

# The Conceptual History of Social Justice

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Social justice is a crucial ideal in contemporary political thought. Yet the concept of social justice is a recent addition to our political vocabulary, and comparatively little is known about its introduction into political debate or its early theoretical trajectory. Some important research has begun to address this issue, adding a valuable historical perspective to present-day controversies about the concept. This article uses this literature to examine two questions. First, how does the modern idea of social justice differ from previous conceptualisations of justice? Second, why and when did social justice first emerge into political discourse?

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The theory of distributive justice – how a society or group should allocate its scarce resources or product among individuals with competing needs or claims – goes back at least two millennia. Aristotle and Plato wrote on the question, and the Talmud recommends solutions to the distribution of an estate among the deceased's creditors (Roemer, 1996, p. 1, quoted in Fleischacker, 2004, p. 1).

In this quote John Roemer exemplifies a widespread perception that present-day theories of distributive justice are the latest in a long line of profound philosophical discussions about the justice of major social institutions.<sup>1</sup> According to this analysis, political philosophers from Plato to Rawls have been engaged in a great debate that has raged down the centuries, arguing about the seemingly perennial question: what makes a society just? In this vein Brian Barry opened his *Treatise on Social Justice* with the announcement that he was addressing 'the question that Plato asked in the *Republic* two and a half thousand years ago: What is justice?' Like Plato, argued Barry, he would be considering 'the central issue in any theory of justice', namely 'the defensibility of unequal relations between people' (Barry, 1989, p. 3). Similar views can be found among other political theorists. Iris Marion Young has suggested that contemporary theories of justice should employ the Platonic view of 'justice as the virtue of society as a whole', while John Rawls himself also linked his work to classical political theory, stressing, for example, that Aristotle had 'a conception of social justice' (Young, 1990, p. 33; Rawls, 1999, p. 10).

Such claims contain important truths, but they also gloss over the complexity of the conceptual history of justice. They can suggest a timeless contest over the meaning of distributive justice that is insensitive to the particular historical circumstances faced by different political theorists, and that obscures the evolution of the concept in the course of more than two millennia of argument about its meaning.<sup>2</sup>

David Miller has recently made explicit some of these complexities in his *Principles of Social Justice (PSJ)*, where he prefaces his substantive theoretical contribution with some reflections on the origins and scope of the concept of social justice. Although he concedes that older traditions of thinking about justice have influenced more recent ideas, Miller sees theorising about 'social justice' as a distinctively modern enterprise. The phrase 'social justice' itself, Miller notes, was only introduced into political discourse from the late nineteenth century onwards, typically in the works of progressive social philosophers or political economists, and its arrival on the political scene reflected growing public controversy about economic and political institutions and the role of the state (*PSJ*, pp. 2–4).

Miller only sketches how this new idea differed from earlier theories of justice, but he does highlight 'three assumptions' that must be made before principles of social justice can be elaborated. First, there must be 'a bounded society with a determinate membership', so that an individual's fair share can be defined in relation to the shares held by other members of the community, and each individual within a particular 'universe of distribution' sees themselves as part of the same social group. In both theory and practice, it has usually been assumed that the most appropriate 'universe' for social justice is the nation state, a point that Miller has explicitly defended in other writings (Miller, 1995). Second, it must be assumed that there is an identifiable institutional structure to which principles of justice can apply and which can be modified in line with these ideals. Elsewhere, Miller has indicated that he has in mind here such intellectual developments as the rise of social science, which enabled the impact of institutional changes on individuals' life chances to be traced with a new-found precision and rigour (Miller, 2003, p. 355). Third, it must further be assumed that there is some agency, classically the state, that is capable of initiating and directing the institutional changes necessary to create social justice (*PSJ*, pp. 4–6).

By implication, we might conclude that Miller believes these three conditions to have been satisfied for the first time in the late nineteenth century. Miller's account is suggestive and raises interesting questions for historians of political thought and political philosophers alike. One group of questions is both theoretical and historical: what exactly makes social justice so different from earlier ideas about justice? How should the concept be defined so as to be both theoretically robust and useful for the analysis of very different historical periods? A second group of questions relates to the intellectual history of his discussion: is it indeed the case that social justice first emerged towards the end of the nineteenth century? Who were the earliest exponents of the idea and what were they trying to achieve? What were the specific political and economic issues that motivated and framed their theorising?

Recent research provides important insights into this subject and gives useful orientation for anyone who wants to grapple with the questions raised by Miller's book. This essay analyses the conclusions of four works, each of which contributes to a fuller understanding of the conceptual history of social justice: Samuel Fleischacker's *A Short History of Distributive Justice*; James L. Huston's

*Securing the Fruits of Labor*; D. D. Raphael's *Concepts of Justice*; and Gareth Stedman Jones's *An End to Poverty*?

## Defining Social Justice

To start with the first set of questions identified earlier, one feature of the ideal of social justice immediately strikes some commentators as unique, namely that social justice explicitly aims to redistribute resources to those disadvantaged by a market distribution. A number of writers claim that social justice distinctively entails meeting individuals' needs as a claim of justice and not of charity and therefore requires that any given distribution of resources must be redistributed by the state in order to satisfy this criterion.

D. D. Raphael's *Concepts of Justice (CJ)* argues that this is indeed the distinguishing characteristic of the arrival of social justice. Raphael provides a series of essays on particular writers or texts that have significantly contributed to thinking about justice, running from the Bible to Brian Barry (an intellectual lineage unlikely to be replicated elsewhere). This means that the book offers precise and rigorous discussions of the complex conceptual issues raised by theorists of justice, but it also gives the book a disjointed feel. The reader leaps from Plato to Aristotle, to medieval theologians, to Hobbes without having much of a sense of the connections and contrasts between these very different writers. Raphael compensates for this by explicitly drawing out the 'historical fruits' of his essays in two concluding chapters. Here he notes that the gradual emergence of the modern concern with social justice can indeed be detected in the theorists he considers.

Raphael's claim is that the concept of justice originally expounded in ancient political thought consisted of two components: 'the requital of desert and the practice of impartiality', so that justice was done when individuals received punishment and reward in line with their merits and through a procedure that took into account only considerations relevant to each particular case. Later, a third and more controversial element was added to the concept: 'the relief of need' became a duty of justice rather than charity, and it was assigned to 'society as a whole' in order to indicate that 'help that is left to the discretion of individuals is inadequate to meet the need'. Like Miller, Raphael dates this development from the nineteenth century (he sees Peter Kropotkin as the first important theorist of this idea). But he adds the rider that the modern view of social justice was anticipated in numerous earlier texts and in particular can be seen as 'a revival of the doctrine of Philo, Augustine, Peter Lombard, and Aquinas, that helping the poor and needy was a requirement of justice' (*CJ*, pp. 233–6). According to this account, then, the novelty of social justice should not be overstated, because it was present in an embryonic form in medieval Christian social teaching.

As Raphael concedes, the scope of his account is limited. The purpose of the book is to consider the history of justice in general and not simply shifting ideas about social justice. It would also be fair to say that the sources Raphael analyses have been selected mainly on the grounds of their philosophical

interest rather than their role in influencing political discourse and practice (although as he notes, these categories will obviously overlap to some extent – *CJ*, p. 233). More needs to be said to establish both the distinctive characteristics of the idea of social justice and to trace its emergence into political debate.

A similar but more detailed treatment of the emergence of social justice is given in Samuel Fleischacker's important book, *A Short History of Distributive Justice (SHDJ)*. This is a compressed but powerful argument for the claim that modern ideas about social justice are very different from earlier patterns of thought about justice. Fleischacker contributes a much more precise account of both the terms of the debate and the intellectual genesis of the concept, although unlike Miller and Raphael he favours the term 'distributive justice' over 'social justice', apparently seeing the two terms as synonymous (*SHDJ*, p. 1). This seemingly innocent choice of terminology may be significant, as becomes clear when Fleischacker sets out a list of five premises that he sees as necessary in order to generate 'the modern concept of distributive justice'. First, it must be believed that every individual 'has a good that deserves respect' and that 'certain rights and protections' are due to individuals in order to pursue their good. Second, included within that necessary set of rights and protections is a share of material resources. Third, the justification for the rights and protections due to each individual can be given rationally, 'in purely secular terms'. Fourth, the desired distribution of material resources is practically achievable: it is not like, say, forcing people to be friends with one another. Fifth, the state, rather than individuals or other organisations, has responsibility for shaping and enforcing the chosen distribution of resources (*SHDJ*, p. 7).

If we recall the three preconditions of social justice highlighted by Miller, Fleischacker's list is similar (he does not refer to *PSJ*, although he does cite Miller, 1976 – *SHDJ*, p. 135, note 4; p. 164, note 24). In particular, the fourth premise highlighted by Fleischacker overlaps with Miller's suggestion that social justice requires that there be an institutional structure that is capable of predictable modification (that is, it is practically possible to make society more just). Fleischacker's fifth premise is more or less identical to Miller's final point, which is that social justice depends upon there being an agency that can be charged with the responsibility of altering resource patterns. Interestingly, Fleischacker does not specifically mention the other issue stressed by Miller, which is that a bounded community is required as the context within which justice can be done. This may explain why Miller stresses the 'social' in social justice, but Fleischacker prefers to use the older term 'distributive justice'. Yet this choice of vocabulary has a significant implication. Throughout the book, Fleischacker assumes that the modern concept of distributive justice maintains that every *human being* should be granted a certain share of material goods (see, among others, *SHDJ*, pp. 7–9, 61, 77). He does not address the hidden premise in theories of social justice that has been highlighted by recent scholarship on nationality and global justice, namely that the concept of social justice employed in twentieth-century political thought was assumed to apply within the boundaries of nation states. Whether this should now be seen as normatively desirable is certainly an important question, but in order to develop a working

definition of social justice for the purposes of historical investigation, the concept's scope of application requires further discussion. Fleischacker's emphasis on the role of the state in securing justice implicitly recognises this. But he does not expand on the implications of this point and often claims that modern ideals of justice refer to what every human being (as opposed to every citizen) is due.

In summary, then, it seems that the concept of social justice can be distinguished on two main grounds. First, justice is conceptualised as a virtue that applies to a 'society' and not simply to individual behaviour: social institutions that distribute material resources and social positions are open to assessment as just or unjust. Second, social justice also has a substantive political content: it recommends the alleviation of poverty and the diminution of inequality (or at least certain dimensions of it) as a matter of justice rather than charity. Various principles of justice may be invoked in order to defend this commitment. Appeals to the ideas of need, equality, a right to a decent minimum, equal opportunity and many others can all be made under this broad heading, identifying the economic unfairness generated by unregulated market forces and recommending state action to ameliorate or remove it altogether. These two characteristics of the concept give a useful framework against which political thought about justice can be tested, and Fleischacker generates from them an arresting central argument: 'Until quite recently, people have not seen the basic structure of resource allocation across their societies as a matter of justice, let alone regarded justice as requiring a distribution of resources that meets everyone's needs' (*SHDJ*, p. 2). This raises the second set of questions about social justice identified earlier: when and why did justice begin to be applied to the distribution of material resources and to the alleviation of poverty and need?

## Justice in Classical Political Thought

Although these questions raise complex issues that cannot be exhaustively discussed in this article, some provisional conclusions can be summarised from the books reviewed here. Most strikingly, Fleischacker strongly argues that classical political thought lacked the ideal of social justice as we understand it today. The obvious starting point for this discussion is Aristotle and his influential distinction between distributive and corrective justice. In Aristotle's view, distributive justice concerned ensuring that honour, political office and money were distributed in accordance with merit, while corrective justice sought to rectify injuries inflicted on one person by another (Aristotle, 2000, pp. 83–5). Later commentators developed the notion of corrective justice into what became known as commutative justice: fair exchange, with voluntary market activity usually understood as just (see *SHDJ*, p. 138, note 5; *PSJ*, p. 269, note 2; and *CJ*, pp. 57–8).

Commentators often assume that Aristotle's endorsement of distributive justice signifies that he espoused a concept of justice similar to our own. Fleischacker disagrees, for two reasons. First, Aristotle was principally concerned with the distribution of political participation and not material goods. Nonetheless, he did occasionally mention material resources in the context of distributive justice

(for example, distributing funds between partners in a business venture – Aristotle, 2000, p. 87), and it might reasonably be objected that stretching the range of goods covered by the concept need not be thought of as a decisive break from the Aristotelian framework.<sup>3</sup> Fleischacker seems to accept this point, indicating that in this respect there is some continuity between Aristotle and modern ideas of justice (*SHDJ*, p. 13). However, he later adds that Aristotle did not even entertain as a possibility ‘that the state might be required by justice to organise the fundamental structure of material possessions among its citizens’ (*SHDJ*, p. 20), and this may give a clearer sense of the conceptual shift that Fleischacker detects. For Aristotle, it would have been odd to see distributive justice as mandating the state to shape the pattern of resource distribution in society. Indeed, given the very different institutional structures of the polities that Aristotle knew and wrote about (and the state of knowledge about their impact on individuals’ life chances), it is probably anachronistic to imagine that there was any agency capable of implementing such a policy in the first place.

Second, and perhaps more fundamentally, Fleischacker agrees with Raphael that for Aristotle the concept of distributive justice was necessarily related to the idea of desert. For Aristotle, distributive justice was a concept that applies to goods that individuals *deserve*, not to goods that individuals *need*. Unlike the modern view that individuals have a claim to satisfy basic needs regardless of their actions or character traits, for Aristotle a just distribution of a good took into account only the excellence of the actions or character traits exhibited by individuals (*SHDJ*, pp. 13–5, 19–20, 138, note 6).

Having settled accounts with Aristotle, Fleischacker runs a similar argument against the other traditions of thought that are usually cited as prefiguring the modern understanding of social justice. Here he disagrees with Raphael’s claim that social justice revives elements of medieval Christian social teaching. In fact, argues Fleischacker, writers such as Aquinas simply appropriated Aristotle’s conceptual framework and excluded consideration of the poor from the category of distributive justice altogether (*SHDJ*, pp. 21–2). While it is true that Aquinas and later writers in the natural-law tradition did sanction some aid to those in need under the so-called ‘right of necessity’, this was intended only to enable those in imminent danger to claim whatever property was necessary to secure their physical survival. It was a ‘right’ that was tightly circumscribed and permissible only in exceptional circumstances. Under normal social conditions, Christianity and the natural-law tradition maintained that the rich should give to the poor out of charity (*SHDJ*, pp. 28–34).

Fleischacker also finds flaws in the claims made for other precursors of social justice. Utopian writings such as Plato’s *Republic*, as well as radical experiments in communal living, have all sought greater economic equality but have done so for reasons unrelated to justice, stressing instead the deleterious spiritual consequences of holding excessive material goods or the need for shared property to create social harmony (*SHDJ*, pp. 40–8). Similarly, Fleischacker finds no evidence to support the idea that a *right* to material resources was implicit in the practice of either premodern or modern systems of poor relief. Such relief was usually operated by religious communities who understood their purpose

as that of dispensing charity, and who set religious and other conditions on the receipt of assistance (*SHDJ*, pp. 48–52). To be fully convincing, this point requires a more detailed discussion of the relevant historical literature. There are certainly some historians who claim to have found something like a right to relief in the (rather long) period he considers.<sup>4</sup>

Nonetheless, the general conclusion drawn from these points is compelling:

Not a single jurisprudential thinker before Smith – not Aristotle, not Aquinas, not Grotius, not Pufendorf, not Hutcheson, not William Blackstone or David Hume – put the justification of property rights under the heading of distributive justice. Claims to property, like violations of property, were matters for commutative justice; no one was given a right to claim property by distributive justice. (*SHDJ*, p. 27)

Making use of Wittgenstein's famous image, Fleischacker pictures the modern ideal of distributive justice as a fibre made up of various interwoven threads (Wittgenstein, 1967, p. 32). While certain of these threads may have been present at various points in the past, he argues that nothing resembling the complete fibre was ever assembled before the eighteenth century (*SHDJ*, p. 16).

### The Birth of Social Justice

Concluding that social justice was absent from classical political thought, Fleischacker argues that the modern ideal of justice first took shape in the late eighteenth century. He therefore dates the emergence of social justice to a century earlier than Miller or Raphael, and in this he is implicitly supported by Gareth Stedman Jones's *An End to Poverty?* (*EP*). Stedman Jones, it should be acknowledged, sets himself a different task from the one at the heart of Fleischacker's book. He is not aiming to uncover the history of ideas about justice specifically, but rather to identify when and why it first seemed philosophically and technically possible to eradicate poverty. Nonetheless, the two tasks clearly overlap, and Stedman Jones tacitly assumes that a commitment to eradicate poverty will inevitably call on the language of a *right* to material resources and thus sanction the state enforcing a redistribution of property rights in line with principles of justice (see *EP*, pp. 29, 60–1, 63, 74–5).

Like Fleischacker's book, Stedman Jones's is compressed and (mildly) polemical – he sees the book as an attempt to marshal historical material that can shed light on contemporary controversies about global justice, social democracy and *laissez faire* economics (*EP*, pp. 1–3, 14–15, 231–5). However, Stedman Jones is also significantly more *historical* in his approach, in the sense that he integrates his account of political thought into a reasonably systematic treatment of the particular circumstances and preoccupations that shaped the emergence of ideas about poverty relief in the eighteenth century. As a practitioner of Cambridge School intellectual history, Stedman Jones thoroughly examines the ideological and political context of key theorists, making good use of his formidable knowledge of British and French history. Like Raphael, Fleischacker is much more philosophical in his approach, focusing on the logic of the arguments made by different theorists. A comparison of the two accounts is there-

fore illuminating: Fleischacker identifies more sharply the conceptual shift at stake in this discussion, while Stedman Jones gives a clearer indication of why it happened.

Both agree that the latter half of the eighteenth century saw an important shift in attitudes towards the poor. This period saw the first formulations of the idea that no one deserved to be poor and the first theories about how it might be technically possible to eradicate poverty through redistribution. Fleischacker is elusive about the historical detail here. He notes that a broad cultural shift was underway in this period, but principally concerns himself with identifying the philosophical writers who first expressed these new ideas in a coherent and systematic way (*SHDJ*, pp. 53–5). Stedman Jones looks more closely at the dizzying political and economic events of that period and their impact on established views about inequality and resource distribution. The backdrop to the debate about poverty was clearly the great increase in economic activity that ran from the late seventeenth to the early nineteenth century, and the accompanying recognition that European nations were becoming *commercial* societies that exhibited novel patterns of social and economic behaviour. With most European countries experiencing an unprecedented period of internal peace and prosperity, early observers of these new commercial patterns began to detect structures that ‘pre-existed the peculiarities of temperament or behaviour of particular individuals’ and significantly shaped the prospects and resources available to different groups in society. Perhaps as a result, traditional hierarchies of social status were beginning to decompose and it no longer seemed obvious that an entire class of people were simply destined to remain in need (*EP*, pp. 10–14).

These broad trends required theoretical clarification and articulation, and both Fleischacker and Stedman Jones highlight the central figures who, in their view, furnished the politics of the period with the necessary intellectual resources. Given the structure of present-day political debates, it is interesting that both regard Adam Smith as a key intellectual influence on this transition. While neither claim that Smith went so far as to endorse a redistribution of wealth (although Fleischacker suggests Smith did endorse some limited redistributive measures – *SHDJ*, p. 63), both see Smith’s political economy as clearing the way for later debates about social justice. In Fleischacker’s opinion, Smith is significant because he was the first writer to articulate a more egalitarian perception of the ‘poverty problem’ (Fleischacker also credits Rousseau and Kant with making important contributions to this shift). Rather than seeing the ‘poverty problem’ as a question about how to contain and reduce the vice and criminality of an inherently inferior lower class, in the *Wealth of Nations* Smith introduced the idea that the poor are the equals of the wealthy and that the dispossessed unfairly suffer significant harms as a result of their poverty (*SHDJ*, pp. 62–8).

Stedman Jones offers a slightly different perspective. He agrees with Fleischacker that Smith was part of an eighteenth-century trend that emphasised ‘the commonality of mankind’ and stressed the ‘humanity of the poor and their capacity to participate in the culture of their more fortunate



contemporaries' (*EP*, pp. 63, 98). However, in Stedman Jones's view, Smith's significance principally lay in his exciting statement of the economic and social possibilities latent within commercial society. Smith placed on the agenda of subsequent radicals a vision of a market economy that did not run purely on Mandevillian self-interest but rather recognised sociability and morality as necessary components of a successful market economy. He also stressed that investment, rather than consumption by the rich, was the key variable driving economic growth, initiating a distinction between 'unproductive labour' (used up in conspicuous consumption) and 'useful and productive labour' (produced from investment). This offered a helpful justification for later radicals who proposed the creation of investment funds to finance pensions or other social security measures. In a sense, Smith opened a third way between two competing social visions, enabling radicals to reject both a commercial society driven only by ruthless self-interest and the rival image of an austere, anti-modernist republic that deems abstention from commercial activity to be the only way of promoting civic virtue and the common good (*EP*, pp. 36–48).

### Republican Political Theory and Justice

This indicates an important difference between Fleischacker and Stedman Jones. For Stedman Jones, the ethical and technical possibility of eradicating poverty was first recognised as part of a modernist republicanism: an attempt to show that republican ideals of freedom and self-government could be made to work in commercial societies of the kind that Smith described. In contrast, Fleischacker is keen to distinguish between the modern ideal of distributive justice on the one hand and republican discourse about the corrupting effects of wealth on politics on the other. Although he acknowledges that republican writers like Harrington or Rousseau were very worried by large concentrations of wealth, he sees this as a quite distinct enterprise from the modern call for distributive justice, since the republican argument stresses only the impact of inequality on political life and not the injustice it inflicts on the life chances or well-being of the poor (see for example *SHDJ*, pp. 43–4, 59–61). This seems to me too sharp a distinction and one that is insensitive to the different kinds of republicanism highlighted by Stedman Jones. Republican theorists believed that economic inequality would corrupt politics because such inequality breeds servility and dependence on the part of the poor, infringing their status as free and equal citizens. This certainly *could* be a matter of justice, since equal citizens of a self-governing republic will have a *right* to the economic resources necessary to maintain their independence (see White, 2000, pp. 216–21).

Perhaps part of the difficulty here is Fleischacker's treatment of the scope of the modern concept of distributive justice. Because republicans care about redistributing to the poor only insofar as they are citizens, this aspiration falls outside the concept of distributive justice as Fleischacker defines it, inasmuch as it does not focus on preventing the poverty of individuals simply because of their status as human beings. Yet, as Miller emphasises, social justice first emerged as an idea that was to be applied within the context of individual nation states, an expression of the equal regard due to fellow citizens of the

same democratic community. It is not too much of a stretch to see this concern for justice between fellow citizens reflected in (a certain kind of) republican thought.

Analytically, then, there is no particular reason why republican political theory should not call on the idea of social justice. So the question is resolved into a historical one: did republicans in fact deploy anti-poverty arguments that explicitly called on the idea of justice in the period under consideration? This can be answered by examining the different conclusions of Fleischacker and Stedman Jones about who exactly was the first bona fide exponent of an anti-poverty programme grounded on principles of justice. Fleischacker gives the honour to 'Gracchus' Babeuf, leader of an attempted revolutionary coup in France in 1796. Babeuf's 'conspiracy of the equals' demanded that every citizen should receive as of right an equal share of wealth, and in Fleischacker's view this qualifies as the first explicit statement of the modern ideal of distributive justice (*SHDJ*, pp. 75–9). Although Fleischacker suggests that Babeuf is a leading example of wider political and philosophical shifts, he does not raise an important point in this context: Babeuf was operating in a political climate that was, among other things, saturated with republicanism.

In contrast, Stedman Jones makes a powerful case for Thomas Paine and Antoine-Nicolas Condorcet, as the leading exponents of a genre of republican ideology that took seriously Adam Smith's insights into commercial societies. Stedman Jones shows that Smith's political economy, along with advances in social statistics, opened up a conceptual space that was then placed at the forefront of political debate by the American and French Revolutions (*EP*, pp. 26–36).<sup>5</sup> The egalitarian politics unleashed in Europe around the time of the French Revolution freely drew on American experience, but, as a result, radical republicanism was open to significant objections. The political and economic conditions that supported republican institutions in the US were thought to be quite different from those in Europe. The US was effectively an agrarian federation of small republics, not a large industrialised and centralised state in the European sense, and Americans (slaves apart) were said to live together in conditions of rough material equality (helped by easy access to plentiful land). Poverty and its associated harms were regarded as uniquely European, aristocratic phenomena (*EP*, pp. 50–6).

James Huston's *Securing the Fruits of Labor* (*SFL*) confirms that this was a widespread perception of the fledgling American republic, both by Americans themselves and by outside observers. In this meticulously researched book, Huston sets out to examine the animating ideal of justice in economic distribution that governed American political thought from the revolutionary period to the beginning of the twentieth century. This sounds like an ambitious aim, but Huston's argument is precisely that American political culture in this period was characterised by a virtual consensus that a just distribution was one that rendered to each individual the full fruits of their labour. The economic context was crucial to this shared ideal of justice, because the US saw itself as a nation of farmers, with each individual pictured as labouring on their own land and (ideally) receiving the yield of their own endeavours. It was assumed that an

agrarian economy with a roughly equal division of land would set relatively egalitarian constraints on wealth differentials, because there were limits to the yield that could be obtained from each piece of land (*SFL*, pp. 7–28 and *passim*). The causal mechanisms that generated inequality were thought to be political rather than economic: an aristocratic political regime would disrupt this just distribution of wealth by imposing regressive taxes, creating governing bureaucracies staffed by patronage, promoting economic monopolies and enforcing an established church (*SFL*, pp. 37–42). In general, argued the American revolutionaries and their ideological descendants, aristocrats always found ways to accrue economic rewards that they had not worked for and that rightfully belonged to others.

A thesis as bold as Huston's naturally invites some scepticism (was this theory of justice *really* held as widely as he claims?). Nonetheless, his sources are varied, encompassing all levels of political debate in the US in this period, and he persuasively shows that from 1765 to 1880 American republicanism was somewhat egalitarian in its economic orientation. However, the 'American concept of wealth distribution' does not qualify as an ideal of social justice in the sense defined and defended by writers like Fleischacker and Miller, because it did not envisage a role for state-sponsored redistribution. American writers and political actors simply assumed, on the basis of extremely sketchy empirical evidence, that the US lacked the poverty and inequality that characterised European nations (*SFL*, pp. 77–8, 83–5). Even as late as 1857, a *New York Times* editorial could claim that the 'doctrine that a man has a *right* to be supplied with labor and wages by the government or anybody, whether his services are needed or not, is a doctrine which took its rise in aristocratic countries in which the working classes are in a position of degradation and dependence'. (*New York Times* editorial, 10 November 1857, quoted in *SFL*, pp. 293–4.) By implication, it was a doctrine that appeared unnecessary in the context of the more egalitarian American republic. As Huston notes, it is striking to find a period in which Americans looked with disgust at the 'degradation and dependence' of the European working class, and in which Europeans looked to the US as the model of an egalitarian republican commonwealth.

Faced by these apparent differences between the economics and politics of the US and Europe, European republicans had to show that something could be done to ensure the equality and independence of citizens in their own countries. Condorcet and Paine offered a radical answer: state-sponsored redistribution in order to guarantee a right to material decency for every citizen. Stedman Jones provides a fascinating discussion of their proposals and makes a serious case for them as the first exponents of modern principles of social justice. Fleischacker considers but then rejects Paine's credentials for this honour. He sees Paine as someone who groped towards social justice but ultimately fell short. Paine, Fleischacker says, failed to connect his anti-poverty programme in the second part of *Rights of Man* (1792) to the ideal of justice, defending his proposal for pensions for the elderly on the grounds that it would be a return for service rendered to the community during their working lives. Paine was not alive to the idea that '*all* human beings deserve to be raised out of poverty', so even among radicals of this period 'the notion that justice

might demand a distribution of goods so as to alleviate or abolish poverty, was practically unheard-of' (*SHDJ*, pp. 76–7). This is a rather controversial reading of *Rights of Man*, and Stedman Jones uses the same text to argue that Paine *did* defend his pension scheme as embodying a right to material resources (*EP*, p. 29). In any case, defending pensions as a return for service is not necessarily inconsistent with social justice, because it is possible to see justice as demanding a form of egalitarian reciprocity, in which every citizen contributes as best he or she can to the necessary work of society and in return receives a fair share of the social product (subject, of course, to appropriate exemptions for those *unable* to contribute).

Fleischacker bases his analysis of Paine solely on *Rights of Man*, neglecting the fact that in *Agrarian Justice* (1797) Paine wrote a further and even more detailed discussion of the issue of poverty.<sup>6</sup> As Stedman Jones points out, in *Agrarian Justice* Paine argued that inheritance taxes should be levied to fund pensions and a universal cash endowment for every 21-year-old, explicitly distinguishing his scheme from charity and thus clearly formulating a modern principle of social justice (*EP*, p. 29):

It is not charity but a right – not bounty but justice, that I am pleading for. The present state of what is called civilisation, is as odious as it is unjust. It is the reverse of what it ought to be, and it is necessary that a revolution should be made in it. The contrast of affluence and wretchedness continually meeting and offending the eye, is like dead and living bodies chained together ... But it is justice and not charity, that is the principle of the plan. In all great cases it is necessary to have a principle more universally active than charity; and with respect to justice, it ought not to be left to the choice of detached individuals whether they will do justice or not. (Paine, 1995, pp. 425–6)<sup>7</sup>

These proposals, along with the similar ideas offered by Condorcet, were intended to make republicanism applicable to Europe; to show that commerce and civic virtue could be made into allies if economic redistribution reduced material inequalities. Redistribution, coupled with the introduction of public education, would disseminate the independence and self-governing spirit necessary for a modern republic. Market-based economic activity need not be a threat to the common good.

The provisional conclusion that emerges from these books, then, is that social justice emerged in the late eighteenth century as the child of the industrial and French revolutions, and its intellectual origins seem to be related to both the evolution of the social sciences (especially political economy) and the modernisation of republican political thought.

## The Rise of Social Justice

If the late eighteenth century is accepted as the period in which social justice first took shape, then the obvious question is: what happened next? When and how did it begin to obtain wide currency in political debate? This is another complex issue, but it is worth concluding by reflecting on what light can be

shed on social justice's subsequent trajectory. Fleischacker's view is that while the eighteenth century saw the modern ideal of distributive justice enter political discourse, it did not become central to mainstream political thought until well into the twentieth century. Part of the difficulty was that the most influential political theories of the nineteenth century were all, for different reasons, inhospitable to the concept. Fleischacker argues that the theoretical dominance of Marxism, utilitarianism and positivism erected barriers to the development of a justice-based political discourse (*SHDJ*, pp. 80–3, 94–109). There has of course been a great deal of discussion about the complex relationship between the concept of justice and both Marxist and utilitarian thought. Fleischacker addresses these debates and certainly recognises the important contribution made by these theories to the justification of economic redistribution. Ultimately, however, he believes that the theories established by Marx, Bentham and Mill could not easily prioritise the specific goal of social justice: Marx disparaged moral language about fairness and the utilitarians subordinated individual rights to the general goal of utility maximisation. This assessment, necessarily rather brief in Fleischacker's book, may require further refinement. If, as suggested earlier, an important feature of the concept of social justice is an attempt to alleviate poverty and human need, then it might well be that Hegelian and Marxist thought had an important role to play in developing this insight. Similarly, aspects of the utilitarian tradition may in fact require greater emphasis than Fleischacker is able to give in the space available to him.

In any case, as Fleischacker notes and Stedman Jones discusses in detail, a further difficulty for the new ideal of social justice was the vigorous conservative reaction precipitated by the initial articulation of the concept. Post-revolutionary radicalism on the social question was subjected to fierce criticism, first by a resurgence of evangelical Christianity that saw the distribution of wealth as a matter of God's will, beyond human control, and then by Malthus's contention that redistribution would simply cause the poor to have more children, leading to overpopulation (*SHDJ*, pp. 83–94; *EP*, pp. 64–109). Stedman Jones is at pains to show that Malthusian theorists were not the bearers of Adam Smith's legacy but rather inaugurated a new tradition of *laissez faire* individualism that departed from the fundamental tenets of Smith's thought.

Fleischacker has a more upbeat conclusion than Stedman Jones. He sees social justice as becoming the defining political ideal of the twentieth century (at least in Britain and North America), first in political practice and then later in the debates of political philosophers. This leads him to make an interesting observation about the significance of John Rawls's theory of justice. Unsurprisingly, Rawls takes pride of place in Fleischacker's account as the theorist who gave social justice its first rigorous philosophical statement. However, Fleischacker does not see Rawls as a highly original philosopher in the style of Locke or Plato, both of whom expressed controversial and novel ideas. Rather he thinks of Rawls as a philosopher who organised and systematically expressed ideas that had already been widely canvassed by social movements and political actors. Rawlsian ideals of justice are an attempt to come to terms philosophically with the dissemination of strong ethical claims about social justice into politics over the course of the twentieth century (*SHDJ*, pp. 115–16).

Fleischacker's optimism about the eventual triumph of social justice contrasts with Stedman Jones's more pessimistic view. Stedman Jones sees social republicanism as a light that failed, extinguished by the bleak political economy of the nineteenth century. In turn, a new radical discourse emerged in response to the nineteenth century reaction, socialism, which was much more critical of commercial activity than social republicanism and placed less emphasis on redistribution as a means of enhancing civic participation. In this respect, there are some similarities between Stedman Jones's account and Fleischacker's treatment of Marxism, but the two differ because Stedman Jones thinks that radical political discourse did not then manage to escape socialist parameters during the twentieth century. Instead, the language of class and collective ownership replaced that of citizenship and fairly shared private property (*EP*, pp. 224–35).<sup>8</sup>

This account is not without internal tensions. At the outset, Stedman Jones claims that the redistributive republicanism of Paine and Condorcet 'was virtually smothered at birth' and subsequently disregarded by both left and right (*EP*, p. 8). On the one hand, he argues, they were considered to be too respectful of commerce and private property by the emerging socialist movement, and on the other were seen as too radical in their distributive prescriptions to be palatable to defenders of the market and political privilege. As a result, their proposals 'when not wholly forgotten, were only recalled as oddities of no programmatic relevance', and later social security measures 'drew upon other sources of inspiration and were designed to attain different political aims' (*EP*, p. 9). Later in the book, Stedman Jones supports this claim with a brief but sceptical analysis of the welfare programme enacted in Britain by the Liberal government of 1905–14. The introduction of social insurance and old-age pensions, he argues, was motivated primarily by imperialist national efficiency concerns and influenced by Bismarck rather than a social republican vision (*EP*, pp. 211–16). This seems to me to be an unduly negative interpretation of the work of that government, which, like all reforming administrations, was influenced by a variety of intellectual currents and popular pressures, some more progressive than others. As has been shown elsewhere, however, the ideology of the progressive 'new liberalism' was certainly one important source of discursive legitimisation of the policies of Lloyd George and Asquith, and the political theory expounded by new liberal writers such as L. T. Hobhouse and J. A. Hobson had much in common with the social republican tradition that Stedman Jones endorses. Like Paine, the new liberals proposed the redistribution of private property in order to advance social justice and a richer notion of citizenship.<sup>9</sup> In his haste to proclaim that the Paine–Condorcet position was lost, Stedman Jones neglects the fact that broadly similar ideals animated a range of social democratic writers and political actors throughout the twentieth century.

This raises a larger difficulty, because the author himself tacitly concedes this point. In his concluding remarks, Stedman Jones suggests that his aim has been to recover the historical origins of social democracy, as embodied in the writings of Paine and Condorcet (*EP*, pp. 233–4). This surely implies that the tradition of thought inaugurated by these writers did in fact live on, not necessarily through any straightforward intellectual relationship, but certainly in terms of

an enduring commitment to create a polity that combined 'the benefits of individual freedom and commercial society with a republican ideal of greater equality, inclusive citizenship and the public good'. It is curious, then, that Stedman Jones's vision of twentieth-century political argument is dominated by a sharp ideological polarity. The 'new language of citizenship', he argues, was displaced 'by opposing extremes: on the one side, *laissez faire* individualism and a language of producer and consumer; on the other side, socialism and the language of worker and capitalist' (*EP*, p. 235). Yet if social democracy meant anything throughout the twentieth century (and Stedman Jones seems to think it was a significant political current), it was surely a critique of this misleading polarity. In its place social democrats proposed a language of social citizenship that focused on granting every social class the material means to access political and social life and to exercise the rights and obligations of a full citizen. As Jose Harris has pointed out, for example, it is partly in the context of a republican notion of civic participation and the common good that the political philosophy of the Beveridge Report can best be understood (Harris, 1997, pp. 482–8, 498). Certainly in the case of Britain, and probably elsewhere, the idea that there was a sharp break from social republicanism seems overstated. Doubts about the extent to which egalitarian commitments were compatible with private-property rights or required a strongly republican polity certainly diluted the influence of this social democratic tradition at times, but it nonetheless persisted as an influential body of political thought.

## Conclusion

Although the books considered in this article do not adopt a uniform methodological stance on the history of political thought, considered together they do contextualise the debate about social justice in a way that is roughly Skinnerite in effect if not always in intent. They make a strong case for the novelty of social justice when seen in historical perspective, characterising its intricate relationship to particular events and ideas, and they offer a useful corrective to the suggestion that justice has stood as a coherent and broadly unchanging concept across time and space. This emphasis is very much in the spirit of the contextual approach to the history of political theory, and in particular the aim of tracing the shifts in the meanings of political concepts and the ideologies they constitute as they respond to changing historical circumstances (Richter, 1995; Freeden, 1996; Skinner, 2002). As far as the conceptual history of social justice is concerned, this task is not yet complete. Some fertile lines of enquiry for future historical research have been opened up by the books reviewed here. The distance between Tom Paine and John Rawls is not as large as that between Plato and Rawls, but it nonetheless merits further investigation in order to map more systematically the complex trajectory of the concept over the last two centuries.<sup>10</sup>

In addition to these specifically historical concerns, this contextualisation of the concept of social justice raises issues that may be relevant to contemporary politics. One obvious avenue for further discussion is the relationship between the canon of classical political theory and the modern concept of social justice:

can contemporary theorists draw on theories of justice from the distant past without lapsing into anachronism? In this context, more discussion may be required of the continuities as well as the discontinuities between classical and modern conceptualisations of justice. Some of the works reviewed here also suggest that there may be neglected discourses of social justice from more recent periods that could offer theoretical or political inspiration to contemporary writers and political actors. Although Stedman Jones may be too stark in his characterisation of a radical break between social republicanism and later radicalism, there is no doubt that contemporary advocates of social justice must critically examine certain assumptions bequeathed to them by the socialist tradition. An engagement with discourses shaped by earlier ideological currents may assist with this, although once again this has to be done in a fashion that is sensitive to the specific historical context of the political thought selected for discussion. Indeed, the contemporary resonance of these books suggests that, in addition to their scholarly contribution, they also speak to broader public anxieties about the fate of social justice in the twenty-first century. In this sense, they offer an overdue tribute to the moral insight of the first theorists to make plans for communities without poverty and inequality, recognising them as the first to perceive the justice of an egalitarian republic that regarded the market as its servant, not as its master.

(Accepted: 6 May 2005)

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### Notes

I am grateful to Zofia Stemplowska and two anonymous referees for their helpful comments on an earlier version of this article.

- 1 The terms 'distributive justice' and 'social justice' are usually seen as synonymous and are often used interchangeably by political theorists. This article follows this practice when it reports the views of authors who make no categorical distinction between the two terms. As will become clear, however, the article does suggest that 'social justice' is a term that developed to describe a particular modern conceptualisation of justice, whereas 'distributive justice' has a longer history and refers more generally to justice in distribution across various settings.
- 2 One influential contributor to contemporary debates about justice, F. A. Hayek, has drawn attention to the historically distinctive character of social justice, as part of his critique of that concept – see for example Hayek (1982, pp. 62–7, 78–80) and the extensive endnotes for these pages. In fairness, it should also be noted that in his most recent book Barry has acknowledged that 'the modern concept of social justice' should be distinguished from earlier theories. He suggests that social justice first emerged 'in France and Britain in the 1840s' (Barry, 2005, pp. 4–5).
- 3 This point may indeed be implicit in Miller's remarks on Aristotle – see *PSJ* (pp. 2–3).
- 4 The use of the idea of a right in early poor law policy is stressed in Stedman Jones (2004, pp. 74–6). For discussion (and further references), see Harris (2002, especially pp. 415–17) and Innes (2002, especially pp. 381–2, 385–6).
- 5 Fleischacker's account also suggests that the French Revolution played an important part in bringing ideas about social justice to the boil (*SHDJ*, pp. 53–4, 76).
- 6 *Agrarian Justice* was published in 1797 but written in the winter of 1795–96 (that is, before or at roughly the same time as Babeuf's conspiracy) (Keane, 1995, p. 425).



- 7 Other accounts of Paine's thought likewise stress his commitment to a modern ideal of social justice – see Philp (1989, pp. 84–93) and Claey's (1989, pp. 75–82, 196–203).
- 8 This argument builds on the revisionist view of the intellectual origins of socialism that Stedman Jones has argued for elsewhere – see Stedman Jones (2002, especially pp. 8–10).
- 9 On new liberal theory and the Liberal government, see for example Clarke (1978), Freedon (1978) and Murray (1980). Specifically on new liberal ideas about citizenship and property, see Vincent (2001).
- 10 It would be particularly interesting to expand the scope of investigation beyond the largely Anglophone contexts explored here. Miller notes one intriguing line of enquiry in continental Europe: the important discourse of social justice developed as an alternative to socialism in modern Catholic social teaching (*PSJ*, p. 3).

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