Characterising social justice

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In this article the author tries to develop a general concept of social justice. Today, as a result of cross-cultural and interdisciplinary dialogue, we are faced with very different and even contradictory ways of understanding social justice. Therefore, rather than proposing a closed and final concept, he will present an open and dynamic one.

What is social justice? To begin with, we need to differentiate it from the criminal type justice, where there are two parties before a court: the defendant and the prosecutor, as seen in the movies. In social justice, courts are not usually involved and the subject matter is Society at large. Society at large can create or promote positions or situations that favour some and do disservice to others. The concept of social justice was especially disseminated in the 19th century as criticism against society for allowing or favouring economic differences: a few had a lot and many had little. So, at that time, social justice meant to seek certain economic equality. Nowadays, this concept has gone much further than just the economic and egalitarian meaning. Social justice has now taken on the idea of preventing or reducing widespread wrongs provoked by machismo, racism, xenophobia and homophobia, among others. At times it consists of promoting equality; at other times, more at recognizing the difference.

The purpose herein is to expound a general concept of social justice based upon philosophy, social sciences and political theory. A lot has already been written regarding this topic from the most diverse disciplines and cultural traditions. Today, as a result of cross-cultural and interdisciplinary dialogue, we are faced with very different and even contradictory ways of understanding social justice. Therefore, rather than proposing a closed and final concept, we will present an open and dynamic one. In other words, what we understand as social justice is still under development, but we can identify at least some minimum characteristics of the same. Those characteristics will be explained herein by way of a thesis and by posing questions.

1) Regarding the normative principle: What causes something to be socially unjust?

It is socially unjust to carry on a practice that contradicts the common beliefs formally subscribed to by various groups that all people have equal moral value according to the culture of human rights.

The normative criterion or principle is the basis for justice; it is that upon which

standards are developed. At times people speak about principles of justice, of moral foundations, etc., where something is deemed just or unjust if it agrees with or is against such principles.

In this contemporary world, even in the apparently more homogeneous societies, it is difficult to find a normative criterion accepted by all members, given that not all share the same beliefs. For example, for some the foundation for justice is found in their own religion: "Something is good or evil because *God* judges it so" (The expression *God* can mean the God of the Bible or of the Koran, or that which other religions consider as divine principle of the universe). But those that do not believe in a specific religion, or in any at all, deny this principle.

What can be therefore a normative criterion that, although not yet universally accepted, at least has possibilities, or is in the process of being universalised? The belief that all human beings are of equal moral value. It is true that presently this is not universally accepted. For example, in the 20th century, many wars have precipitated in Europe, Africa or the Middle East because some believed the opposite principle: that some people or human groups are more valuable than others. World War II, the Balkan War, the genocide of the Kurd population or that of Rwanda, are some sad to say infamous examples regarding the issue.

At any rate, this is the most universal and promising principle that we have. It was strongly developed in the modern western world based upon its Christian and philosophical tradition; but also, and even before that, in different oriental cultures. It is at the heart of the culture of human rights and it has two advantages: a theoretical and a practical one. From the theoretical point of view, it is a moral belief shared extensively by the influence (at times violent) that the West has exerted upon the rest of the world. Nevertheless, this belief likewise finds its own reasons for support and recognition in non-western cultures. For example, many centuries before the modern West spoke

about the issue, some oriental cultures practised religious tolerance thinking that all human beings had the right to follow their own religious beliefs. From a practical point of view, most nations are formally undertaking (signing international agreements) to respect human rights, likewise implementing institutional mechanisms to ensure compliance with the same. The culture of human rights is making progress in spite of stumbles and setbacks, including dramatic obstacles. Nevertheless, due to moral reasons and historical processes, many people "already" believe in the equal moral value of human beings and politically, many populations are undertaking to implement this principle.

2) Regarding dimensions, what areas of life are covered by social justice?

Social justice is multidimensional, including at least three types of institutions or dimensions: economy, culture and politics, without any of them in particular being more basic on a universal scale than the others.

Is any dimension of social life more important than others? Some social theoreticians and oppressed groups thought that there was one dimension that was more basic than the rest of them. For example, at times it was thought that politics was the key: "Change voter access and that will generate more equality". At other times, emphasis was put on the economy: "If people were more equal economically, there would not be any discrimination or other abuses". In the French Revolution, the political participation rights were extended: citizens could decide who would govern and how they would govern. But in many ways, oppression continued to exist. Thereafter, Marxist and socialist groups arose, emphasising that economic processes were the key, that the economy determined culture and politics. In a simplified Marxist model, the production system divided society into two groups: oppressors (rich capitalist class) and oppressed (poor proletarian class). This theory had a lot of reception at the time, but not all the marginalised groups identified with it: women and coloured people, among

others, said that their oppression was not just economic. (For example, a woman or an immigrant could be despised and discriminated against, not for being poor but precisely for being a woman or immigrant, even though they might have money). Further along, some feminism line of thought upheld that the great social factor of oppression was the gender culture. But this thinking was also questioned theoretically and practically, given that some women, before feeling they were women, felt first of all black, indigenous or poor (Example: some white women with education demanded social respect above all, in the meantime some poor women prioritised a better economic situation for their family, including poor mothers).

In a society that is commercialised to a large extent, economic factors (money, work, etc.) can be more determining in this regard: those who have money will have social respect and political power. In other societies, the most decisive factor, among many others, can be caste, ancestry, gender, race etc. It seems impossible, in most complex contemporary societies, to reduce the origin of the injustices to a single factor (whether political, economic or cultural). For some reason, the origin of social injustices and what marginalised people demand is more or less present and intertwined with these three dimensions: culture, economy and politics. Moreover, some people can undergo injustices in all those three dimensions at the same time. For example, in various societies, the labour market, social respect and even the possibility of political participation is structured around race or ethnic groups. Then, there are cases of low paid work positions for coloured or indigenous people, who, likewise, are despised culturally and have few possibilities for participating in government (even when the same are at times a majority).

Given that injustices are multidimensional and have to do with various factors, it is possible to accumulate them. Continuing with the previous example, think about a coloured or indigenous person who happens to be in cultural, political, and economic disadvantage. If besides this, she is an immigrant and a poor woman, she can accumulate more injustices than a person that is despised only due to his or her race. In this case, the same person belongs to three marginalised groups: women, immigrants and poor people. This person is at least three times oppressed.

3) Regarding frameworks, in which frameworks or political units is social justice applied?

Social justice is flexible to diverse frameworks or political units, such as state-nation, or smaller units (due to decentralisation processes) and larger units (due to globalisation processes).

Is the State the fundamental political framework? Until some decades ago, it was clear that the framework of social justice administration (and of other justices), was above all the state-nation, considered the political unit par excellence. The theory regarding justice and its institutional implementations were thought out and designed for that framework. Although it still has value, the original framework has changed: it has fragmented inwardly due to decentralisation processes and has overflowed outwardly through globalisation processes.

In many countries, especially to the extent in which democracy is being consolidated, processes of internal decentralisation are arising. That is to say, local or regional or departmental autonomies are created according to the territory and other factors, thus improving the empowerment of the populations, such as efficiency in justice administration. At the same time on an international level, globalisation in diverse areas is affecting the life of all populations, even those that try to shield themselves by taking economic, cultural and/or political measures of protectionism. Terrorism, migration, power of capital, global warming etc. are some international subject matters that one country cannot resolve in and of itself.

Two examples are developed herein. First, during the twentieth century there was a large social demand for greater economic redistribution to the interior of a State, which could thus become a benefactor by ensuring economic minimums and health and education for all its population. Now States are no longer economically autonomous and the economic fortune of its population depends on what happens on the global market. Likewise, redistribution is now also a matter of international agents (corporations, agencies –FAO, WTO, WHO, etc. – NGOs, etc.). Second, greenhouse gases –which produce global warming and other damages– and other contaminants, do not respect borders, retaining walls or exacting requirements, as they freely roam throughout the world. They are the wandering, unwanted visitors that nobody wants to receive; nevertheless, nobody can prevent them from entering their house.

Both processes of decentralisation and globalisation, hit upon multiple tensions. Therefore, both the theoretical bases of justice, as well as its practical implementations, should be redefined with these new scenarios in mind. We should rethink roles and justifications for new local bodies (such as the States and their decentralised agencies) as well as transnational bodies (such as the United Nations and derived agencies or similar – Example: International Criminal Court, International Protocols regarding war, natural disasters, ecology, etc.).

4) Regarding the solutions, which are the adequate strategies for solving social injustices?

The demands of social justice can be solved by utilising strategies that oscillate between conservative and radical aspects, keeping in mind morals, process efficiency and results.

How many strategies are there for solving social justice demands? There are many and very diverse solutions that can be categorised in three large types: conservative, radical and intermediate. For example, when considering the topic of poverty we think about traditional and simplified answers from the ultraliberal people, the communists and those defending the welfare State. The first group believe that the solution is to promote the system of free competition: with the free market (free personal actions) there will not be any losers, given that each one will endeavour to achieve and obtain the maximum benefit. The second group considers that property and production systems should be restructured, prioritising the welfare of the community more than that of the individual: common property will ensure the welfare of each of its members. The last group accepts a compromise between free individual choice and the community perspective of society, allowing the redistribution of goods and services of the State to some degree. In the face of the demands of gender, we can try to achieve a similar classification: some feminists seek equality; others, that gender be "deconstructed" or eliminated as a category; others, that there be a positive recognition of the differences of gender.

Which option is the best? It is not possible to decide *a priori* which is the best and most adequate strategy from normative (to be morally correct) and practical points of view (to be efficient in practice). At times a solution is very moral but inefficient, or vice versa. At other times there can be simultaneously good normative reasons and practices for each type of solution. Therefore, when opting for a strategy, practical and normative criteria should be kept in mind, according to the specific context and pursuant to the specific society at issue.

Is it better to seek solutions for each problem or for the whole group? Solution strategies should be designed for a specific problem, without neglecting the relationship with others. For example, in an X society, gender is a factor that structures the market and the hierarchies of social respect, therefore there are two problems: low income for women and their underestimation. The labour market does not recognise parenting activities (e.g.:

raising children) nor domestic work. Likewise it has some "pink collar" positions (e.g.: secretaries) that are not paid as well as work done by men; therefore, the income of women is low. Furthermore, women are characterised as needing protection because they are fragile and dependent, not as autonomous and capable as men. To solve the first problem (low income), society can decide to transfer extra income or special services for the women. But this could actually aggravate the second problem (underestimation), showing that women are truly dependent people, who require the paternalistic protection of the State. Therefore, keeping in mind that solution strategies have diverse and multiple effects upon the economy, culture and politics, we should carefully deliberate to ensure that the overall effects are moral and efficient.

5) Regarding nature, what is the relationship between nature and social justice?

Besides society, social justice takes nature (or ecosystem) into consideration as an equally fundamental scenario that offers moral and efficient limits to human action.

What was the role of nature in the ethical and legal tradition of the West? Almost none. For a long time, most of western tradition considered society as the only relevant scenario for justice. Nature was a dispensable and ineffective background, just "still life" without anything relevant for the topic of justice. On a practical level, the current ecological crisis obliges us to rethink the relationship between human beings and the ecosystem, even to the point of defining social justice. On a theoretical level, the development of ecology as science leads us to the redefinition of the limits between society and nature. The efficiency limit is more obvious: nature cannot be exploited infinitely given that we would end up destroying it and therefore ourselves too. But the moral limits interest us more.

What changes occur in social justice in a moral sense when considering ecology? At least the object and the subject. The changes in the object of justice, that which is distributed, can be perceived at least in the appearance of two new categories: climate justice and environmental justice. Only in the last decade has "Climate Justice" been spoken about: the damage produced by climatic change (particularly global warming) should be solved and compensated by those who produce it the most (more developed countries). The concept of "environmental justice" is birthed probably before the 90s but expands especially after the 90s. This justice is related to how goods are distributed (clean air, land, water and environmental assets) and damages (contamination, degradation and other environmental liabilities) from the ecological point of view. Climate justice would be a subset of environmental justice.

In this dialogue between society and nature, the subjects of justice, those that have right to justice or to whom goods are distributed, also change. For centuries it was thought that nature, including the living beings therein, could be distributed among human beings. Likewise, during the centuries of slavery, it was thought that slaves were animals, not people, and that they could be bartered with according to the interests of the masters. In the 19th century, with the end of slavery, previous slaves now became individuals with rights, thus recognised as human beings. But animals or nature as a whole remained excluded from the circle of those considered holders of rights. Human beings were the only ones with rights; this was the single principle of justice. No wonder it is said that this is an anthropocentric vision: good and evil are determined by what is convenient or not to human beings. Today that vision is rendered questionable. Inspired by scientific arguments, by reappraised traditional visions (pertaining to the populations that were colonised) and by emotional sympathy, thousands of activists demand that rights be extended to animals and nature. There are some States that have begun to recognise that these are legal rights holders. Therefore, the first characteristic or thesis, on the equal moral value of human beings, should be

supplemented with this thesis: the welfare of human beings can be the first principle for social justice. But it is not an absolute value.

6) Regarding democracy, how does one interpret and implement that which is just?

Social justice is defined historically and contextually on the basis of a democratic process, which, to the extent possible, is increasingly more participatory in its interpretation and implementation.

In the previous thesis, it is clearly seen that social justice is historical and contextual in its development. How it is interpreted theoretically and how it is implemented practically depend on history and context. As a summary, here are some examples of what we have presenting.

In thesis one, the foundation is the equal moral value of human beings, which has only gained strength universally within the last two centuries. During the centuries of European colonialism, XVI-XVIII, that assertion did not have a lot of endorsement. Nowadays it seems that we cannot backtrack: we are already achieving the goal of recognising all human beings as equal. But we admit that this has not always been so. In thesis two, throughout the various dimensions of justice, there have also been changes over time and in context. For example, the economy can be the fundamental dimension, especially in capitalist societies, but capitalist societies appeared in the history of the West only recently with the Modern Age. Many societies were foreign to capitalism for centuries. Today global capitalism is expanding to all the corners of the earth, but we cannot yet say that the capitalist economy is the main factor structuring societies.

Our concept of justice changes, it is dynamic. The validity and meaning of our thesis are not absolute, but they depend on the time in history and context from whence we judge. Today it seems that the most appropriate characteristics in the context of globalisation are, among other factors, the ecological crisis and the human rights culture. But, stating it emphatically, nothing guarantees that this will not change in time. Today it seems incredible to us that slavery was tolerated for centuries. Perhaps new generations will consider it grotesque that in our societies, economic exploitation, racism, machismo, homophobia, etc. were tolerated. Or perhaps they will criticise us for not having integrated, to the extent possible, the new generations within social justice, or for not having taken into account the animals and nature. Or perhaps we will discover new expressions of injustice.

Presently, who should decide how to interpret and to implement justice? All of us, the *demos*. The author of social justice is not the theoretician neither the professional politician, but the democratic community that is directly affected by these problems. The legitimacy of the interpretation and implementation of social justice is granted by the political community through democratic procedures. The educator, the ruler, the social activist (or others) are members with specific roles, but none of them has the absolute power to determine what is just. World events (such as the opposition to the invasion of Iraq by USA and allies or the "indignant" protest against the economic crisis 2008-2011) show that a global democratic community is slowly appearing. Different democratic communities (local, national or international) should be recognised as the authors of justice.

Does democracy guarantee justice? No. Democracy is not infallible, but it can be reviewed and, therefore, is capable of improvement. There is not a single society (even less within a global scenario) that has all of its citizens on equal terms for participating democratically regarding its issues. After more than two centuries of expansion of modern democracy, its shortcomings have been seen clearly. Some groups (poor people, women, indigenous people, homosexuals, immigrants, etc.) haven been "democratically" oppressed many times. Nevertheless, it is likewise true that many of

the oppressed groups have been democratically gaining their own position within democracy. Democracy bears that paradox: it can expand or annihilate itself. It is the vehicle for public power, pertaining to the citizens, meant to transform any issue, including itself. The goal is that a democratic society (local, national or global) should reflect upon itself, for the purpose of being ever more participatory and just.