

Individuals as Agents of Justice: The Political Responsibility to Participate in Global Civil Society

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Rawls famously argued that ‘justice is the first virtue of social institutions’; ever since we tend to think of the *state institutions* as the primary agent of justice. However, I argue that *we are all agents of justice*, and that our responsibility for justice entails participating in global civil society. This is a development of Iris Marion Young’s argument in her final book *Responsibility for Justice*. To show this I compare Rawls and Young, who both take a structuralist view of justice. I sketch their different understandings of structure, individuals’ responsibilities for justice (dualism), and global justice to show why, on the Youngian approach, individuals have a political responsibility to participate in global civil society to undermine global injustice.

Structure

In *A Theory of Justice* Rawls argues that the “basic structure” is ‘the primary subject of justice’ (Rawls 1999, p.6). The basic structure constitutes ‘the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation’ (Rawls 1999, p.6). The ‘major social institutions’ include the constitution, legal protection of freedom of thought and conscience, markets, private property and the family. The reason why the principles of justice apply to the basic structure so conceived is ‘because its effects are so profound and present from the start’ (Rawls 1999, p.7).

The basic structure can be separated out from private associations and private transactions. It is the background pattern of institutional rules and resources against which private associations and persons act. The basic structure is a separate sphere, and it alone must be regulated by the principles of justice, leaving individuals free to pursue their own projects. Young, however, does not conceive of structure as separate from the rest of society.

Young and Rawls share two assumptions in common. The first is the emphasis on “counter-finality”¹: the recognition that the accumulated acts of individuals can have unintended structural consequences. Secondly, both Rawls and Young agree that the ways in which structures *position individuals* is the main concern of social justice. Where Rawls and Young part ways, is that Rawls works in ideal theory and argues that once the basic structure is just that social positions will also be just. Young analyses actually existing social structures, and starts from the assumption that these are *unjust*, and she wants to understand the ways in which they are unjust. This leads her to go beyond an analysis of institutions.

¹ Young borrows this term from Sartre, (Young 2011, p.63).

For Young, institutions are an important part of structure, but structure is a broader concept. Institutional rules and practices determine individuals' social positions, but Young argues that social positions are also reproduced through the attitudes, habits and norms that govern private associations or interpersonal transactions. Young invokes the sociologist Pierre Bourdieu's concept of the "habitus" to describe how individuals situated in different positions in the social structure reproduce the behaviour associated with that social position, excluding those who do not embody those behavioural traits (Young 2011, p.57). She also invokes sociologist Peter Blau's analysis of social structures as a "multi-dimensional space" where individuals are placed in different positions, and their unconscious embodiment of the habitus serves to reinforce their position (Young 2011, p.56).

It follows from this that social structures are *reproduced through individuals' actions* (Young 2011, p.60). Individuals' unreflexive, routine and habitual actions reproduce social structures (Young 2011, p.61). Drawing on Anthony Giddens' work on structuration, she argues that when individuals try to achieve a certain intention, they are at the same time reproducing the positional rules and resources upon which they draw for those actions (Young 2011, p.60). In this way, structural inequalities of race, sex and class are unconsciously reproduced.

Finally, Young argues that these structural processes that position individuals and groups in relation to one another are experienced as "*objectively constraining*". Social norms and practices are experienced as constraining because 'others behave as though they are' (Young 2011, p.55). Added to the constraints imposed by institutional rules and practices, and social norms, habits and attitudes, is the material context in which individuals act, which will determine what they can or cannot do (Young 2011, p.54). To take an obvious example, country-dwellers are likely to be excluded from participation in municipal decision-making (Young 2001, p.8). These material constraints are borne out of a particular socio-historical context. For instance, the history of racial segregation in America has led to ghettoization of African-Americans today (Young 2001, p.54).

Structure, then, according to Young, should not be conceptualized as a separate sphere that we can understand once we abstract away from the complexities of the real world. Instead, we should start from the real world and conceptualize all the different and complicated manifestations of structure, part of which will of course be institutional; but if we focus solely on institutions we will fail to understand how social positions are reproduced through the unconscious behaviour of individuals, and we will miss other obvious forms of structure like material infrastructure, which have arisen out of specific socio-historical circumstances. Contra-Rawls, Young rejects the idea that the basic structure can be identified and separated out as a distinct sphere of justice.

Individuals' Responsibilities for Justice

In "The Basic Structure as Subject", Rawls argues that the basic structure corrects for the accumulated outcomes of private economic transactions, which no matter how fair in and of themselves, may nevertheless accumulate to cause background injustice

(Rawls 1993, p.266). Rawls' reasons for specifying principles of justice that apply only to the basic structure are as follows: a) we cannot know whether individuals' transactions are fair without an assessment of background justice; b) even if all transactions are fair, background justice can still be eroded and we need institutions to correct for that; c) the mechanisms and rules for achieving this are beyond the capacities of individuals both intellectually and in terms of being overly burdensome (Rawls 1993, p.266-268). Therefore, we need a set of rules for background institutions and another set for individual transactions, that allow individuals to be free to pursue their own ends against a background of just institutions.

Rawls advocates for a moral and institutional division of labour: in a just society, the principles of justice govern the basic structure, leaving individuals free to pursue their own ends and conceptions of the good. Individuals' responsibilities for justice consist in adhering to a principle of fairness in our voluntary interactions. Individuals also have a natural duty of justice, which requires us "to support and comply with just institutions" or to further the establishment of just institutions if they do not exist, if this is not too costly to ourselves (Scheffler 2006, p.453). Liam Murphy describes this as "dualism", which is 'the idea is that the existence of institutions gives rise to a special kind of normative problem, one that institutions are responsible for, but people are not' (Murphy 1998, p.270).

For Young, however, structure is constituted by social processes as well as institutions, and is reproduced through individuals' behaviour. Young is arguing that the accumulation of actually-existing social processes also contributes to a form of background injustice that leads to the oppression of social groups (Young 1990, p.30). These social processes must be foregrounded if we are to understand the kinds of oppression experienced by social groups that are not solely the result of background economic processes.

In *Justice and the Politics of Difference*, Young started with the claims of the new left social movements of the 1960s-80s. These movements demanded the equal status of previously subordinated groups, including an end to violence against women, people of colour, non-heterosexual people; an end to cultural imperialism of white, heterosexual men; and a recognition of group difference but also inherent equality.

Young critiques the "distributive paradigm" of justice, which she associates with Rawls, on the grounds that the injustice of oppression cannot be overcome by distributions of any particular resource – there is no *thing* that can be distributed that can undermine sexism, racism or other forms of status inequality. Distributions help, and are important, in the sense that if oppressed groups have equal shares of material resources they will be more able to be fully self-developing agents. However, forms of oppression like violence or cultural imperialism may remain. The structural power relations that maintain these forms of oppression cannot be fully dealt with and captured by better distributions of resources. Young argues that, 'The concepts of *domination* and *oppression*, rather than the concept of distribution, should be the starting point for a conception of social justice' (Young 1990, p.16).

Rainer Forst argues that theories of justice have evolved along two broad lines (Forst 2007, p.260). The first looks at the goods people receive in a distributive scheme compared with what others have, or what they need or deserve. In this distributive

paradigm, the focus is on end-state patterns and the material well-being of individuals. In the second, justice attends to the relationships between the people involved and their standing in the scheme of exercising power. In this political justice paradigm, the focus is on the legal, political or social standing of individuals or groups in a legitimate political community. The danger of the first approach is that it neglects the issue ‘not of *what you have* but of *how you are treated*’ (Forst 2007, p.260). Young’s ‘deepest and most productive thought’ was to critique the distributive paradigm along these lines.

Rawls’ theory of justice is not as insensitive to status inequality as Young’s critique suggests insofar as Rawls includes equal basic liberties (including the social bases of self-respect) and fair equality of opportunity in his principles of justice. Rawls is concerned, however, with establishing the correct institutional framework that achieves just end-state patterns and material well-being; not insofar as it effectively mitigates against relations of oppression or domination. Thus, on Forst’s distinction, Rawls is working in the distributive paradigm of justice. When we think that justice entails mitigating relations of oppression and domination, then we must bring individuals’ behaviour into the realm of critique. This renders Rawls’ division of labour problematic.

The governing idea for Rawls is that background injustice refers to the correction of accumulated economic transactions and that it would be too difficult and burdensome for individuals to correct for that. But according to Young, justice should be concerned not only with what individuals have but how they are treated. So justice goes beyond the correction of accumulated economic transactions to dealing with attitudes, habits and norms that lead to the unequal and unjust treatment of people from oppressed social groups. The idea that considerations of background injustice are too burdensome to place upon individuals is only true if the only injustice we consider is economic or institutional. It is not necessarily true if we expand what we mean by injustice to include actually existing forms of oppression within social relationships.

Young develops a different conception of “dualism”. She argues that ‘as individuals we should evaluate our actions from two different irreducible points of view’ (Young 2011, p.73). We should think about ‘how we treat the persons we deal with directly’ (an interactional view), and ‘how we contribute by our actions to structural processes that produce vulnerabilities to deprivation and domination for some people’ (a structural view) (Young 2011, p.73). Dualism for Young, then, does not refer to one set of rules for institutions and another for individual behaviour; it refers only to individuals and to the ways in which individuals should reason morally about their actions in the context of injustice.

On Young’s understanding of what it takes to be a moral person, merely looking out for one’s own and supporting political institutions is not enough; individuals must also assess their roles and actions in society in relation to the overall justice of those structures. If an individual realises that in performing their social and institutional roles they are contributing to injustice, then the responsibility is to work with others to transform those structures. To be a moral person in complex societies requires considering how one’s behaviour reproduces structures that dominate or oppress others. Responsibility for justice, then, cannot be deferred exclusively to institutions

with individuals' responsibilities derivative of institutional responsibilities; rather responsibility for justice is a virtue that ought to be cultivated by individuals.

The upshot of this argument is that individuals *qua* individuals can bear a political responsibility for justice. This would be implausible if we considered the only structure that was important from the perspective of justice to be the economy, because individuals cannot correct for macro-economic harms. Indeed the point of social justice from the Rawlsian point of view is that all private transactions within the economy could be fair but they can still result in unintended, harmful structural outcomes – so there is nothing individuals could do to correct for that. It would also be overburdening to expect individuals to think about all of their economic choices in terms of how it will affect the overall economy.

However, it becomes plausible if we understand structure in the broader Youngian sense of *social* structure, which is reproduced through the actions of individuals and through their unconscious habits, attitudes and norms. Individuals' behaviour is already implicated in the reproduction of injustice, from the Youngian perspective, and so must be brought into the realm of critique when discussing responsibility for injustice.

Rawls talks about the need for “practicable rules” and argues that there are none that can be applied to individuals to prevent background injustice. But why do there need to be “rules”? Young's argument is that individuals have a “responsibility” for justice, not a set of rules that must be strictly adhered to. A responsibility is obligatory but discretionary, and is revisable to respond to ever-changing circumstances.² It does seem practicable to assert that individuals should not behave in a discriminatory way (either consciously or unconsciously – so there is a responsibility to think about whether or not one's acts are in fact discriminatory), so as not to perpetuate the oppression of social groups.

Individuals' political responsibility for justice is burdensome – considering one's actions, habits and attitudes from a structural perspective, discussing these with others, and engaging in collective action are energy- and time-consuming activities. But taking up political responsibility is not burdensome in the way that troubles Rawls; it does not require individuals to consider the effects of all of their economic transactions from the perspective of the difference principle. Individuals are free to live their own lives, but political responsibility requires individuals to be self-reflexive about their position in unjust social structures and how their behaviour reproduces these structures, and to take action in whatever way they can. Political responsibility is discretionary, in the sense that it is up to individuals to decide how to discharge it.³ And it does not require specialised knowledge to think about how one's actions and attitudes may be perpetuating discriminatory attitudes towards oppressed social groups or to engage in collective political action to undermine injustice.

² See (Richardson 1999; Goodin 1986, 1987)

³ Young suggests four “parameters of reasoning” to consider how to discharge one's political responsibility – power, privilege, interest and collective ability (Young 2011, Chapter 4)

Global Injustice and Responsibility to Participate in Global Civil Society

This debate has implications for *global* justice. Theorists who think that institutions bear responsibility for justice tend to argue that there are no global justice duties, because there is no global state – no ‘agent of justice’ – to whom those duties apply. Theorists who argue that individuals can bear responsibilities for justice, by contrast, can claim that individuals can bear responsibilities for global justice.

We know that for Rawls justice applies to the distribution of benefits and burdens of social cooperation within a closed society, and he was reluctant throughout his career to entertain the idea of global justice. But from a Youngian perspective, it is obvious that there is such a thing as global injustice. The power relations that arise through social interactions do not stop at political borders. They are increasingly global in scope. Young argues that, ‘ontologically and morally... social connection is prior to political institutions’ (Young 2006, p.105). And these social connections, because they are imbued with power relations – of oppression and domination – raise concerns of justice. Individuals are necessarily embedded in relations of global injustice; for instance consumers are connected to the exploitative/oppressive practice of sweatshop labour when they purchase cheap clothing.

It is one thing to argue that individuals bear political responsibility to critically assess the power relations in which they are personally embedded, however, and another to argue that they can bear responsibility for *global* injustice. As Onora O’Neill argues, ‘obligations cannot be coherently ascribed to agents or agencies that are incapable of carrying them’ (O’Neill 2004). If we stick with distributive justice, which Young does think is a key element of justice (both domestic and global), and if O’Neill is right, then individuals cannot have responsibilities for distributive justice.

This lends credence to Rawls’ institutional approach. It is the state that has the capacity for distributive justice: states can legitimately coerce citizens into paying tax, individuals cannot; states have the resource base from taxes to redistribute wealth; the state has the capacity to acquire the knowledge of effects of economy, whereas individuals cannot; and states have the infrastructure for redistribution.

However, when we consider the global sphere, as O’Neill points out, many states are unjust; many states do not have these capacities; and states are constantly being undermined by the power of transnational actors like corporations and criminal organisations (O’Neill 2004). Also, there is no global state, so there is no agent of global distributive justice.

O’Neill argues that because of these problems, sometimes we have to look to secondary agents of justice - corporations and NGOs –to fulfil some obligations of global distributive justice (O’Neill 2004). The reason for picking these agents is their capacity to be able to fulfil these duties.

Young agrees that corporations and NGOs can be called on to fulfil duties of global distributive justice. However, this is where individuals *must* come in, because ‘the rules and practices of these institutions are more aligned with the powers and processes that produce and perpetuate injustice than with those who seek to

undermine it' (Young 2011, p.151). In other words, it is up to individuals to hold actors with the capacity for global distributive justice to account.

In the domestic sphere, organized citizens acting within civil society can provide opposition to powerful governmental and non-state actors, and can influence public policy (Young 2002, Chapter 5). This is even more important in the global sphere where there is no global state to distribute responsibilities among secondary agents of justice. In the absence of a state, in this responsibility vacuum, civil society has to provide a check on the power of these agents.

Moreover, individuals are already doing this. Young cites the protests against the Iraq War, the global movement for indigenous peoples, and the anti-sweatshop movement (Young 2010). These are all instances of individuals working collectively within global civil society to challenge powerful actors, to force them to be just. Individuals who participate in global civil society are taking up their political responsibility for global justice – the responsibility to participate in collective action for global justice.

We can concede that individuals do not have the capacity to fulfil obligations of global distributive justice, but individuals' responsibility for global justice takes a different form. Individuals' responsibilities consist in pressuring agents with the capacity for distributive justice to fulfil their obligations, or to create new roles and institutions that can undermine global injustice. That is why we are all agents of justice and we have a political responsibility to participate in global civil society.

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