the relationship between social justice and social injustice has been misunderstood. It is not a case of social injustice being the lack or violation of social justice, as many (like Rawls) seem to assume. Instead, the opposite is closer to the truth: social justice is the absence of social injustice. Whatever our reservations about Hobbes’s views on justice, he was fundamentally right when he claimed that ‘whatsoever is not

unjust, is just' (*Leviathan*, ch.15, 2); Hobbes deserves praise for getting the relationship between injustice and justice right. We should think of justice as the opposite of injustice, not the other way around.¹ This point was made more recently, and more elegantly, by Judith Shklar (1990, 15):

Every volume of moral philosophy contains at least one chapter about justice, and many books are devoted entirely to it. But where is injustice? To be sure, sermons, drama and fiction deal with little else, but art and philosophy seem to shun injustice. They take it for granted that injustice is simply the absence of justice, and that once we know what is just, we know all we need to know. That belief may not, however, be true. One misses a great deal by looking only at justice. The sense of injustice, the difficulties of identifying both the unjust person and the victims of injustice, and the many ways in which we all learn to live with each other's injustices tend to be ignored, as does the relation of private injustice to public order.

Apart from the fact that in thinking about injustice in terms of the absence of justice we 'miss a great deal' about injustice, as Shklar points out, there is also another problem with prioritizing justice above injustice. Namely, if injustice is the shadow of justice, then our understanding of injustice depends entirely on one's preferred conception of justice. For example, according to the principles of justice outlined in Box 1.1 we get reasonable accounts of injustice (Box 1.1):

Box 1.1 Principles of justice/injustice (I)

Social justice	Social injustice
To each the same thing	Arbitrary inequality
To each according to their merit	Lack of meritocracy
To each according to their needs	Disregard for poverty/basic needs

Yet if we consider other principles of social justice, the account of injustice being generated is at best counterintuitive, and possibly downright wrong (Box 1.2):

Box 1.2 Principles of justice/injustice (II)

Social justice	Social injustice
To each according to their rank	Social mobility
To each according to their race	Equality of opportunity

Let's consider the conception of justice 'to each according to their rank'. Chaim Perelman (1963, 9) reminds us that here we have an aristocratic formula of justice: 'It consists in treating human beings, not in accordance with criteria intrinsic to the individual, but according as they belong to such or such a determinate category of beings. *Quod licet Jovi non licet bovi*, says an old Latin saw. The same rules of justice do not apply to beings springing from categories which are too widely separated. Thus it is that the formula "to each according to his rank" differs from the other formulas in that, instead of being universalist, it divides men into various categories which will be treated differently.' The problem here is that according to this principle of justice, any policy that aims to improve social mobility or promote equality of opportunity automatically becomes an injustice. Similarly, according to the principle 'to each according to their race' any policy aimed at promoting equal rights, such as the civil rights legislation, is by definition an injustice.

It seems to me that this is an unhelpful way of thinking about injustice. Just because a policy may not live up to one's conception of justice doesn't automatically make it an injustice. This is the problem with Robert Nozick's (1974, 169) famous claim that 'taxation of earnings from labor is on a par with forced labor'. Taxation may not be endorsed by Nozick's entitlement theory of justice, but that alone does not make taxation an injustice – the way that forced labour most definitively is an injustice.²

Reversing the relationship between social justice and social injustice has major implications for the way we approach some of the key issues in moral and political philosophy. Above all, it means that social injustice is primary, while social justice is derivative. The implication here is that before we can say anything meaningful about social justice, it is imperative to have a clear idea of what social injustice is, and why social injustice is the paramount social problem to be resolved.³

The imagery of injustice

That social injustice has not received the detailed attention it deserves does not mean that it has not received any attention at all. There have been some notable exceptions to the general trend of overlooking this key concept. Some of the best known attempts to focus on social injustice go back to the 19th century, in particular to accounts of the realities of life for the vast majority of the population in the new industrialized economies. Perhaps not surprisingly two famous and influential accounts of injustice came out of Manchester in the 1840s: Elizabeth

Gaskell's hard-hitting novel *Mary Barton* was first published in 1848, while Friedrich Engels's eminent analysis of *The Conditions of the Working Class in England* was first published in German in 1845.⁴

Mary Barton is a powerful and celebrated novel which had a major impact on its readers when it was first published in 1848. Gaskell spends the first half of the novel drawing a harrowing picture of the extent of the misery of the working class men, women, and children in Manchester. What makes this account so potent is its relentlessness. Gaskell doesn't let the reader off lightly – the descriptions of desolation and suffering are lengthy, detailed, and repetitive, almost as a reminder that the widespread and extreme destitution is everywhere and that it will not go away.⁵

Two themes in particular are emphasized by Gaskell in the first 20 chapters of her novel; first, the disparity in living conditions between the rich industrialists and the poor workers, and second, the abject poverty of the working class. Gaskell tells the story of how John Barton, millworker and father of the heroine and titular character of the novel, Mary Barton, receives five shillings for pawning most of his possessions, and five shillings is also the loose change in the pocket of Henry Carson, son of Mr John Carson, rich industrialist and owner of a mill in Manchester that is refusing to pay John Barton and the other workers a decent wage. John Barton airs his frustration with the rich industrialists, and the unfairness of the capitalist system, in terms that Marx would have approved of:

You'll say (at least many a one does), they'n gotten capital an' we'n gotten none. I say, our labour's our capital, and we ought to draw interest on that. They get interest on their capital somehow a' this time, while ourn is lying idle, else how could they all live as they do? Besides, there's many on 'em has had nought to begin wi'; there's Carsons, and Duncombes, and Mengies, and many another, as comed into Manchester with clothes to their back, and that were all, and now they're worth their tens of thousands, a' gotten out of our labour; why, the very land as fetched but sixty pound twenty year ago is now worth six hundred, and that, too, is owing to our labour; but look at yo, and see me, and poor Davenport yonder; what-ten better are we? They'n screwed us down to the lowest peg, in order to make their great big fortunes, and build their great big houses, and we, why we're just clemming, many and many of us. Can you say there's nought wrong in this? ... Han they ever seen a child o' their'n die for want o' food? (Gaskell 2008, 60)

As for misery and squalor, the novel is a tribute to Gaskell's deep understanding of the social problems faced by the majority of people in Manchester at the time, while using a language that retains a sense of the dignity and decency of the people she is writing about. Her protracted depictions of children dying of starvation and adults dying of typhus and tuberculosis indicate the scale of social injustice at the time.

Notwithstanding the powers of its narrative, after reading *Mary Barton* we are none the wiser regarding the true nature of injustice. We come away with a number of insights, all of which could represent the essence of social injustice: the injustice of the inequality between the rich and the poor, the injustice of the rich not doing anything to alleviate the pain suffered by the poor, the injustice of poverty and misery, the injustice of the rich taking advantage of the poor. And yet one is left wondering whether any of these insights are what injustice is ultimately about, or whether injustice is constituted by a combination of all or some of these insights.

But perhaps we should not be too harsh on Elizabeth Gaskell – after all, she was only writing a novel, not a philosophical treatise.⁶ In which case, we have perhaps better reasons to be disappointed by Friedrich Engels, whose work has been received as a major work of social inquiry.⁷ Engels's *The Conditions of the Working Class in England*, first published in German in 1845 and only subsequently in English in 1887, is an important and valuable piece of research, which deserves all the accolades that it has received in the past 150 years. My only reservation is that, after reading it, we are still unclear about the nature of injustice.

In the 'Introduction', Engels (2009, 62–63) writes,

The condition of the working-class is the condition of the vast majority of the English people. The question: What is to become of those destitute millions, who consume today what they earned yesterday; who have created the greatness of England by their inventions and their toil; who become with every passing day more conscious of their might, and demand, with daily increasing urgency, their share of the advantages of society?

As with Gaskell's *Mary Barton*, we are left with different (and potentially conflicting) insights into the nature of social injustice. In the chapter 'The Great Towns', Engels uses the terms 'dirty' and 'filthy' 12 and 19 times respectively. Does injustice lie in the 'destitute' living