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The Machinery of Social Injustice

I take the expression 'the machinery of social injustice' from a Discussion Paper published for the Commission on Social Justice by David Donnison, one of Britain's most respected sociologists and public policy analysts. Funded independently from the rest of the project, its contents were comprehensively ignored by the Commission, since it actually bore on the Commission's titular subject, social justice.¹ What Donnison intended to convey was that 'the working parts of the injustice machine' are 'different patterns or dimensions of injustice, each of which has many causes'.² As a result of this interdependence among the causes of social injustice, he emphasized, 'none of [these patterns or dimensions of injustice] can be reversed if it is tackled in isolation from the others'.³

Since the Report cobbled together a package of unrelated recommendations, many of which could be traced directly to the hobby-horses of various members of the Commission, it is scarcely surprising that Donnison's message was unwelcome to it. But Donnison's claim lies at the heart of everything that I have to say in this book. Anticipating evidence to be presented in later chapters, it can be said that morally arbitrary inequalities begin before conception, since the health and nutritional status of the mother at the time of conception is critical. In the womb, the future child is vulnerable to lack of essential nutrients (adequate folic acid can prevent most cases of spina bifida, for example), exposure of the mother to a toxic environment and her own use of tobacco, alcohol and drugs (whether prescribed – remember thalidomide – or not). The social structure is implicated in all of these events: as I shall explain, this is true of disadvantages arising from smoking, drinking and drug-taking as well as those

imposed by the inability to afford nutritious food or to live in a non-toxic environment. For all these kinds of behaviour may well come about as responses to stress. And levels of stress increase as we go down the social hierarchy.

I need hardly follow the story through any further: the advantages of some new-borns and the disadvantages of others, which are likely to follow them through life, are only too obvious. Those who have seen Michael Apted's films, following a cohort of British children from the age of 7, can hardly fail to have been struck by the way in which their future courses were already foreshadowed at this young age. Of course, no prediction can be perfect: people may suffer from mental or physical illnesses or catastrophes in their personal lives that derail their careers, but from '7-Up' to '42-Up' there have not been many surprises. A similarly detailed study, this time of twelve American families, gives us a fascinating insight into the multifarious ways in which advantage and disadvantage are perpetuated over generations. The bottom line, however, is that 'parents' social class position predicts children's school success and thus their ultimate life chances'.⁴ I shall trace the processes by which the transmission of class position occurs in chapter 5 and I shall show there that people's chances of falling or rising from their location at birth in the social order have declined in the last twenty years to such a degree that some sociologists have begun to talk about 'social closure'.

These deleterious changes within countries have been paralleled by the way in which the divergence between the life-chances of children conceived in different countries has increased even further in the past thirty years. Many of the losses inflicted on the poorest people are the results of deliberate policies adopted by rich countries and the international institutions that they control. Thus, when Indonesia was hit by an economic collapse, 'there were billions of dollars to bail out foreign creditors, but paying out far smaller sums to provide fuel and food subsidies for those thrown out of a job or who saw their wages plummeting was viewed as a waste of money'.⁵ This is an inversion of justice. The foreign investors – 'Western banks [that] benefit from such bail-outs' and other creditors – chose to put their money into Indonesia and had no legitimate claim to be rescued by the IMF from speculative losses. (The IMF has no system for taxing speculative gains.) The situation of the workers was entirely different: their desperate condition was in no way a consequence of choices that they could have made differently. According to the theory of responsibility to be developed in this book, the creditors had no case for compensation, whereas the workers had an overwhelming one.

As I explained in the Preface, I shall focus in this book primarily on social injustice within countries, but in the next chapter I shall show the universal application of the ideas developed here by saying something about international injustice. At the end of the book, when I discuss the prospects of social justice, I shall again have to widen the scope, since the resolution (or non-resolution) of a number of global crises will have a profound effect on affairs within each country. It will therefore be essential to address these forces for change, as well as those generated internally by the self-destructive nature of capitalism. Taking the long view, the period 1945–75 was just a reprieve and the sands of time have been running out ever since. If this sounds absurdly alarmist, let me point out that it is in the pages of the *New York Times* – not the *Socialist Worker* – that one finds articles with titles such as ‘Could Capitalists Actually Bring Down Capitalism?’ and others containing quotations such as this one from the famous financier Felix G. Rohatyn:

Only capitalists can destroy capitalism. . . . When you have senior people walking away with millions, leaving everyone else in the dirt, that is hugely depressing and very dangerous. . . . Does the system work to spread the wealth in some way that’s reasonably fair? . . . Clearly at this point the answer is no, and that’s not tolerable.⁶

For the purpose of this chapter, then, I shall leave on one side the global reach of justice and focus on justice within a single country. If we ask what is the subject of social justice, we shall find an influential answer in the work of John Rawls, who defined it in *A Theory of Justice* as ‘the basic structure of society’.⁷ This ‘basic structure’ can be understood as being constituted by the major institutions that allocate (or bring about an allocation of) rights, opportunities and resources. Thus, we can ask how the political system allocates the right to vote and what opportunities it provides for firms or wealthy individuals to finance political campaigns. We can ask if there are different grades of citizen with different legal rights. We can ask what rights people have to criticize the government, practise their religion freely, and so on. How far are employers constrained by legal obligations concerning hours, working conditions or dismissals? Are there laws against monopolies and cartels? Does the law make it easy or difficult to form trade unions and what rights do they have (e.g. the right to strike)? How are taxes raised and what is the basis on which cash benefits are paid? What are the systems (public and private) through which health care, education and housing are provided? The answers to these and many other questions along the same lines will

tell us a lot about the mechanisms that generate the differences between different countries in the ways in which rights, opportunities and resources are distributed.

There is much to be said for putting the basic structure at the centre of the picture. It has the advantage of keeping us in contact with reality – a virtue not as common as one might hope for among political philosophers. The reality that underlies the relevance of the basic structure for social justice is one to which I have already alluded. The rank of somebody in the pecking order at the age of 25 will be a good predictor of their position within the social hierarchy at the age of 50. Moreover, there is a strong tendency for positions in the hierarchy to be inherited: we can predict that the child of professional parents is likely to occupy a higher position as an adult than the child of school drop-outs. How far either of these facts can be taken as symptoms of social injustice remains to be discussed. But their existence emphasizes the importance of the basic structure. The justifiability of inequalities would surely be of less pressing importance if somebody’s position in the social hierarchy at a certain time bore no relation to their likely position ten years later. Similarly, it would matter less if knowing the position of the parents gave us no ability whatever to predict where in the hierarchy their children would finish up.

Institutions that play a role in providing people with different life-chances will be the main focus of this book. But this is not to say, as Rawls does, that they are the *subject* of justice. Institutions are obviously key to the realization of social justice. They also have the crucial feature that they can (to varying degrees) be changed simply by passing a law. Of course, there may be great political difficulties in changing the law so that the resulting institutions will implement social justice. But this does not affect the case for focusing on the institutions demanded by social justice. Nevertheless, institutions are not an end in themselves: they are a means to getting things done. If we want to ask how far a society’s institutions work together to produce social justice, we shall have to look at the distribution of individual rights, opportunities and resources these institutions bring about. In other words, we have to work back to the justice of institutions from their contribution to just *outcomes*, which are assessed by their contribution to a just distribution of rights, opportunities and resources.

Once we see that the primary subject of justice is not institutions themselves but the distribution of rights, opportunities and resources that exists in a society, we can recognize that institutions often have a rectificatory function. For example, a racially homogeneous society

would not need measures against racial discrimination, nor would a racially mixed society in which race discrimination did not occur. Thus, we cannot say whether or not justice requires a society to have anti-discrimination laws (together with enforcement mechanisms, permanent commissions to monitor and advise on policy, and so on) unless we know what would happen in their absence. Furthermore, acts of injustice can be perpetrated by individuals (as sellers of houses, providers of services, and so on) or corporate entities such as firms, hotels, housing agencies or clubs. But the aggregate effect of individual acts of injustice is very unlikely to be random. Normally, the individual acts will form part of a pattern that creates a systematically unjust distribution of rights, opportunities and resources. To offset this unjust allocation arising from individual decisions, the society's institutions will need to be changed.

Individual just acts, in contrast, will normally operate in such a way as to make the overall allocation of rights, opportunities and resources more just. For example, a firm that provides disadvantaged minority employees with extra training opportunities, even when these are not legally mandated, will be reinforcing the beneficial effects of anti-discrimination measures. It is true (as I shall emphasize later in this chapter) that the pursuit of profit has an inevitable tendency to induce a 'race to the bottom' among firms; but it is also true that the money spent on grotesque financial rewards to directors and on-the-job perks such as lunches for a dozen top executives cooked by a full-time chef could be diverted to worthier causes while leaving profits just the same. Public policy should not be built on the assumption that directors will behave better than they are made to; but the conceptual point that I am making here remains valid: we can ascribe justice and injustice to actions by individuals as well as to institutions, in both cases judging them by their effects on the distribution of rights, opportunities and resources.

A just distribution of rights, opportunities and resources may be achievable by a variety of alternative instruments. We have concluded, let's say, that a just distribution of earnings must enable anybody working normal hours in a full-time job to make at least 60 per cent of the average income in the society. How might this come about? One way would be for a strong and unified trade union movement to negotiate with employers for wages satisfying this condition. (The 'solidaristic' wage policy pursued by the Swedish unions in the 1970s exemplified such an approach.) This would require legislation giving unions a strong bargaining position as well as a disposition by unions to use it so as to extract a high minimum wage. Supposing these conditions were met, it would not be necessary for the govern-

ment to enact a minimum wage law. Under normal conditions, however, the desired end can be achieved only by making a high minimum wage mandatory.

Until now, I have been using the terms 'rights', 'opportunities' and 'resources' without defining them. This will do well enough for a general discussion. But these are the three key ideas around which this book is organized, so it will avoid difficulties later if I pause here to explain precisely how I intend them to be understood. Let me start, then, with rights. In order to distinguish them from opportunities, I intend for the purposes of this book to define rights narrowly. On this conception, to say that people have a right to do something is to say only that they are not prohibited from having it or doing it. A woman's right to appear in public dressed as she chooses and in the company of anybody she likes is simply the absence of any prohibition (of the kind quite common around the world) on doing such things. Again, the right to make a contract or a will is the absence of any prohibition on exercising a certain kind of legal power. It is important not to take such legal powers for granted. Traditional legal doctrine concerning marriage in England (as elsewhere) was summed up by the saying that 'in law, man and woman are one, and the man is the one'. Only in the second half of the nineteenth century did a married woman acquire the right to own property and sign contracts, and, as a consequence, have any money to leave in a will. The plots of many Georgian and early Victorian novels depend on the right of a man to run through his wife's inheritance by gambling, speculation or riotous living.

The problem that I face in this book is that the language of rights has become the lingua franca of the United Nations, and pretty much any demand will get framed by saying that people have a right to it. In the United States, too, we find a whole variety of logically distinct demands lumped together under the umbrella of 'rights'. This causes confusion. For example, when United Nations declarations assert that education is among the 'rights of the child', they mean to assert that it should be the responsibility of parents – and, ultimately, the state – to ensure that children actually get an education. But this employs a stronger sense of 'right' than that which I am using. It has the consequence that we are left with no language in which to make the separate point that children should not be *prohibited* from receiving a formal education. Yet exactly that right was formally denied to girls by the Taliban (who merely codified a practice that preceded them and has in fact succeeded them), while in the nineteenth century a number of states in the South made it a criminal offence to teach a slave to read or write.

I shall say that the right to education is constituted by its not being illegal. Of course, the right to education is of no practical use to a child if schools charge fees and its parents cannot afford them. But the lack of a right to education and the lack of an opportunity to be educated are still quite different matters. Again, the existence of a right to an abortion means only that, if a woman has one, neither she nor the person who performed it will be prosecuted. Manifestly, such a right is not worth anything in the absence of qualified people who are prepared to carry out abortions, and even then it is not worth much to poor people unless the public hospitals offer them without charge. But we are inviting confusion if we skip over the absence of a prohibition and equate a universal right to an abortion with the universal opportunity for any woman who wants one to have one.

Let me take a last example, with which I shall be able to introduce a discussion of the concept of opportunity. When Americans talk about the rights of disabled people – say, those who are wheelchair-bound – to have access to public places, they do not mean merely that there should be no law forbidding them access. They mean that it should be physically possible, thanks to ramps and elevators, for disabled people actually to get to offices, shops, educational institutions, places of public entertainment, and so on. I shall say that this is the demand not for a right but for an opportunity. To put it formally, then: an opportunity to do or obtain something exists for me if there is some course of action lying within my power such that it will lead, if I choose to take it, to my doing or obtaining the thing in question. We must not oversimplify the idea that something is an opportunity for me if getting it depends on my will. This can sometimes mean nothing more demanding than my stretching out my hand, as when I have the opportunity to take either an apple or an orange from a bowl. But taking advantage of an opportunity usually requires more than that.

If I am wheelchair-bound, it is obvious that I do not have the opportunity to attend a theatre that is not wheelchair-accessible. But even if the theatre is wheelchair-accessible, that means only that it will be physically possible for me to get to a place in the theatre once I arrive. I still have to get there. The background assumption in saying that the theatre's wheelchair-accessibility gives me the opportunity to attend performances there is that it is already within my power to set in train a series of events that will end up with my being in the theatre's lift, and from there to somewhere from which I can watch the show. To take a more challenging example, suppose that you have won a scholarship that pays for the fees at an expensive school for as many years as it takes to complete the course. Then we can say that

you really do have the opportunity to graduate from it. But you might, of course, behave in a way before that which results in your being expelled. This need not alter our judgement that you had the opportunity at the start to complete the course. Provided we were right in thinking that it was within your power to do that, making full use of the opportunity was your responsibility: you still had the opportunity.

Since I shall have a lot more to say about opportunities in the course of the book, let me leave the discussion of them there for now and move on to resources. We ordinarily think of resources as consisting of things external to themselves that people own or to which they have access – things with the characteristic of enabling them to achieve their ends, or at least of improving their chances of doing so. Money is a generic resource, a car is a more specific resource, and so on. But when we describe people as 'resourceful', we commonly mean that they are ingenious in finding ways of realizing their ends *without* being able to call on large material resources. Thus, you may inherit some money from your parents. This is a resource. But another form of good fortune is to have parents who command a large vocabulary, plenty of books around the place, and a home environment that encourages curiosity, intellectual agility and the acquisition of educational qualifications. This kind of home environment constitutes an educational resource for a child, and so does a good school. Educational qualifications themselves are a resource, because they open up the possibility of getting jobs that would otherwise be unattainable. A good job is a resource because it makes available other resources – not only money but also benefits that flow from the social status associated with it.

Let me confess that the category of resources is a bit of a rag-bag. This heterogeneity would be a problem if I had any intention of aggregating different kinds of resource and talking about the justice or injustice of the distribution of this composite. But I shall not be doing this. Rights and opportunities are also of very different kinds, and it would obviously be crazy to ask about the distribution of all rights together or all opportunities together and ask how far they were justly distributed. Perhaps resources are liable to arouse different expectations because justice may require a shortfall in one resource to elicit a greater supply of some other. Thus, a deficit in health care (to a greater or smaller degree) be cancelled by the expenditure of resources on medical care. But we at no point need to suggest that we are trying to equalize some composite score made up of each person's initial state of health and the quantity of resources devoted to his or her medical care. Similarly, equal opportunity for

education requires a child with learning difficulties to have access to more generous teaching resources than one who learns easily. But we again have no need to invent a unit whose components are learning ability and resources devoted to education.

Perhaps the notion that resources can be reduced to a common denominator arises from the idea that there is some generic stuff (called 'utility', 'advantage' or whatever) whose distribution is the subject of social justice. This idea has a long history but has in recent years been revived by an academic debate about 'the currency of egalitarian justice'. It was initiated by asking 'Equality of what?' The presupposition of this question is that we are in favour of equality of something and all we have to do is find out what it is whose distribution we want to be equal. This seems to me about as foolish as Tony Blair's announcing that he was in favour of 'the third way' and then inviting a bunch of academics and academic hangers-on to suggest what it might be. We have to discuss each right, each opportunity and each resource separately and ask what principles of social justice can tell us about it. There is no need for surprise that the hunt for 'the currency of egalitarian justice' was as unsuccessful as the hunt for the Holy Grail.⁸ The problem in both cases is that there is no such thing.

The idea that the justice of a society can be assessed by its distribution of (some) rights is older and less controversial than the claim that the distribution of opportunities and resources within a society also makes for a society's being just or unjust. Social justice – concerned with the distribution of opportunities and resources – should be conceived of as building on the foundation of liberal rights. Unquestionably, there is a conflict between certain rights claimed by traditional liberals (today often distinguished by calling them 'libertarians') and the demands of social justice. Thus, if the right to private property includes the right to appoint people to jobs in the firm you own on any basis you like, it is obviously incompatible with the demand that jobs should be filled without discrimination or nepotism. (I shall discuss the relation of this demand to social justice in chapter 4.) And it goes without saying that it would be a complete waste of time to talk about the just distribution of resources unless the redistribution of property by the state was on the agenda.

During the nineteenth century, a number of people who saw the critical importance of opportunities and resources denigrated negative rights altogether: in the ideal socialist or communist state, to insist on rights would be an expression of egoism and would actually be pernicious. Fatefully, Karl Marx was numbered among those who took this line. We cannot know if the course of the history of the Soviet Union (and after 1945 its Eastern European satellites) or of

China would have been different had Marx emphasized the permanent importance of individual rights. But we have only to call to mind the horrors unleashed by Stalin and Mao to recognize that Marx was tragically mistaken. Social justice must subsume liberal justice. Unfortunately, however, a contempt for social justice does nothing to guarantee liberal justice. The American judiciary has granted the government unfettered discretionary power to lock people up indefinitely; the government also admits to using methods of 'interrogation' that fall within the internationally recognized definition of torture, and this is no doubt just the tip of the iceberg.⁹

The demand for social justice can best be seen as a response to the inadequacies of liberal justice. Thus, the foundation of the liberal conception of justice is that all citizens should be treated equally. The French Revolution resulted, for example, in the abolition of the system of three 'Estates', under which the nobility and the clergy had legal and political privileges denied to the rest of the population (the Third Estate). It may seem obvious that no state can be just if it has different grades of citizenship, but that does not prevent many states in the world from having first-class and second-class citizenship. Apartheid South Africa had an elaborate system, with the whites as first-class citizens and several categories below this. But many states systematically advantage the members of the dominant ethnic or religious group over others, both legally and as a result of the way in which decisions are made within institutions that do not have the prohibition of discriminatory practices written into their rules.

When the classic statements of liberal rights were promulgated, their scope was limited despite the breadth of their language. The American Declaration of Independence held it self-evident that all men are created equal and had rights to life, liberty and the pursuit of happiness. Yet it was drafted by a slave-owner, Thomas Jefferson, and signed by a number of other slave-owners. The French Declaration of the Rights of Man was thought by most of the revolutionaries to be compatible with laws that privileged men over women. These inconsistencies did not go unnoticed at the time. Samuel Johnson wrote: 'How is it that we hear the loudest yelps for liberty among the drivers of negroes?'¹⁰ And in France the clearest thinker among the revolutionaries, the Marquis de Condorcet, wrote a pamphlet arguing that equal citizenship must demand the equal treatment of women.¹¹

During the nineteenth century, the gross violation of equal rights represented by slavery became intolerable to most people except the beneficiaries, with the result that it was abolished first in the British Empire and then in the United States. Similarly, the argument that unequal rights for women violated the basic premise of liberal justice

gradually gained ground, with women's position under marriage law improved and their access to higher education and the professions opened up in Britain, though (as in many other countries) equal rights in voting had to wait until the twentieth century – in some cases well into it. But parallel with these movements was a growing sense that, however perfectly liberal justice might be realized, it could do nothing in itself to address problems that cried out for drastic changes of some kind. Most of this concern was not expressed in the language of justice: the 'condition of England question' preoccupied writers as diverse as Thomas Carlyle, Benjamin Disraeli and Charles Dickens, none of whom posed the question in terms of justice.

There are still those who wish to maintain that whatever distribution of opportunities and resources exists is just as long as it came about without force or fraud – and even then that force or fraud establish a clear title today as long as they occurred far enough in the past. Those who take this position may still be concerned about poverty in the midst of plenty. But they lack any proposals for redressing the situation beyond appealing to the rich to be charitable and the powerful to behave compassionately. As the spokesman for 'Young England', Disraeli's answer to the existence of 'two nations' was not a social revolution but a stronger sense of *noblesse oblige* among the landed aristocracy. Dickens was undeniably a critic of existing conditions: 'In every page of his work one can see a consciousness that society is wrong somewhere at the root.'¹² Yet, as George Orwell pointed out in his essay on Dickens, 'it would be difficult to point anywhere in his books to a passage suggesting that the economic system is wrong *as a system*'.¹³ Even in his most direct attack on the consequences of unfettered capitalism, *Hard Times*, the 'whole moral is that capitalists should be kind, not that workers should be rebellious'. If those with the power 'were better men, the system would work well enough'.¹⁴ The *deus ex machina* in Dickens's plots 'is always a superhumanly kind old gentleman who "trots" to and fro, raising his employees' wages, patting children on the head, getting debtors out of jail and, in general, acting the fairy god-mother'.¹⁵ Thus, for example, the moral regeneration of Scrooge is exhibited by his raising Bob Cratchit's pay, 'endeavour[ing] to assist' his 'struggling family', and giving a big donation to a charity dedicated to 'mak[ing] some slight provision for the poor and destitute, who suffer greatly at [Christmas] time' – and presumably have to get by without for the rest of the year.¹⁶ We may also presume that he became less of 'a tight-fisted hand at the grindstone' by driving less hard bargains and not enforcing those he had made so as to avoid 'ruining' those who were unable to pay their debts.¹⁷

This remains as much a fantasy as it was when Dickens created it. If things are better now, it is not on the whole because those with economic power are nicer people, but because they are forced by law to behave better. Firms still tend to squeeze everything they can out of employees unless limited by trade unions operating in a favourable legal environment, and (unless the unions are enormously powerful) by laws limiting hours, imposing safety requirements and setting a minimum wage. Landlords and lenders make the most they can unless limited by laws protecting tenants and prohibiting usury. As for charity, it is bound to be as capricious as the Dickensian provision of Christmas treats for the poor: billions of dollars showered on the families of the victims of the September 11 attacks, while a third of the nation's children are growing up in poverty. An official in one of the organizations deluged with money after September 11 explained a lot of the motivation as 'vengeful giving'.¹⁸ Perhaps the lack of charitable contributions for the relief of hunger and homelessness might be described as 'vengeful non-giving'. What is, at any rate, clear is that this arbitrary way of moving money around cannot possibly, even under the most favourable conditions, add up to a systematic attack on social injustice.¹⁹

Social democracy, as we saw in the previous chapter, challenges the assumption that whatever distribution of opportunities and resources arises within a framework of liberal rights is necessarily just, and its implication that any departure from the inequalities thus generated must depend on the good will of the beneficiaries. One way in which social justice can be seen as an extension of liberal justice is quite simple. Liberal justice rests on the presupposition that all citizens are equal before the law. But why should equal treatment be confined to liberal rights? Surely, we should also be concerned about equal opportunities to exercise those rights. In a traditional liberal society, there will be a universal right to education, but only a right in the sense in which I have defined the term: the absence of a law prohibiting education. In many countries today (as was the case in England well into the nineteenth century), a child's opportunity to go to school depends on the ability and willingness of its parents to pay for it to do so. It is hard to see how this inequality of opportunity for education can fail to be unjust, rather than merely unfortunate. (This is, of course, only the grossest denial of equal opportunity: I shall take up the whole question of the meaning of equality of opportunity in chapter 4.)

A parallel argument can be made about medical care. The absence of a prohibition on its being supplied to anybody does nothing to guarantee that everybody has the opportunity to receive it. If the

opportunity depends on the ability to pay for it, some will get good medical care, some will get basic medical care and some will get none. That people with the same medical condition will have such unequal opportunities to obtain treatment again seems to raise issues of justice. Equal rights to employment suffer the same limitation. Certainly, it is important that there should not be laws prohibiting members of certain ethnic groups from holding particular jobs, as in Nazi Germany, apartheid South Africa and contemporary Israel. But the right to a job, in the negative sense, is very different from an opportunity. The absence of legal exclusion is quite consistent with exclusion practised by employers. As I noted earlier, the unmitigated rights of private property include the right of an employer to make a labour contract on any basis, however arbitrary or discriminatory. Equal opportunity, even understood simply as non-discrimination, therefore requires state intervention to curb the rights of employers.

The absence of discrimination in the job market constitutes fairness among the applicants. But there may have been discrimination at an earlier stage, in that many (perhaps most) members of the society were legally prohibited from acquiring the qualifications necessary for entering the competition. Even if there was no formal discrimination, there are in every country unequal opportunities for acquiring the qualifications that lead to the best universities and the best jobs. I shall explore in Part II the implications of taking equality of opportunity seriously when it is construed in this way.

3

The Scope of Social Justice

The theory of social justice put forward here applies to all countries and provides a universal standard against which they can be judged. Although I shall focus in this book on wealthy countries, and especially Britain and the USA, it has to be said that the worst cases of social injustice within countries occur outside the relatively affluent western liberal democracies. If the victims are forced to appeal to 'local norms', they will be in the absurd position of having to invoke norms that are characteristically antithetical to the rights of women, children, ethnic and religious minorities and the poor. The whole point of a universalistic conception of justice is that it provides a basis on which both those inside and those outside a country can criticize practices and institutions that reflect local norms, which typically endorse discrimination, exploitation and oppression.

In every society, the prevailing belief system has been largely created by those with the most power – typically, elderly males belonging to the majority ethnic and religious group, who also run the dominant institutions of the society. It is notable, for example, that almost all religions rationalize a subordinate position for women and explain that inequalities of fortune are to be accepted as part of God's great (if mysterious) plan. Although those who lose out may not fully accept these ideas, because they too obviously conflict with their own experience, few societies in history have ever offered a fully articulated alternative belief system. The eighteenth and nineteenth centuries produced two important bases for a systematic critique of the status quo. One was the Enlightenment, which paved the way for the French Revolution and for the spread of liberal institutions

- 25 Ibid.
 26 Ibid.
 27 Ibid.
 28 John Roemer, 'Socialism's Future: An Interview with John Roemer', *Imprints*, 3 (1998), pp. 4–24: p. 23.

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- 1 David Donnison, 'Act Local: Social Justice from the Bottom Up', Commission on Social Justice Discussion paper No. 13 (1994), reprinted in Jane Franklin, ed., *Social Policy and Social Justice: An IPPR Reader* (Cambridge: Polity, 1998), pp. 134–53. 'The Machinery of Social Injustice' is the heading of the first section of the paper (p. 134).
- 2 Ibid., p. 134.
- 3 Ibid.
- 4 Annette Lareau, *Unequal Childhoods: Class, Race, and Family Life* (Berkeley and Los Angeles: University of California Press, 2003), p. 29.
- 5 Joseph Stiglitz, 'Corporate Corruption', *Guardian*, 4 July 2002, p. 15.
- 6 Kurt Eichenwald, 'Clay Feet: Could Capitalists Actually Bring Down Capitalism?' *New York Times*, 30 June 2002, section 4, pp. 1 and 5; quotation from Rohatyn on p. 9 of Gretchen Morgan, 'Rebound from Ruin, if not from Mistrust', *New York Times*, 30 June 2002, section 3, pp. 1 and 9.
- 7 John Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press; Oxford: Clarendon Press, 1971). Anyone wishing to follow this up should try to get hold of the original version, not the one being put out now by Harvard University Press, some of which is a mess because of changes subsequently introduced by Rawls.
- 8 The *cognoscenti* will know of whom I am talking. For others, the names will be of no interest.
- 9 The United States has the most highly qualified experts in the instruction of torture in the world: those who gave instruction at Fort Benning in Georgia to 'some 60,000 Latin American special forces, paramilitaries and intelligence agents in the black arts of terrorism'. Two-thirds of the army officers who committed the worst atrocities in El Salvador were graduates, and in Chile they ran Pinochet's secret police. 'In 1996, the US government was forced to release copies of the school's training manuals, which recommended blackmail, torture, execution and the arrest of witnesses' relatives.' John Pilger, 'The Great Charade', *Observer*, 14 July 2002, p. 29.
- 10 Samuel Johnson, *Taxation No Tyranny; An Answer to the Resolutions and Address of the American Congress*, pp. 411–55 in *Political Writings*, ed. Donald J. Greene (New Haven, Conn.: Yale University Press, 1977), p. 454.
- 11 Marquis de Condorcet, 'On the Admission of Women to the Rights of Citizenship', pp. 91–6 in Keith Michael Baker, ed., *Condorcet: Selected Writings* (Indianapolis: The Bobbs-Merrill Co., 1976).

- 12 George Orwell, 'Charles Dickens', pp. 454–504 in Sonia Orwell and Ian Angus, eds., *The Collected Essays, Journalism and Letters of George Orwell* (Harmondsworth, Mddx: Penguin Books, 1970), vol. I, p. 456.
- 13 Ibid., p. 457, emphasis in original.
- 14 Ibid.
- 15 Ibid., p. 458.
- 16 Charles Dickens, *A Christmas Carol*, pp. 45–134 in Michael Slater, ed., *The Christmas Books*, vol. I (Harmondsworth, Mddx: Penguin Books, 1971), pp. 133, 50.
- 17 Ibid., pp. 46, 119–20.
- 18 The organization was the Red Cross, whose mission is disaster relief, and which provides money only to meet temporary needs wherever tents and soup kitchens are not the more feasible option. Having made no undertakings about the disbursement of any contributions it received after September 11, its officers naturally sought to keep most of the money as a reserve to be used in doing its job as the occasion demanded. However, an outcry from donors forced the Red Cross to pass the money along to people who had suffered in some way from the attacks, despite the lavish compensation that they were already guaranteed.
- 19 For example, the amounts spent on 'vengeful giving' were instead of those usually given to charitable causes, with the result that any number of worthy organizations faced bankruptcy. Even more grotesquely, a charity that raises money by promising to spend it on projects benefiting the poorest people in the poorest countries actually cut down on this work in order to 'initiate new programming in New York City to address psychosocial trauma in the wake of the [World Trade Centre] tragedies' (Mercy Corps Annual Report, 2001).

Chapter 3 The Scope of Social Justice

- 1 The skulduggery perpetrated by the United States government in trying to force poor countries to accept genetically modified varieties of their agricultural staples arises from the fact that giant American companies such as Monsanto and Cargill (lavish contributors to the Bush coffers) cannot make money if people simply plant unpatented seeds that produce plants whose seeds can in turn be planted next year. The point is that 'GM technology permits companies to ensure that everything we eat is owned by them. They can patent the seeds and the processes that give rise to them. They can make sure that crops can't be grown without their patented chemical. They can prevent seeds from reproducing themselves.' George Monbiot, 'Starved of the Truth', *Guardian*, 9 March 2004, p. 15. However, the WTO Agreement on 'Trade Related Aspects of International Property Rights' (TRIPS) is so broadly drawn that it opens up the possibility of farmers growing traditional crops having to pay royalties to an agribusiness company in the USA, with the connivance of the US Patent Office. See Matthew