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## SOCIAL JUSTICE AND THE METAPHOR OF GAPS

The doctrine of social justice is a rather curious name for the project of equalising the access of all citizens to whatever is valuable. It is a curious name because justice traditionally means that individuals have rights to something they are entitled to, and this is commonly defined in terms of custom and law, though justice may also be used as a moral judgement based on a less definite kind of value. Social justice however argues injustice on the mere fact of inequality. To be human is to deserve to enjoy whatever anyone else enjoys. The element of desert has dropped out, though some qualifications based on economic functionality may often be recognised. A great deal of modern political philosophy consists in variations on this theme.

In this argument, I firstly want to comment on one version of the social justice argument, as advanced in terms of the metaphor of gaps. And secondly, I want to suggest that the most powerful recent version of social justice – namely the idea of “social inclusion” – cannot avoid collapsing into practical impossibility.

The basic egalitarian argument of 19th-century socialism distinguished between the deserving and the undeserving poor. Valuing desert as the basis of “respectability” was a moral judgement shared by most of the poor themselves. In such a moral world, the poor would expend great efforts not to lose the moral quality of “respectability.”<sup>1</sup> The socialists of that period did, of course, recognise that some social conditions might make achieving independence – for example, by getting a job – impossible, but any concern with the defects of society itself was subordinate to the

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<sup>1</sup> See: G. Himmelfarb, *The De-moralization of Society: From Victorian Virtues to Modern Values*, London 1995 (esp. Chapt. I).

moral duty individuals had to sustain their own independence. If social conditions did indeed make independence impossible, the state ought to act, but the moral issue was basic. In most modern thought about social justice, however, the entire field of moral endeavour has been interpreted as a function of social conditions. Why, after all, are some people brighter or more energetic than others? Such talents are not the effects of moral agency. They are determined by genetic endowment, accident, parental involvement or some other external determination of personal achievement.

The distinction between the deserving and the undeserving poor is an individualistic moral judgement that takes no account of disputable matters of social causation. Each individual is construed as an independent bundle of qualities for which he or she is responsible in confronting the demands of life. Individualism condemns as less worthy those who are lazy, wilfully ignorant and unable to resist temptation. An idea such as “addiction” is understood simply as a lack of the virtue of self-control. By a sequence of modifications of the conditions of what it is to be “just”, the autonomy of the individual is successively chipped away until human beings are conceived as being increasingly less self-determining. At the end of this process, in which mitigating circumstances become entirely external causes, the theorist is dealing with a concept of human beings as no less subject to external determination than a leaf or a cloud. One might well call this a process of “reification”. It certainly “thingifies” human beings in a pretty literal sense. We are what we are by virtue of the social conditions we have experienced.

In individualistic terms, then, the poor ought to take active steps to improve their condition. This is not quite the classic Chinese principle of the “iron rice” bowl, by which who does not work does not eat. It is however a clear judgement about moral deserving. Whoever does not respond to the challenge of poverty can hardly be understood as a full moral agent. Some individuals in this class dramatise their incapacity by taking to drink or drugs, in which case they become objects of a certain therapy, which is again to lose moral agency. And it is to avoid this degenerating sequence of events that traditional moral conviction imposes the heavy burden of moral agency on people. It is a responsibility that constitutes an incentive to respond positively to one’s situation. In what welfare states practice, the failure of this incentive can be measured through the large number of individuals who are only marginally disabled yet who are live disability pensions. In individualistic terms, a moral fault passes itself off as a physical condition.

The argument that interprets poverty as a form of social injustice thus has the effect of “de-moralising” those who are taken to be excluded. That might suggest that the moral issue simply disappears altogether into some version of the old Stoic truism that “people and things are what they are.” But it is not at all the case that the moral issue disappears. Moral issues never do. They are merely transferred. And in the case of this doctrine, the moral judgement moves from the individual to the society which is understood to cause the injustice. In the case of more recent versions of the social justice argument, specifying it as a form of “exclusion”, an

even more active role is attributed to “society.” It is the agency that actually does the excluding. Social exclusion is thus a moral judgement on society itself.

Indeed, the moral aspect of social exclusion is even more extensive than this suggests. The selling point of social exclusion lies in the claim that it is a superior form of welfarism. It claims the advantage of including the marginalized in society by the act of bringing them into the workforce, and it is sometimes argued<sup>2</sup> that this is an “economic imperative.” The reason is that Western societies are aging, and need to maximize the contribution that everyone can make to economic prosperity. Social inclusion thus turns out to be not only a way of creating “a fair and decent society”, but also of getting people back to work.

The paradigm case of social exclusion is, of course, likely to be ethnic. It is not so much the poor as so-called “visible” minorities who in modern European societies may find themselves being pushed to the margins of society. This has often been the case with blacks as minorities, but exclusion is by no means a phenomenon limited to European states. Indeed, it is a commonplace of social division. Harijans (ie. the so-called “Untouchables”) among Hindus have been in a similar position, and this kind of marginality (or exclusion) is common in African societies dominated by a single tribe.

The extension of the concept of social inclusion to Western societies as encompassing the poor is an interesting stage in the march of a new concept of society as a single community in which each individual in it has, merely by virtue of status as a human being, a recognised claim on benefits. The provision of universal rights is one way of formulating this desirability, but rights are merely abstract claims, and may not correspond to social realities. Wherever the members of society may exercise their unfettered discretion – in deciding who to marry, in choosing their friends, in deciding whom they will employ – social exclusion might well come into play. Human beings are discriminating animals, and there is no limit to the thoughts they may have that may lead to discrimination. In Britain over the years Jews, Catholics, Irish, Blacks and many other classes have at one point or another being objects of discrimination by some – but hardly ever by all – of their fellow citizens. It would be extremely difficult to imagine a society in which one or another form of such discrimination never occurs.

What follows from this last judgement is that the project of social inclusion cannot occur spontaneously in a society, but must require a government following policies that will override the unfettered discretion of fellow citizens. The most elementary criticism of any such “if ... then ...” argument is simply to bring out the political implications by reversing it. In other words: “If discrimination is to be prevented, then the state must have the power to control human preferences”, becomes:

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<sup>2</sup> Politicians in all modern welfare states are very keen on ideas of social exclusion and the same doctrine appears everywhere. I am taking as a model “The Economics of Social Exclusion” by J. Gillard who is the Deputy Leader of the Australian Labour Party, which came to power in late 2007. Her remarks appear in: “The Sydney Papers” 2007, Vol. 19, No. 3.

“if the state is to acquire this further power, then discrimination must be recognised as the injustice called ‘social exclusion’”. In other words, two distinct social processes are in play: firstly welfarism, and secondly the advance of state power.

Most Western countries now have employment legislation that limits excluding individuals from jobs on any judgement of category membership. In multicultural societies, racial discrimination is against the law. But the concept of social exclusion is nothing else if not open-ended. It does not cover jobs merely, but can refer to any social relationship at all. What might be its natural limits? Complaints are often made in multicultural societies that many people have too narrow a circle of friends. They keep to their own ethnicity. Some attention has been focussed on intermarriage. In some societies, individuals marry across cultures and ethnicities a good deal more often than in others. What would then be the optimal range for these sensitive measurements of discrimination? In answering this question, we come to the idea of gaps between different groups in society.

A gap is a statistical variation in the circumstances of one category by contrast with another. Any such gap is, within the context of social inclusion theory, *prima facie* evidence of injustice. A gap in these cases is, of course, merely an average, and the mere fact of a gap tells us little or nothing about distribution around that average. Nor of course does such a statistic tell us anything directly about the cause or causes of any such gap. Perhaps the favourite gap in current rhetoric is to be found in the difference in life expectancy between social classes in Western societies. Working class expectation of life in Britain varies from that of the middle class by up to 10 years on average between the highest and lowest percentiles. Is this not a condemnation of a society in which the “advantaged” or “privileged” not only enjoy more in the way of material benefits, and in social prestige, but even enjoy these things for longer? How does it happen? Or perhaps one should ask how it is allowed to happen? What ought we to be doing about it?

The explanation for the gap itself might well include a great variety of factors, some of slight and others of key importance, ranging from the higher incidence of violence, and violent death, in working class areas, to higher indulgence in smoking, and indeed in drinking in the lower percentile. I suspect one important difference is that “middle class” people read newspapers and pay attention to the mass of information about diet that constantly pours forth from research institutes. Much epidemiological information is worthless but it does generate a certain attention to the benefits of fruit and vegetables. It is a fascinating irony of modern progress that whereas in the past we often imagined the poor to be thin and undernourished, the current reality is that they are often fat and have supped too much on the wrong kinds of food. None of this, of course, constitutes an argument for blaming, or indeed praising, anyone. It is simply how things are, and there are many variations within whatever class one likes to examine. Nevertheless, there is a temptation to interpret any mention of these factors as a form of moral condemnation. To make such suggestions is sometimes thought to be “blaming the

victim.” But in exploring this reality, seeking causes is neither “blaming” anyone, nor dealing with “victims.” It might, however, leave “society” open to the charge of imposing on some classes of people the kind of life that “drives them” to drink, drugs, smoking, bad diet and so on.

Consider another famous gap. Less research money is spent by pharmaceutical companies (so it is said) on research into illnesses of the poor, especially the Third World poor, than on the diseases of the rich, and those affecting Europeans. The force of this judgement is the charge that these companies are selfish, and that a properly just and moral distribution of research resources would be proportionate to the demographic incidence of the disease through the world. Why should research into disease specialise in focussing on what happens to have an impact upon Europeans, who are in any case a “privileged” class. Instead of justice, these companies are responding to prospects of profit. In this case too, we find that a simple statistic about a “gap” is being made to bear a great moral (and to some extent social) weight. There are many things the poor in the Third World might themselves do to improve their health. Evidence suggests for example that more washing of hands is in fact one simple mechanism to reduce the incidence of some diseases everywhere, and especially in the Third World. Again, malaria can be removed by the use of DDT, but that has other consequences for the environment of which Western environmentalists do not approve. Again, AIDS infection can be diminished by a more responsible attitude to sexual encounters. These issues do not surface in the discussion of gaps. The moral weight of these statistics is designed to bear heavily upon our Western conscience, and the Western propensity to direct its own resources towards its own benefit rather more than towards those of others.

There are, needless to say, constant complains about “gender gaps” The Swedish Green MEP Eva Britt Svensson has written a report to the European Parliament detailing the ways in which men and women with the same disease are differently treated. Clinical trials apparently concentrate on studying the effects of new drugs on men rather than women, while in France, nearly twice as many women take psychotropic and anti-depressant drugs as men.

Once gap thinking gets going there is hardly anything that might slow down its progress. A research group at the University of Kent has discovered, remarkably, that “independent schools in Britain employ a disproportionate share of teachers relative to the number of pupils they educate, and the gap between independent schools and the state sectors has been increasing.”<sup>3</sup> The conclusion drawn is that “private schools have served to reproduce inequalities in British society.” On the same theme, another group at the London School of Economics has revealed that “intergenerational mobility” in Britain remains low.<sup>4</sup> The research consisted of test-

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<sup>3</sup> S. Machin, R. Murphy, F. Green, Y. Zhu, *Competition for Private and State School Teachers and the Changing Economic Returns to Private Education*, “LSE Newsletter” 2008, January 21.

<sup>4</sup> J. Blanden, S. Machin, *Recent Changes in Intergenerational Mobility in Britain*, “LSE Newsletter” 2008, January 21.

ing three-year old children for intelligence, and discovering that those who were bright at that age had on average fallen behind less bright children from middle class homes by the age of five, the latter children being less intelligent at three. Quite how seriously one would take this kind of research depends, no doubt, on whether one thinks that a child's intellectual capacity can seriously be tested at these early ages.

Another version of gap rhetoric consists in looking to variations in medical or other sorts of outcome across local boundaries. That medical care is better in some places than elsewhere is known in Britain as a "postcode lottery". It seems irrational that our health should depend on accidents of geography.

Gap thinking has many aspects as a tool for smoking out occurrences of justice, because it assumes that every individual has exactly the same claim on the skills and resources of the world as any other. No moral issue about how individuals conduct themselves is involved. Judgement has moved from the individual to the society, which is to say, from morality to politics. This means that individuals lose their quality of being moral agents. The question must immediately arise: on whom falls the duty to supply these rights? In the most abstract sense, of course, the duty falls on society, but what is here being understood as "society"? It is the entire population of the globe understood as equal demanders of resources, in economic terms, a kind of demand fundamentalism so extreme that the entire question of supply is left entirely out of account.

The problem fits in some respects into John Rawls's worst-case-scenario version of rational choice<sup>5</sup>: if X might turn out to be at the bottom of any of the gaps, then the rational choice in constituting a society might well be to embrace an ideal of total inclusion – on the assumption that to be at the bottom of any one gap meant that one was at the bottom of all of them. This "coherence of evils" theory is one of the assumptions of the social inclusion school of thought, but other thoughts are possible. The slogan that "freedom as just another way of saying you've nothing left to lose" might well locate a person at the bottom of one exclusion gap, but at the top of the freedom scale.

The question must be pressed: on whom falls the duty to supply these rights? For it happens that welfare states have actually lived through vastly less extreme versions of such a view of the poor and the vulnerable, and the striking fact is that welfare demand can diminish the supply, and bring them to their knees. This is what happened, for example, in Britain during the winter of 1978–1979. We might guess that it would bring down any regime at all. But this is not, of course, the end of the matter. The responsibility for actualising this remarkable form of social justice must rest with the state, or ultimately with a global authority. In pursuing such a responsibility, the authority would have to do whatever is necessary for success. And what is it that would be necessary to success? There is no doubt that it could not be done without the most extensive central direction, and short of total despotism, that policy could only be successful by the provision of incentives and

<sup>5</sup> J. Rawls, *A Theory of Justice*, Oxford 1971 (esp. Chapt. 1, 4).

advantages for the industrious and the skilful to create the necessary resources to bring this about.

The necessary provision of the incentives necessary to supply the materials for the limitless demand for egalitarian welfare would, of course, reproduce exactly the imperfect situation in which we now find ourselves. The abolition of social exclusion could only work by the recreation of social exclusion. What we encounter here, then, is not a logical paradox but unmistakably a practical one: that the only way to bring about alleviation of the social injustice revealed by the rhetoric of gaps must be to re-establish those very gaps.