

Rawls, Relations and Justice

UCL

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Declaration

I confirm that the work presented in my thesis is my own. Where information has been derived from other sources, I confirm that this has been indicated in the thesis.

Abstract

Social relations have more than just an instrumental significance for those party to them. The way we relate to others or our standing in society matters a great deal in shaping how our lives go. This thought motivates relational approaches to justice: those that view the structure of relations that exist in society as fundamentally what justice concerns. Such approaches, especially when conceived on egalitarian terms (“relational egalitarianism”), are presented in contrast to distributive approaches to justice. This thesis examines the interplay between distributive values, relational values, and the demands of justice. It explores how compelling the relational critiques of distributive justice are and whether this should lead us to adopt an approach to justice that is relational *tout court*. I argue that such a narrow construal of the demands of justice is misguided. What’s more, viewing justice as relational *tout court* makes the same mistake as distributive approaches to justice by committing to a principle of redress—the idea that injustices must be rectified so as to bring about either a just set of social relations or a just distribution of resources. This observation is used to motivate a Rawlsian approach to justice that takes the fundamental organising principle of a just society to be establishing fair cooperation between individuals via the basic structure. This Rawlsian approach rests on establishing just background conditions from which individuals can relate fairly and in ways that respect their fundamental freedom and equality. The conclusion is that this approach can accommodate for the compelling aspects of the relational approach to justice—in particular, the idea that justice must account for how people treat and regard others—without the baggage. What’s more, I argue that a Rawlsian account can also accommodate for distributive values which are central for background justice in society.

Impact Statement

This thesis attempts to resolve the tension between two prominent interpretations of what social justice demands: a relational view (most prominently “relational egalitarianism”), which focuses on the way individuals relate to and treat others in society, and a distributive view, which focuses on the allocation of resources or opportunities that individuals have. The argument draws on Rawls’ account of justice established via social institutions and other basic structural features of society to reconcile the tension between these two positions. The output of this thesis is, therefore, an attempt to redraw the conceptual landscape when considering approaches to justice, showing that two positions that are often placed in contrast to one another can be held together consistently. Second, it provides an argument for focussing on the structural and institutional features of society, rather than individual conduct or possessions, when considering questions of social justice. Finally, it contributes to scholarship on the philosophy of John Rawls who remains a central figure in both popular and academic literature on social justice and egalitarianism.

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Introduction

Social institutions have far reaching implications for nearly all aspects of our lives. From the mundane (“drive on this side of the road”) to the complex (“join the military”, “pay your taxes”) and even the intimate (“marry this person and not that”, “look down on her and not him”), many people shudder at the thought that the state or social institutions should be able to determine who we associate with or how we relate to one another. But on closer reflection, the state is very often, *de facto* or *de jure*, in the business of shaping how our associations go, the way we relate to others, or the terms on which our interactions take place. Social relations and relationships arise, at least in part, due to the institutional structures that exist in society.

Consider how the distribution of rights, liberties or economic goods can lead to groups of “second class” citizens to emerge. The state’s actions can lead to situations in which some group is deemed “inferior” to others and in ways that we might find morally concerning or objectionable (Kolodny, 2023).¹ More indirectly, social institutions including the state are often fundamental in setting the terms on which we can pursue our everyday endeavours in coordination with others. Consider a society in which people interact to secure basic goods on gratuitously competitive terms; perhaps an intensely market-oriented society in which no individual can achieve their ends without another losing out. There are many possible concerns about this social arrangement: it creates estrangement between citizens, it can lead to individual indifference or enmity vis-à-vis the successes and failures of others, or perhaps, given inequalities in talents, it is simply unfair (Hussain, 2020; 2023). Yet the focus of these concerns is not some matter of fact about the social institutions that make this society the way that it is. Instead our concern is the way these institutions shape how individuals are able to relate and treat one another in their pursuit of everyday activities.

The idea that the way individuals relate in society is morally significant is not new, nor is connecting this to the structure of our social institutions or the actions of the state.² The opportunity to form valuable relationships, the terms on which we interact with others, or the existence of societal-level relations that respect our equal status are of great significance (Kolodny, 2023; Scheffler, 2015). But, further to this, the close connection between the actions of the state or the structure of our social institutions and the presence of relations of hierarchy, competition or solidarity have

¹ I use “inferior” throughout to indicate this is a perception or an attitude rather than anything of genuine significance, following van Wietmarschen (2020).

² There are many philosophical approaches which are concerned with the value of “community” or see justice as having a relational dimension. See: Cohen (2009), Anderson (1999), Scheffler (2003; 2005), Kolodny (2023).

led some to connect the moral principles and values which might shape our social relations with the demands of justice.³ Justice here is defined so as to include the moral restrictions and requirements placed on our shared enterprises and social institutions. Many of the moral demands or requirements that shape social institutions are matters of justice or are related to principles and values which are.

As these relational approaches have it, justice is fundamentally about the structure of our social relations. When it comes to justice, what matters is not the amount of resources or opportunities individuals have, nor the extent of formal liberties and rights possessed by members of society. Instead, justice concerns the terms on which we are able to relate, interact and treat others in society as we pursue our own endeavours.⁴

This view, especially in its egalitarian form, is often presented as an alternative to distributive approaches to justice—approaches which have it that justice is concerned with allocations or distributions of goods in society. Relational egalitarians, like Elizabeth Anderson (1999, 2008, 2010) and Samuel Scheffler (2001, 2003, 2005), have long pushed against the primacy of distributive values and principles in discourse around justice. They argue that justice is not only incomplete without an erosion of hierarchy or substantive equality in the way we relate to one another,⁵ but a just distribution of economic holdings and opportunities is simply the wrong target for justice and only matters because it allows individuals to relate on equal terms (Anderson, 1999; Scheffler, 2010, Chp. 4).

This thesis looks to contribute to our understanding of the interplay between distributive values and principles, relational values and principles, and the requirements and demands of justice. The question I ask is, on its face, a broad one: *what falls under the rubric of justice?* But, in the context of a debate concerning distributive and relational values, and their connection to the requirements and demands facing our social institutions, a more manageable terrain emerges.

My thesis is this. We have compelling reasons to view justice on relational terms. How people are treated or are able to associate with others is a fundamental concern of justice. But the conclusion

³ Most prominently Anderson (1999) and Scheffler (2003). Both are drawn on throughout.

⁴ Whether justice *exclusively* concerns these things is another matter. Relational egalitarianism is often presented in opposition to a view that construes equality on exclusively distributive terms. How far those concerned with relational justice go in the other direction is discussed in what follows.

⁵ This is a crude summary of relational egalitarianism. The important point is that I am using relational egalitarianism as the prominent example of a relational approach to justice.

we should draw from the relational approach is not that establishing social relations in accordance with specific principles captures the demands of justice *tout court*. Instead I argue for a broader and Rawlsian approach to justice. One which takes the fundamental organising principle of a just society to be establishing ‘fair cooperation’ between individuals via the basic structure (Rawls, 1985, p.229). A just basic structure, as I interpret it, provides the background conditions from which individuals can interact and relate fairly and in ways that respect their fundamental freedom and equality. I will argue that this accounts for the core intuition behind the relational approach—that how individuals treat and regard one another is fundamental to justice—while not losing sight of the importance of distributive concerns in establishing background justice. Therefore, I argue that a view close to Rawlsian justice as fairness can resolve the tension between relational and distributive approaches that sits at the heart of my enquiry.⁶

So, this thesis is focused on the potential conflict between two competing visions of what justice requires—one relational and one distributive. I should note, however, that most of my discussion is focussed on the plausibility of the relational approach to justice and its central tenet: the idea that justice primarily concerns the structure of our social relations or the way we relate to others.⁷ Much of my enquiry involves motivating this idea, making it compelling and contrasting the distributive approach.

However, my goal is not to defend a novel approach to ‘relational justice’ or to argue that relational approaches succeed where distributive approaches fail (Dagan and Dorfman, 2018). Instead, my aim is to show that the most compelling upshot of the idea that justice concerns the structure of our social relations, and the critiques of distributive justice that go with this view, is a broader outlook on what justice demands. An outlook which does not see ‘administratively establishing’ social relations along some yet to be specified set of principles as the sole aim of any just state (Scheffler, 2003, p.37). Nor one which views particular allocations of resources as the sole or unifying demand that justice makes. But instead, a view that is directed by a broader organising principle that a just society be a fair system of cooperation. My argument, unlike that of relational egalitarians of the past, has it that distributive and relational values should not be seen to be in

⁶ My view is similar to Scheffler’s (2003) and I draw on his insights in many places. However, where we depart is the extent to which he interprets an emphasis on relational principles and values into Rawlsian justice as fairness. Scheffler is often read as interpreting Rawls as a relational egalitarian (Otsuka, 2023, p.61). Though I’m unsure that’s the best way to read Scheffler (or Rawls), my own view does not go that far.

⁷ I make consistent reference to “relational justice” and not just “relational egalitarianism” as not all relational approaches are concerned with equality. While relational egalitarianism is the dominant approach to relational justice, my concern is with the family of views united by this concern for the structure of our social relations.

competition, but should be viewed as part this broader Rawlsian conception of what justice requires.⁸

In this way, my view is close to that of Samuel Scheffler and many of the ideas and arguments presented here owe much to his work.⁹ Our enquiries come apart, however, in the differing approaches we take to these issues. Scheffler is concerned with showing that Rawls is not committed to distributive egalitarianism *tout court*. He argues that Rawls' view is not 'an incipient luck egalitarianism' but rather that Rawlsian justice motivates a concern for relational equality in society (Scheffler, 2003, p.8). My focus, and contrary to what some have argued, is showing how a Rawlsian position can account for the demands of relational justice.¹⁰ I argue that Rawls' position does not also come with the baggage that a narrow relational approach to justice does, nor is he committed to a strictly distributive view. So, while I reach a similar conclusion to Scheffler, specifically concerning Rawls' ability to accommodate for relational *and* distributive principles and values, we come at this from different angles.¹¹

Now, to get purchase on this debate, some heavy lifting is required in the setup. As I have said, my intention is not to make firm determinations on the merits of relational or distributive approaches to justice. That said, I frame my enquiry around the debate between these two positions to bring the broader issues at play into view. Let me briefly run through my argument and the method employed to reach the debates between relational and distributive approaches.

First, I need to be clear about the terminology and terrain at issue when discussing social relations, and why the values that could structure social relations are worth our consideration to begin with. I also need a justification for why social relations are a matter of moral concern, or what goes wrong when certain objectionable social relations exist. This will motivate an account of relational justice and is the task of Chapter One.

⁸ Anderson (1999), Nath, (2020) and to some extent Scheffler (2003) all present relational approaches to justice using this contrast.

⁹ Especially see: Scheffler, 2001; 2003; 2010

¹⁰ For instance, Hussain (2020, p.109) expresses concern that Rawls' dualistic position, which separates institutional justice and interpersonal morality, will render the state ill-equipped to deal with unequal relations in society. My argument follows Hussain in emphasising the importance of social relations but I argue that a Rawlsian position can accommodate for this and establish relational justice. So, pace Hussain, I argue the basic structure can do the work required.

¹¹ My arguments also owe much to Niko Kolodny's book *The Pecking Order* (2023). Kolodny also adopts a position that looks to resolve the tension between relational and distributive values under the bracket of concern for inferiority.

Next, I need to establish the sense in which relational justice is a proposal worth defending. In Chapter Two I make this case. I do so by presenting my own version of the critique that distributive justice fails to account for the moral significance of certain social relations, and therefore misses the target when it comes to justice. This will also highlight that relational justice is typically presented as a negative view about the moral status of certain social relations—one focused on our grounds to object in the face of morally objectionable social relations.

Zooming out, Chapter One and Two should achieve a few things: first, to build up a strong case for viewing justice on relational terms and; second, to present the relational critique of where distributive approaches to justice go wrong. Something of a secondary aim is also to show where the Rawlsian picture comes in. Rawls' work on justice has been subject to criticisms from both distributive and relational sides.¹² Though I eventually argue Rawls' approach accommodates these criticisms, I suspend my defence of this position for later. In these two initial chapters I simply present an initial outline of Rawlsian distributivism and why he is thought to be subject to these critiques.

By Chapter Three I will have built up a case for viewing justice on relational terms. So, in the fashion of modern philosophical writing, I will then start knocking these arguments back down. I do this by raising a series of doubts about the idea that the structure of our social relations matters for reasons of justice. My argument is that even if social relations are a cause for moral concern, there is a significant gap between the negative claims we might have against objectionable forms of hierarchy or other social relations, and the notion that the state might have a positive duty to eradicate or redress such relations for reasons of justice. Amongst others, I appeal to two Rawlsian arguments concerning the division of moral and institutional labour to make this point.

In Chapter Four I take a step back to survey the terrain established. At this stage, we should have a sense of the relational case against viewing justice on distributive terms. But we also will have seen the significant hurdles that lie ahead for viewing justice as relational *tout court*.

From here I motivate a third way which I defend in Chapter Five. I first argue that both single-track versions of the distributive and relational approach to justice make the same mistake: viewing justice as some isolated state of affairs to be established, whether it is a specific allocation of resources or set of social relations structured on certain terms. Then, with reference to the

¹² On the distributive side, see: Cohen (1997). On the relational side, see: Dagan and Dorfman (2018).

Rawlsian idea that procedural justice from the basic structure takes primacy over other matters of social justice, I argue that a better way to account for the moral significance of social relations is to promote fair cooperation in society through background justice. This argument involves demonstrating why Rawls' idea that society should be a fair system of cooperation can take on many of the most compelling parts of the relational approach to justice, without the baggage. I conclude by arguing that a Rawlsian structural and procedural approach to justice constitutes a good way to accommodate for the moral force of both relational and distributive principles and therefore provides a strong way forward when considering the interplay between these approaches.¹³

¹³ I refer to my view as Rawlsian and not Rawls'. Though my defence of a procedural account of justice draws directly from Rawls' account of justice as fairness, especially: Rawls (2001), there are aspects of my view that will likely go beyond Rawls' original account (see Chapter 5). However, the primary aim of my enquiry is not to make an interpretive point about Rawls but rather a substantive point about how a procedural approach to justice can accommodate for both distributive and relational principles and values in a compelling way.

Chapter 1: Terrain setting

§1.1 Aims

This chapter has three aims. First, to further motivate the debate between relational and distributive approaches to justice that this thesis surrounds. Second, to outline a number of cases that will act as reference points for my enquiry. And third, to show that the way we relate to others is of moral significance and provide some reasons for why this is so. This will act as the basis for my defence of relational justice in Chapter Two.

§1.2 Outlining the terrain

I have used terms like social relations, relational justice and relational egalitarianism freely so far. These concepts are not without controversy so let me add some depth to these idea in the context of an enquiry about justice.

§1.2.1 *Social relations*

Social relations refer to the terms on which individuals relate and interact with one another in society. Such relations might refer to the terms of a relationship between two individuals (e.g. between you and your mother; between you and the person who cleans your office building) as well as how certain groups in society are regarded by each other or by the community as whole (e.g. members regarded as “superior” by virtue of being seen to belong to a certain caste; or a group regarded as “inferior” for receiving unemployment benefits).¹⁴ They can be both intimate, involving personal, familial or romantic relationships, or non-intimate, involving members of one’s various associations.

The factors that constitute these social relations must occur with reasonable regularity (they cannot be the product of chance encounters or off the cuff remarks). In instances where consistent interaction between two people is involved, social relations entail a degree of coordination governed by formal or informal patterns of expectation (Cordelli, 2015, p.90). To take a crude

¹⁴ See van Wietmarschen (2022) for a good explanation of social hierarchy.

example, a relation of equality between you and your partner might entail an expectation that you share the housework.

But interactions of this sort are not a necessary feature of social relations. In many instances, social relations reflect how persons or groups shift their behaviour due to their relation to others.¹⁵ Consider a case in which a man, Jesse, chooses not to shop at his local convenience store because the owners are of a particular ethnic minority. Jesse regards this group as “inferior” and so chooses to walk to a more expensive shop further down the road (Mason, 2015, p.4-5). In this case, Jesse never interacts with the people in the shop; they are unaware of his decision and, we could hypothesise, they are not materially worse off in any meaningful way as a result of it. But, there is a social relation between Jesse and the owners of the shop and one that should strike us with moral concern.

Here a clarification is necessary. Social relations capture broad socially prevalent attitudes—the way some groups regard themselves as superior to others and individuals who are part of the “inferior” or “superior” groups respond to that social recognition. But does it also capture the behaviour and attitudes of single individuals? We could say that Jesse is alone in his racist attitudes about the shop owners; does this qualify?

On my understanding, social relations capture these cases too. Understanding social relations in this wide manner will help expose some key facets of the relational approach to justice and the different ways we might understand its requirements. There is an intuitive case to be made that social institutions or socially embedded attitudes are a cause of concern as a matter of justice. Consider attempts to erode patriarchy, abolish the caste system, or counter the persistence of racist attitudes in society. While there is by no means consensus on how one should think about such cases, it is at least intuitive to suggest that what is going on here is the pursuit of justice. It is more contentious to suggest that the isolated Jesse case matters for reasons of the same sort. It should strike us as morally concerning, but whether this is due to the interpersonal wrongdoing or an injustice is less clear cut.¹⁶ I will say more about how we should understand the requirements of justice from a relational perspective in what follows.

¹⁵ As Kolodny says, ‘relations of inferiority involve genuine relations’ (2023, p.89).

¹⁶ Mason (2015), for instance, argues that individual attitudes are matters of interpersonal morality but do not raise questions of justice.

§1.2.2 *Relational justice (vs. distributive justice)*

Now, in these initial chapters I am attempting to build up the case for a family of views characterised by a distinctly relational approach to justice: “relational justice”. To give a preliminary definition, relational justice is the thought that social relations must be determined by some set of principles or values. Such principles might require, for instance, equal concern and regard amongst free and morally independent persons. The suggestion is that the social relations which exist in society must allow for free and equal individuals to interact in ways that respect this freedom and equality. Or, they must if they are to be consistent with justice. We might loosely label this particular proposal as a type of relational egalitarianism.

Next, it is important to emphasise the scope of relational justice, at least as I present it in my initial defence, pertains to ‘justice in private’ (Dagan and Dorfman, 2018, p.173). Justice in private concerns horizontal relations—the way in which persons or groups of persons in society regard one another qua individuals or qua citizens. So, horizontal relations are interactions either between two individuals or between larger groups within the community (Pettit, 2012; Kolodny, 2023, p.120-122). Social relations are the broader factors that mean this horizontal interaction takes place in the manner that it does. Or, to use the above case, the horizontal relation is between Jesse and the shop owner and the social relation is the perceived inferiority that makes Jesse act in the way that he does.

Some framing here will help to clarify what makes this view distinctive. Relational justice has it that the structure of our social relations ought to be regarded as the primary concern of justice. This position, especially in its relational egalitarian form, was born out of a response to theories of distributive justice which take it that a fair distribution of primary goods, capabilities, opportunities for resources is the central concern of justice. Relational egalitarians saw this approach to justice as misguided; placing value on a just distribution of goods or opportunities misses what really matters when it comes to justice. Instead, they argued that our understanding of justice and its requirements needs to be refocussed on the structure of social relations.

The family of views I am calling relational justice includes a range of positions on precisely how social relations ought to be structured. Some are concerned with relational justice along liberal-egalitarian lines, so take it that the fundamental objective of justice is to structure social relations so as to ensure individuals can pursue their own conception of the good (Schemmel, 2015). Others

take a stronger stance against social relations structured by inferiority or domination, arguing it is the primary concern of justice to eradicate these relations.¹⁷ Finally, relational egalitarians have it that social relations must be structured so as to reflect and promote equality between persons.

What unites these views, and what makes exploring them as a family a coherent endeavour, is the position that, at a fundamental level, relational principles and values are what justice is about. Justice does not concern the fairest distribution of resources or goods in society (though that might be necessary as a consequence or a means). Rather, justice is fundamentally about the structure of our social relations and how we relate to others in society. Or to put this negatively, relational justice is about identifying distinctive unjust social relations as a primary injustice to be eradicated.

Now I should emphasise that this outline of relational justice presents a narrow view on what such a position requires. The thought is that justice must be viewed on relational terms *tout court*. I will eventually argue that we can capture many of the intuitions and values that sit at the heart of this relational approach by placing them in the context of a broader structural perspective on what justice requires. What's more, we can do so without committing to a view that prescribes some idealised set of relations to be administratively established. However, I will evaluate the merits of this narrow perspective first, both because it is a position that can be easily contrasted with distributive approaches to justice and because it will allow me to motivate a revised perspective.

§1.2.3 *Justice*

Next, I want to offer a brief clarification for how I understand justice and its requirements. I am exploring the interplay between relational principles and values, distributive principles and values, and justice. And I define justice so as to include the moral restrictions and imperatives placed on our shared enterprises and social institutions like the state. Justice, at least on this preliminary understanding, goes beyond principles of interpersonal morality or the claims that others might have against me, and includes matters of moral significance to our shared social enterprise and the

¹⁷ For a view against domination see: Anderson (1999, p.316). For a position against inferiority see: Kolodny (2023, Chp 5).

way we live together. This definition will be challenged and further clarified in what is to come but it suffices for now to get my enquiry off the ground.¹⁸

I also want to say something about where the relational approach, at least as I am concerned with it, falls on the scope of justice. As I have said, the relational approach is one that takes the fundamental question of justice to be which principles and values ought to determine social relations that exist in society. This does not say much given it is silent about what these principles and values might be. But one thing we should take from it is that the principles and values that shape our social relations are not distinct ideals from justice considerations. Put another way, the relational approach to justice does not look to add further principles onto other understandings of what justice requires. The point is not, for instance, to supplement distributive approaches to justice with relational considerations. Rather the relational approach regards other understandings of justice as misguided precisely because of the view that the task of social justice is identifying the best way for individuals to live and relate in society. Other considerations, like the distribution of resources, are downstream from this.

I must add that this is not the only way one might account for the value of social relations or the moral principles which might shape them. One could also express concern for relational principles and values without committing to a view that justice fundamentally concerns these things. Such positions usually express concern for the value of community or social equality to temper or balance other important principles—typically, those of distributive justice.¹⁹ On such a view, one might take the structure of social relations to be morally significant but hold that the sort of concern this gives rise to is distinct from matters of justice. Here, our concern for the moral value of community will only moderate or temper other values and principles which justice does in fact concern (Cohen, 2009).²⁰

Now these approaches do not exhaust the ways one can account for the value of social relations. But they do provide a useful contrast for seeing where the relational approach—at least on the narrow construal I explore in the initial chapters of this thesis—lands on the subject of justice.

¹⁸ One noteworthy challenge supposes that there is no difference between the moral principles that place demands on individual action and the moral principles which shape our institutions. See: Murphy (1998) for such a view. I return to this below.

¹⁹ Cohen (2009) argues explicitly that value of community can temper distributive justice. For a useful discussion, see: Nielsen and Albertsen (2022).

²⁰ Miller (1997, p.232) discusses the value of social equality as independent from distributive considerations or matters of justice. This is another example of a tempering view.

This view born out of a critique that distributive justice misses the target in terms of what justice requires. I will expand on this thought below but, briefly, those committed to a relational approach to justice think they have it right in terms of the target of justice and, by implication, think that competing rationales are in some sense flawed. The reason I focus on this particular construal of relational justice, at least initially, is to demonstrate what such a view gets right in its critique of distributive justice, but also to show what goes wrong when we try to say that justice is relational *tout court*.

§1.2.4 *Egalitarianism: relational and distributive*

Finally, I want to comment on the place of equality when thinking about justice, both on relational and distributive terms.²¹ This is useful in order to distinguish the sorts of claims made by relational and distributive approaches to justice in their prominent egalitarian forms—relational egalitarianism or distributive egalitarianism.

When discussing the value of equality, it is useful to start with the following two questions: equality of what; and why equality (Sen, 1980)? These questions demand an understanding of precisely what should be made equal, and a rationale for why it is equality specifically that is morally significant and ought to be established.

On the distributive understanding of equality, we should be concerned with equality of resources, opportunities, or economic holdings. Distributive equality matters because of the independent value of us all having access to the same stuff at the same level, perhaps for reasons of fairness; or so some argue (Arneson, 1989; Dworkin, 2000). When discussing equality in the context of social relations or relational values, our concern is elsewhere. We are concerned with an equality of treatment or regard within society, or a society not defined by social hierarchy but instead by equal relations. So, in response to the “equality of what” question, relational egalitarians point to the structure of our social relations, arguing that equalising relations will ensure individuals can relate on equal terms. It is equality specifically that matters, so some relational egalitarians argue, because any deviation from that would be at odds with the basic moral equality we all have as individuals.

²¹ I must emphasise that I am not looking to enter the substantial debate on the value of equality. See: Parfit, (1995), Raz, (1998, Chp. 9), Temkin, (2003). Rather I am merely commenting on how relational and distributive approaches to justice understand equality.

Now, there is a broader point to be made here about the relation between equality and justice. The point applies to both distributive and relational egalitarianism as narrowly presented above. On both positions, engaging in the “equality of what” debate is conducted with the assumption that principles of equality and principles of justice are one and the same; or that to answer the “equality of what” question is to work out the target for egalitarian justice (Miller 1997, p.223). In this way, the second question (why equality?), which requires an independent rationale for the value of equality in this context, is in some respects already answered. Equality is simply a matter of justice and the value of one cannot be separated from the other (Dworkin, 1987, p.73; Miller 1997, p.223). Whether it is an equal distribution of resources or egalitarian social relations, justice is said to require those things.

It is important to recognise what this subsuming of equality into justice in this way entails. Specifically, it demands attention to any deviation from the aspired equality as a matter of justice; this motivates justice to be brought about via a ‘principle of redress’ in which deviations from an equal distributive pattern or equality in our social relations is of primary importance when it comes to justice (Rawls, 1971, p.100; Munoz-Dardé, 2014, p.475-6). Some examples will help me to illustrate this point. On a narrow luck egalitarian account of distributive justice, inequality is unjust because it privileges those who benefit from morally arbitrary factors like luck, allowing some to pursue and use talents to gain advantage in ways which they have not earned. On a similarly narrow relational egalitarian perspective, inequality in our social relations is unjust because it creates objectionable hierarchies in regard between persons which clash with our equal moral status as persons.

In both instances, the inequalities are inwardly unjust and demand direct redress for that reason. By this I mean that the objectionableness of the inequality is the very thing that makes it unjust—the unfairness of being privileged by luck in the former case or the objectionableness of being treated or regarded as “inferior” in the latter.²² So, the point of redress is to establish a more just (read: “more equal”) state of affairs which will reduce the influence of luck or bring relations onto level terms. On this perspective at least, this is what is justice demands.

But this perspective on the relation between justice and equality is not the only one available to us. While one could see equality as subsumed by justice in this way, another view would be to see

²² Referring to judgements about equality as inward-looking follows Scheffler’s criticism of luck egalitarianism (2003, p.21). Here, I have applied this description to the narrow relational approach at issue.

equality as valuable in some wider sense; as just one piece of the puzzle when thinking about the social and political value of justice.²³ Deviations from equality, whether relational or distributive, matter on this second view because they clash with the social and political value of equality. Importantly, our judgements about unequal distributions or unequal social relations are not (primarily) inward-looking as with the first view—rather, equality (as it relates to justice) matters as a normative ideal or something to aspire to in social and political life. And the demands of justice reflect that fact. Our inward objections might remain—you might think a specific inequality raises problems of fairness—but they are not our focus when considering the requirements of justice and what it demands.

This clash in perspectives gets to a key part of my enquiry concerning precisely how we should consider the values and principles raised by relational and distributive approaches to justice. When building up and defending a relational approach to justice in these first two chapters, I will present an account which takes the former inward-looking view. That is, I will demonstrate the merits of viewing relational justice, or relational egalitarianism, as an approach which calls for the equalisation of our social relations *tout court*. Doing so will reveal what is compelling about viewing justice on relational terms and the principles and values that go with it. Only when we get to Chapter Three and beyond will we start to see reasons for taking a more structural view regarding the value of equality and its relation to justice. My argument there implies that this second perspective is the one we should adopt, but with the learnings from the relational account of justice.

§1.2 Stock take

With some of the terminology, terrain and further motivations for my enquiry outlined, I now want to make things a little less abstract. Before beginning the process of buttressing the idea that justice should be viewed as relational *tout court*, I want to take a step back and discuss some reasons to take a position like this seriously. I do so by making the case that social relations are morally significant.

²³ This point is not a new one. David Miller (1997) has argued that distributive equality, or an equality of resources and goods, matters for reasons of justice. But, he argues, equality in our social relations, though independently valuable, matters not for reasons of justice but for other reasons. Likewise, Scheffler (2003) has also argued that equality is best seen as a normative ideal. My own perspective is sympathetic to both Miller and Scheffler's arguments—I too argue that the equality is a normative ideal or one feature of a structure of a just society. But I also argue that we do not have to do away with a concern for distributive justice as part of this social and political ideal.

The point of this endeavour is to show why relational values and principles should be considered matters of justice. Note that nothing I say here rests on a single approach to relational justice or the moral significance of social relations. Rather, I am trying to tease out the range of reasons to think social relations matter, and matter morally. In the next chapter I provide a more complete defence of relational justice by placing it in opposition to distributive justice. For the remainder of this chapter my aim is simply to discuss the moral significance of social relations from different perspectives. This will motivate the relational approach that follows.

§1.3 Social relations

Let's start by looking at some cases involving different social relations:

SHOP: Jesse chooses not to shop at his local convenience store because the owners are of a particular ethnic minority. Jesse regards this group as “inferior” and so chooses to walk to a more expensive shop further down the road. Jesse never interacts with the people in the shop; they are unaware of his decision and they are not materially worse off in any meaningful way as a result of it (Mason, 2015, p.4-5).

HOUSE: A couple is clubbing together to buy a house. Only by combining their savings will they have enough money to buy the property, and only via a system that recognises their combined financial weight will they be able to buy the property.

PROMOTION: Two individuals who have the same job in a company are going for a promotion. The company's structure is set up such that only one of them can secure the promotion and at the expense of the other doing so. Each employee must compete for favour with their bosses and each benefit from the disfavour of the other (Hussain, 2020, p.87-9).

REGION: Due to regional disparities in funding for education, a group of individuals in one part of the country has significantly lower literacy rates than the country as a whole.

This group suffers from social stigmatisation and fewer economic opportunities (Scanlon, 2018, Chp 2).²⁴

We are familiar with the first case, SHOP, which involves a racist attitude. As we have seen, the pervasiveness of the racist attitude within society seems to alter our intuitions about why such a case matters. If Jesse is alone in regarding the group as “inferior” then it is less clear that this case involves an injustice as it is that there is some interpersonal moral wrong at play. On this rudimentary characterisation, we might say that the more pervasive an attitude the more likely it is to raise a question of justice. But this is just the intuition this case is pulling on and is a matter to return to. What is important is we see that how we regard others can be the cause of moral concern.

Moving to the new cases, HOUSE and PROMOTION involve the coming together of two individuals. REGION is a little more complex but it reveals that the attitudes of the community are at stake when we’re considering social relations. Importantly, each of these cases reveal different aspects of social relations and why they raise issues of moral concern.

First, in HOUSE, the two individuals might agree the terms of purchase such that neither party is no less an owner if they lose their income source and cannot contribute to the mortgage payments. Moreover, they might structure their relationship—or the law might require that their relationship be structured—so as to avoid dependency or reliance from one party on another. It is plausible to say that structuring a relationship like this way has some moral value or even that it seeks to avoid an injustice (Cordelli, 2015, p.88).

HOUSE might be characterised via the relational goods it gives rise to. Relational goods are those that are themselves constitutive of certain relationships, and are only available within them (Cordelli, 2015, p.87). Trust between two parties is a good example, as are more objectionable relational goods like dependency, domination and control. Relational goods are the product of relations between persons; only in certain kinds of relationships will trust exist, for instance. But it is also true that only if the structural conditions are such that the two individuals can enter mutual transactions with sufficient assurances of each other, will these relational goods exist—these background conditions are what I am ultimately considering.

²⁴ For a useful discussion of the case Scanlon evokes but in the context of relational justice see: Kolodny (2019; 2023, Chp. 14).

To move to PROMOTION, the terms on which the two employees interact, both with each other and others in the company, is competitive and (here) zero-sum. You do not have to find this particular relation objectionable, all things considered, to see that it could be the case that the incentives each individual have create enmity or a lack of regard between them. And so, it should also be clear that the terms on which individuals interact in social institutions shape both how they view their own endeavours and the endeavours of others. It is therefore plausible to suppose that moral issues arise in the context of such relations.

Finally, REGION is a case in which the actions of the state seem to directly lead to a social hierarchy and the emergence of an “inferior” group in society. The social relation I am concerned with is the creation of a problematic hierarchy between different groups in society. And the fact that from this hierarchy, members of the “inferior” group will be treated and regarded differently and face different prospects. Here the social relations that come to exist quite clearly raise moral issues.

§1.4 The moral significance of social relations

At present, I am discussing the moral status of social relations; how we should evaluate the comings together of persons in society, and the terms on which these comings together take place. We have just seen that social relations involve the possession of relational goods such as trust and dependency; the constraints or incentives individuals face when pursuing their ends in coordination with others²⁵; and, the existence of broader social structures like hierarchy. Of course, these aspects of social relations are intimately connected, so hard to disentangle. But what matters is that we see that social relations defined by these features (and likely many others) set the terms on which we pursue many of our endeavours and projects in society, or our attempts to create valuable relationships with others. From here we can build a more concrete case that social relations raise issues of moral significance or even justice.

To wrap up this chapter, I will make that case. I do so by showing how each of the above cases highlights a specific dimension of our social relations that is morally significant. I will frame my defence around the following three aspects of social relations:

- (1) The possession of relational resources and goods

²⁵ Rawls referred to this as our ‘first moral power’ (1993, p.19)

- (2) The manner in which we interact with others to pursue our ends
- (3) The existence of hierarchical social structures

Remember, all I looking to do is capture the range of reasons one might have to think social relations are morally significant. It is also not yet consequential whether these reasons are a matter of justice or whether they reflect other values and principles of moral importance. What is of consequence is that we see that social relations do matter and matter morally.

My claim is that there are reasons to think social relations matter because of their impact on individual welfare or their ability to secure certain goods; they are instrumentally valuable (Arenson, 2010). They also matter because of the intrinsic value of some intimate and non-intimate relationships, which broader facts surrounding social relations like (1)-(3) bear upon. And sometimes, it seems, they matter for both sets of reasons.

So, turning to (1), why might securing certain relational resources be morally significant? To reiterate, relational resources and goods are not the tangible products of cooperative relationships, but rather those goods which are themselves constitutive of certain relationships and are only available within them. I noted above that interpersonal trust is central to interactions like HOUSE, but we might also point to emotional support, care, love, camaraderie, solidarity, dependency, control and reliance as other examples of relational resources. As we see, some are valuable and some are not.

Now trust, to take one example, can be morally significant in both of the ways noted above. Firstly, it is essential for us to secure many other things which we have reason to value. The couple in HOUSE, for instance, must have sufficient trust that the person they are entering an agreement with is sufficiently reliable and will uphold their end of the bargain. Without trust, their agreement to buy the property could not occur. We see this in many other endeavours. When an opportunity to travel abroad for work opens up you might entrust the care of your pet dog to another. Here your ability to pursue something valuable, like progress in your career, does not need to be sacrificed because of the value you place in something else, like your dog not going hungry. Mutual trust between you and your dog sitter allows you to hold diverse conceptions of what is valuable and pursue your endeavours as such. It is plausible, therefore, that the relational goods which facilitate this pursuit are themselves morally valuable.

Relational goods like trust are morally significant because they are mechanisms that create stable expectations amongst individuals, allowing for the pursuit of diverse endeavours (Cordelli, 2015, p.90-92). Likewise, relational goods like dependency can entail problematic power relations, allowing other individuals a greater say in how we pursue our ends. This is one of the reasons we might say that relational goods are constitutive of something that can be intrinsically valuable (or objectionable)—they permit a kind of freedom which is in itself valuable for morally independent persons. They allow us to pursue our projects and endeavours without either being beholden to others, or without leaving us beholden to others in ways that push against our independence.

Let us turn now to (2), or the manner in which individuals can pursue their ends. As in the case of PROMOTION, which is a zero-sum scenario, much of the way this occurs is within interactions and dealings with other individuals who are also in pursuit of their own ends. And so, social relations set the terms of these interactions because they determine how we are able to pursue our ends in correspondence or coordination with others. Of course, for those who find themselves marooned on desert islands or otherwise in solitary confinement, it is less evident how the pursuit of one's ends might be relational or determined by interpersonal interaction or coordination in this way. For the rest of us, however, the manner in which we are able to pursue our ends is defined by social relations and interactions with others. And the manner in which such interactions take place is morally significant.

One reason for this is the intrinsic moral worth of certain relationships. Some relationships can be intrinsically valuable; they are a source of value independent of the immediate benefits we receive from them. We see this because we are still motivated to act in accordance with the expectations of our relationships even when it is not in our immediate interests to do so; we make sacrifices to accommodate the interests of others in relationships.²⁶ So, if we accept that certain relationships—perhaps those defined by relational goods like trust, or features like equal regard—can be intrinsically valuable, then our ability to access these relationships is also of moral significance. When considering the manner in which individuals interact in pursuit of their ends, impediments to an individual's ability to access these intrinsically valuable relationships are problematic. Looking at PROMOTION, the two individuals' incentives are such that each benefit from the discredit or misfortune of the other. While some are able to maintain valuable relationships with these

²⁶ For accounts of the non-instrumental value of relationships, and the relationship dependent reasons that arise thereof see: Kolodny (2003); Scheffler (2018)

incentives at play, it is understandable (if not likely) that this might create enmity between the two employees thus limiting their ability to relate in healthy fraternal ways.

So, if the reason we might object to workplace structures set on zero-sum terms is because they foster enmity and indifference towards others, then the reason those features are objectionable is because they limit our ability to relate in ways which are intrinsically valuable—i.e. with equal regard and care for the success of others. We can add, also, that social relations defined by such incentives harm our own sense of self-understanding. This is because we are forced to pursue ends which directly conflict with the successes of others (Hussain, 2020).²⁷

Finally let us examine (3) or the existence of social structures like the hierarchy established in REGION. This seems to be of central concern for relational approaches to justice. If relational egalitarianism is defined by one idea it is surely that each person should be regarded as an equal and that hierarchies which push against this are antithetical to that value. But why are hierarchies and hierarchical relations morally significant in the first place?

In the affective sense, an existence hampered by being regarded by the community as “inferior” can do damage to an individual’s sense of self-worth (Scanlon, 1997, p.51). This can harm an individual’s ability to freely pursue their conception of the good, damaging how they view themselves. Moreover, if the manner in which we pursue our ends in relation to others can limit access to certain morally valuable relationships, so too can the existence of hierarchies. This is especially true of hierarchies marked by relations of domination, deference, and servility, though some relational egalitarians might see it in more mundane hierarchies too (O’Neill, 2008, p.127).

Finally, there is good reason to think those social hierarchies that involve subjugation or domination are not just instrumentally objectionable but also ‘inherently degrading’ (Anderson, 2008, p.142).²⁸ On relational egalitarian terms, we might say this is so because it is an affront to our status as moral equals. But for now, what matters is that we see that social relations determined

²⁷ Again, you do not have to think competitive workplace structures (which are admittedly commonplace) are all things considered wrong, or even unjust, to see that moral issues arise from them. Hussain (2020) provides a strong account of the moral issues raised by institutions structured on hyper competitive terms.

²⁸ To quote directly, Anderson (2008, p.142) says: ‘while natural poverty is unfortunate, poverty induced by oppressive social relations is inherently degrading, humiliating, and assaultive of individuals’ status as beings entitled to moral standing before others.’

by social structures that offend some broad conception of equal moral worth and status, are morally problematic and potentially in some intrinsic way.

§1.5 Chapter summary

In this chapter I have set out some of the key terms necessary for my enquiry into our understanding of relational and distributive approaches to justice. I also began to motivate the relational view by showing why social relations are morally significant. I have not set out a unified case for the moral significance of social relations, nor was this my intention. Instead, I wished only to make clear the range of reasons you might have for thinking social relations are a matter of moral concern. In the next chapter I will provide a more complete defence of viewing justice as relational *tout court*, contrasting this view with distributive approaches to justice.

Chapter 2: Relational justice and the distributive critique

§2.1 Aims

In this chapter I want to argue something more ambitious. With the reasons to think social relations are morally significant set out, I will now defend a relational approach to justice—one which views justice as fundamentally concerned with the structure of our social relations. To make this case I will present my own version of a critique levelled against distributive approaches to justice by relational egalitarians and others committed to justice on relational terms.²⁹ This critique will reveal the principles and values those concerned with relational justice believe are missing from distributive approaches to justice; principles which provide the foundation for the view that justice concerns the structure of our social relations *tout court*. As we will see, what is missing comes down to a series of negative claims against objectionable social relations—claims against relations of inferiority, domination, oppression, marginalisation etc.

Outlining this critique does two things: first, it will make the relational approach to justice compelling when compared to competing distributive approaches; second, it will reveal that relational justice is based on negative claims against objectionable social relations. To zoom out and comment on the trajectory of my argument, this chapter is devoted to showing why there is a strong case for viewing justice on relational terms—a case which will be revealed via a critique of distributive justice. I will also argue that the relational approach to justice, understood narrowly, is based on negative claims against the morally objectionable social relations (e.g. relations of inferiority, domination). However, as we will see in Chapter Three, significant challenges arise when we try to move from these negative claims to a positive and unified account of justice. This helps to motivate my own argument beyond the claim that justice should be viewed as relational *tout court*.

§2.2 Rawlsian distributive justice

To establish the relational critique of distributive justice we need a proposal to aim at. I will start with John Rawls' approach in his *Theory of Justice* (1971), and subsequent works, and his description

²⁹ This sort of critique has been made by different philosophers and on different terms. For instance, see: Anderson, (1999) and Scheffler (2003). So, the argument presented is not a novel one, albeit I defend my own version of it.

of the basic structure regulated by the following principles of justice: equal basic liberties, fair equality of opportunity and the difference principle (Rawls, 1971; 2001, p.41-41). I should note that the distributive aspects of Rawls' approach are best thought of liberal-egalitarian. By this I mean Rawls is first and foremost concerned with establishing the freedom of each individual to pursue their conception of the good, with distributive equality being secondary to that goal. But, the emphasis on both formal freedom and the primacy of distributive principles and values within Rawls' approach means this remains a good springboard to launch relational concerns, even if I eventually argue he can accommodate the attacks made against him.

To begin, a just society for Rawls is regulated by the basic structure (Rawls, 1971, p.7; 2001, p.10-12). The basic structure refers to the institutions—political, economic and social—that regulate individual behaviour to ensure background justice is secured. It falls to the basic structure to do this for the following reason: if individuals are left to interact on their own terms, unchecked by their tendencies and desires, then asymmetries and inequalities that compromise justice will emerge in society. The role of the basic structure is to facilitate the distribution of all primary goods including liberties, the social bases of self-respect and economic resources and opportunities (Rawls, 2001, p.58-89). The aim is to facilitate fair cooperation between individuals; to allow each individual to pursue their own conception of the good without compromising the attempts of others to do the same.

Now, on its face there seems to be a clear recognition in Rawls' approach that the sort of community the state helps to foster is central to a just society; it seems to be well within the purview of the Rawlsian state to help individuals relate freely and fairly. What else would establishing a 'fair system of cooperation between persons' mean (Rawls, 1985, p.236)? If this is so, one might wonder where the critique of these ideas on relational terms emerges.

The first problem concerns what is *not* included in Rawls' basic structure. In Rawls' words, the basic structure is comprised of 'the political constitution with an independent judiciary, the legally recognized forms of property, and the structure of the economy (for example, as a system of competitive markets with private property in the means of production), as well as the family in some form' (Rawls, 2001, p.10).³⁰ The issue is that it is not immediately clear from what Rawls says, how far the regulation of social relations via the basic structure is the goal here, or how far

³⁰ This version, presented in *Justice as Fairness: A Restatement* (2001), was revised from the version presented in *Theory of Justice* (1971, p.7). For a discussion see: Scheffler (2015, p.216)

the institutions he specifies as part of the basic structure can achieve justice beyond formal freedom and a fair distribution of economic resources and opportunities.

But, even if we accept this line of criticism, it is surely easily solved—one could expand the list of institutions we take to be part of the basic structure to include the regulation of certain social relations. Such a response is also in keeping with the values Rawls uses to justify the basic structure which broadly concern the freedom and equality of morally equal individuals. Some have even argued that not expanding Rawls' basic structure in this way would be incongruous with the aim of establishing a society organised around fair cooperation between individuals (Scheffler, 2015, p.219).

This response, though forthcoming, opens up deeper questions for Rawlsian justice: which principles should regulate the basic structure viewed on these terms? If we are permitting that the basic structure ought to regulate the fair terms of cooperation between free and equal persons, and because of this it should include the social institutions that concern relations, interactions, and conduct within those interactions, then we need principles to regulate that. The problem is that it is not clear that the principles of justice Rawls specifies—equal basic liberty, fair equality of opportunity and the difference principle—can do the work required to regulate social relations in any meaningful way.

These principles relate, first and foremost, to formal freedom and to the distribution of economic opportunities and holdings; they set the terms for how resources should be spread in order to bring about a just society. Principles of this kind might well be central to that aim. But it is not clear that they inform us of all the ways we should stand in relation to our fellow citizen or which social relations state institutions should be built to engender, if any.

The liberty principle, which takes lexical priority, establishes equal formal freedom for all. But it is not clear that this principle justifies the establishment of protections for those who purchase property that would shield vulnerable parties from dependency. But how then are we to consider HOUSE on Rawlsian terms? It is at least unclear as to whether we have the normative resources to make a judgement about this case, let alone reckon with it on Rawlsian terms. Alternatively, the PROMOTION structure in the company might seem perfectly in keeping with Rawls' principles. Yet, if we find such a situation problematic, as we might, on what grounds could we dispute it? Or, the result of state policy in REGION might seem to undermine equal basic liberty and fair

equality of opportunity, benefiting some groups over others in their pursuit of certain goods. While that might be the case, this does not seem to be our only objection to this situation, which also involves the creation of a problematic hierarchy between different groups in society. If we wish to say that the creation of the hierarchy is itself a problem that falls within the domain of justice, the Rawlsian distributive framework does not seem to have the normative resources to make such a claim.

Now, at present this is not so much a critique as it is a stipulation that Rawlsian justice cannot account for morally significant social relations, specifically those in HOUSE, PROMOTION, REGION, or SHOP. And one possible line of response for the Rawlsian to make is to reject the notion that these relations matter for reasons of justice in the first place. The argument would be that the aspects of these social relations I am pointing to as morally significant and unaccounted-for matter for reasons which do not concern justice and so do not concern Rawls.

On Rawls' own terms, however, there are good reasons to be doubtful about this response. As I have said, Rawls' approach is built around a basic structure which is supposed to regulate and ensure fair cooperation amongst individuals in society. But it seems evident that the way social relations are structured is central to individuals cooperating and living freely in society. So, if principles of justice bear on the basic structure as Rawls says, and the established principles of equal liberty and distributive justice do not suffice to set the terms of just social relations, then there must be other principles that regulate such social relations and these too must be principles of justice for the basic structure. Yet, it is not clear what such principles might be.³¹

Of course, one may still hold that the only consistent interpretation of the values Rawls is concerned with simply warrants filling this gap for him (Scheffler, 2005; 2015).³² Moreover, it is does not go all the way to establish that relational values must be considered a matter of justice; something the state has a positive duty to fulfil. I will return to Rawls at the end of this chapter to evaluate these responses to the relational critique. For now, at least, we have a sense of where (liberal-egalitarian) distributive justice might be said to go wrong—the failure of such approaches to adequately account for objectionable social relations in society.

³¹ A point made by Scheffler in the context of the regulation of private law (2015, p.232)

³² In Scheffler (2015) he also goes onto argue that Rawls can be read as accommodating for relational principles and values, even if those values require further specification.

§2.3 Taking stock

So far, the critique of specifically Rawlsian distributive justice is as much about what is not included as what is. We still have more work to do to demonstrate precisely what is missing from distributive accounts of justice that leave it unable to account for the value judgements we have regarding HOUSE, PROMOTION, REGION, or SHOP for that matter. We have already seen that there are reasons to think the social relations involved in these cases are morally significant. And now we have seen that a liberal-egalitarian distributive approach to justice seems to lack the normative resources to account for this.

In the next section, I will complete the relational critique of distributive justice. Remember at this stage my task is to make the idea that justice concerns the structure of our social relations compelling, as well as make clear why this approach is viewed as an alternative to distributive justice. Put briefly, the critique is that distributive justice fails to account for our claims against intrinsically objectionable social relations—claims that differences in status or power matter independently of their distributive consequences. The critique therefore connects claims against morally objectionable social relations with the idea that distributive justice lacks the normative resources to accommodate for these claims. This shows that distributive approaches to justice miss what is important when it comes to justice: the way we relate and are treated by others, as opposed to distributive outcomes.

§2.4 The relational critique

Let me begin by stating more concisely the aspect of distributive justice at issue: justice, at least in part, concerns the end pattern or allocation of resources people have. On the liberal-egalitarian Rawlsian position, the argument is that social institutions should be set up to ensure equality of opportunity, with inequalities only justified if they benefit the least well off. It will be useful to expand our outlook on distributive justice to include luck egalitarianism—a position that takes brute luck inequalities (those that arise for reasons that individuals cannot reasonably be held responsible for) to be unjust and the primary target of redistributive remedies.³³

³³ It is useful because luck egalitarianism is typically the target of the relational critique. See: Anderson (1999).

The crucial point is that, on distributive conceptions of justice, individuals are entitled to some specified allocation or share of resources as a matter of justice. Departures from this can only be justified by tempering principles: equal liberties or equal opportunity which take lexical priority on Rawls' liberal-egalitarian approach; or practical considerations regarding the best way to ensure people get what they are entitled to (Schemmel, 2011, p.126). And where other things matter, like the structure of our social relations or the way institutions treat individuals, their value is derivative to the value of certain distributive allocations—the actions of social institutions or the structure of social relations are only unjust insofar as they lead to unjust distributions (Schemmel, 2011, p.127).

The relational critique of this approach is as follows. Distributive justice misses the target in its identification of the demands of justice because it fails to see the intrinsic moral importance of social relations in shaping the requirements that social institutions are subject to. Let us see this critique in action.

Take distributive egalitarianism which is focussed exclusively on bringing about an optimal egalitarian allocation of goods; for instance, an allocation in which no one is worse off through no fault of their own in the case of luck egalitarianism. By focussing exclusively on allocations of goods or the “justness” of certain distributions, distributive justice is not able to account for the intrinsic importance of social relations, or the fact that allocations of goods do not matter in the way that unjust treatment within certain relations does. How people treat and regard others, or the structure of our social relations, matters in ways that distributive patterns do not. This is because certain social relations, like those characterised by oppression, inferiority or domination, are not only bad or lead people to be worse off in some material sense, but they constitute an unjust form of treatment (Schemmel, 2011, p.129). The equal moral worth of all persons entails that there are certain forms of treatment that are intrinsically objectionable; those which cut against the equal value we all possess. Crucially, distributive approaches to justice cannot account for the intrinsic unjustness of this treatment within certain social relations because the only value ascribed to social relations is derivative from the value of specific allocations of goods.

This relational critique requires further substantiation. Specifically, I need to affirm the crucial premise regarding the intrinsic importance of social relations which are “missed” by distributive approaches to justice. I argue that this amounts to distributive justice not being able to account for our negative claims against certain intrinsically objectionable social relations. The relational

approach, at least when conceived narrowly, is a negative view about the objectionableness of certain relations like inferiority or domination (etc.), and the distributive view cannot explain these claims. To complete the critique, then, I will first take a detour to outline the basis for these negative claims against intrinsically objectionable social relations (§2.4.1). I then show why distributive justice fails to account for these claims against certain social relations (§2.4.2).

§2.4.1 Claims against certain social relations

An individual has a negative claim when they are subject to treatment or circumstances that are morally objectionable.³⁴ In this context, we have negative claims when we have grounds to complain against the social relations we are exposed to. To see these negative claims let us return to the different aspects of social relations drawn on to demonstrate their moral significance. In each case we will see a negative claim against the morally objectionable social relation at issue. The aspects of social relations discussed were:

- (1) The possession of relational resources and goods
- (2) The manner in which we interact with others to pursue our ends
- (3) The existence of hierarchical social structures

First, relational goods (1) are those that are constitutive of certain valuable or objectionable relationships—think of goods like trust, care, or mutual love on one hand, and dependency, coercion, or some forms of authority on the other. Now, I said that relational goods are morally significant for a number of reasons. In many cases, such goods allow us to recognise each other as morally independent individuals, but they also seem to be the making of truly valuable relationships; what is a relationship without trust, after all? Trust facilitates stable decision-making between persons. It also allows us to pursue our own conception of the good by placing some of our endeavours in the hands of others. But, at a more fundamental level, it can indicate a more personal connection between two (or more) persons whose lives are intertwined in some way.

Just as this is true of desirable relational goods, it is also true that the presence of certain relational goods can hamper our ability to pursue our own ends or to recognise each other as individuals with independent endeavours. Some examples would be dependency or authority which can be morally objectionable. Not only do these relational goods push against the valuable features of

³⁴ For a useful discussion of moral claim rights and their limits see: Valentini (2023).

relationships just noted, but they can subject individuals to social relations that are morally problematic—those of inferiority, domination, or unequal regard.

This is where we see negative claims emerge. The presence of certain morally objectionable relational goods can indicate exposure to social relations that are intrinsically objectionable. If you take it that we are all of equal moral status then a social relation characterised in this way is an affront to our moral status. By permitting relations of this kind or failing to impart the relevant remedy, social institutions express disregard or disrespect towards the party exposed. Consider, for instance, some relationships characterised by domination and the subjugation of the female party. Social norms and institutions are fundamental in ensuring the persistence of such relations (Young, 1990). And, crucially, those exposed to them have objections, not just against their partner, but against the social structure and institutions that allows relations of this kind to exist. Here, we see the negative claim I am trying to expose. It is a claim not just against another person or persons in the social relation, but against the social institutions that allows the relation to exist on these terms.

Turning to (2), the manner in which individuals are able to interact with one another in pursuit of certain goals and endeavours matters morally because it determines the extent to which individuals are able to pursue healthy fraternal relations or garner a sense of genuine self-understanding. If we consider PROMOTION again, we saw that gratuitous competition in the workplace might be morally compromised because it hampers the ability of the two individuals to relate in valuable ways (Hussain, 2020, p.94).³⁵ Or alternatively, it might lead individuals to feel that their sense of worth is defined by their success in this zero-sum game, therefore attaching value to the failure of another. So, on these terms, we have a negative claim against social relations that impede our access to valuable relationships; or, that impedes our ability to truly understand our own endeavours as not conflicting with the endeavours of others. We have moral reasons to object to social relations defined in this way and therefore claims against them.

Finally, regarding (3) I said the existence of social structures defined by hierarchy is morally significant because inferiority can be damaging to an individual's sense of self-worth. It can also impact the individuals labelled as superior by impeding their moral capacity and judgement (Anderson, 1999; Fourie, 2012, p.119-121). Relations of inferiority can also be intrinsically

³⁵ You do not have to think this situation is all things considered wrong to see that there are aspects of PROMOTION that are morally contentious.

objectionable because they contravene our equal moral status in a direct way. So, the negative claim here is against social relations defined by hierarchies that are morally objectionable in these ways. We have moral reason to object to hierarchies of this kind, so negative claims against them and the institutions or persons that perpetuate them.

These negative claims against certain social relations are diverse in their target. This is because I have not limited my enquiry to one single approach to relational justice³⁶, but rather focused on the range of reasons we might have to object to social relations. What unifies each of the negative claims concerning (1)-(3) is that they all relate to the terms on which we interact and relate with others; what's more, social institutions all bear upon the sorts of relations at issue such that some sort of institutional remedy is said to be justified in response to the supposed injustice.

§2.4.2 *Beyond the distributive paradigm*

With these negative claims established, we are starting to see the critique of distributive justice come together and with it a case for viewing justice on relational terms. Recall that the argument is that something is missing from distributive approaches of justice, whether Rawlsian, luck egalitarian, or otherwise. What we have seen so far is that social relations matter morally; from this we have negative claims to object to certain social relations. The next step is to show that, at bottom, these objections concern the intrinsic importance of being treated and regarded in certain ways which distributive justice fails to account for. So, to complete the argument, I must show why distributive justice cannot account for these negative claims.

Again, let's run through the features of social relations which make them morally significant and a source of negative claims. First, considering the negative claims associated with (1), or the possession of relational goods, we see that some relations between persons matter independently of the allocation of resources associated with them. Let's stipulate, for instance, that one party to the transaction in HOUSE is much worse off than the other; the joint purchase on merely resourcist-terms makes that party much better off in terms of their overall access to goods. But we can also imagine that this transaction might create dependencies or might give one party a domineering form of authority of the other. A social relation characterised on these terms goes

³⁶ That said, the arguments I draw on are of a relational egalitarian flavour. This just reflects the prominence of relational egalitarianism within the broader family of views I am calling "relational justice". See Nath (2020) for a useful primer.

unaccounted for on the distributive approach to justice, which deems it only the responsibility of social institutions to bring about certain “just” allocations of resources or opportunities.

Moving to (2), on the distributive approach the manner in which people interact and pursue their ends is only a matter of justice if it contributes to the aspired end allocation of resources deemed justice-relevant. But we might consider a variant on PROMOTION in which the company structure is set up so as to prioritise efficiency in the workplace. We could hypothesise that zero-sum competition between employees contributes to this increased efficiency and greater worker output contributes to a greater share of resources being spread amongst all. In this context, pitting people against each other in the way described is justified on distributive terms. What’s more, intervention for the sake of reducing interpersonal competition might stand against the distributive aim. But, as we have seen, we have reason to think the structure of our social relations, and the way this shapes our interactions, matters for reasons independently of the end distribution (Hussain, 2020). This is unaccounted for on the distributive approach.

Finally, can distributive justice account for our negative claims against objectionable hierarchies (3)? Again, the argument might be that distributive justice is fundamentally concerned with hierarchy but only those that exist on resourcist terms. Many hierarchies we have reasons to object to are not of this kind but are nonetheless objectionable. The existence of patriarchy, stigma against LGBTQ+ individuals, or racism do not cut neatly along resourcist lines. Equalising economic opportunities or redressing inequalities might go some way to address these social hierarchies but not all the way. What’s more, the rationale for doing so does not seem to be connected to the moral significance of the end distribution of resources, at least not directly. Rather, it seems there is a prior reason concerning the need for individuals to be treated in ways that respects (for instance) their equal moral status.

The case of hierarchy and our intrinsic objection to it helps to emphasise what I take to be the central point to the relational critique of distributive justice. It is also illustrative of the case for viewing justice on relational terms. That is the idea that at bottom what matters are the structure of our social relations and how this bears on how we are treated or regarded by others. Now, whether this omission from distributive justice means we have to reject it out of hand, I am less sure. But what does seem to be the case is that distributive principles and values place demands on social institutions for the wrong sort of reasons, missing the importance of how we relate and treat one another.

§2.5 Further clarifications

I will end this chapter by further clarifying the critique offered: that a distributive approach to justice cannot account for the importance of social relations. Given this critique is targeted at a number of distributivist positions, it is worth looking at some of the avenues of response open to different versions of this view. This will also help to clarify the narrow account of relational justice I have looked to bolster via this critique.

§2.5.1 *Returning to Rawls*

First, let's return to Rawls who I said previously is committed to a distinctly liberal egalitarian approach to distributive justice, rather than an exclusively distributivist approach. As I said in the initial critique of Rawls, the argument being made by those committed to relational justice was that something was missing from his outline of the basic structure that left it unable to account for the structure of our social relations. We are now in a better position to review the two responses to this argument noted.

The first is to deny that Rawls would be concerned by this omission. If Rawls did not include principles and values to regulate our social relations as part of the basic structure, then our conclusion should be that he was not concerned with such principles and values in the first place. However, I doubt this line of response very much and we are now better placed to see why.

If the role of the basic structure is to secure background justice in society and, as we have seen, how we relate and interact is of fundamental importance to the way our lives go (see §2.4.2), then it seems any approach to justice concerned with ensuring that we treat and regard others equally in society should also be concerned with relational principles and values. The key move in this argument is to make the omission of relational principles and values untenable with Rawls' wider motivations for establishing the basic structure. And given Rawls' emphasis that society should be thought of a 'fair system of cooperation amongst free and equal persons' such that we can all pursue our own diverse conception of the good, relational goods and values (as this chapter has argued) seem inextricable from that aim (Rawls, 1985, p.236; 2001, p.5).³⁷

³⁷ For further applications of this aspect of Rawls see: Otsuka (2023, p.60) and Scheffler (2003, p.24).

This brings us to the second response. If Rawls mistakenly omitted institutions which might regulate our social relations from the basic structure— “mistakenly” here in the sense that the values and intuitions which justify his theory point to their inclusion—then the natural solution is to revise Rawls’ position. Those who make such an argument suggest, then, that the proper reading of Rawls is one which views him as a relational egalitarian (Scheffler, 2003; 2015). On this view, Rawlsian justice as fairness should be viewed as grounded in claims to be ‘treated as equals rather than to equal treatment’ and that this points to the inclusion of relational principles and values within his approach (Dworkin, 2013 [1997], p.273; Otsuka, 2023, p.62). The point is to ‘best Rawls at his own game’ (Munoz-Dardé, 2014, p.475).³⁸ To show that he in fact endorses the core element of relational egalitarianism: the idea that how we are able to treat and interact with others matters at some more fundamental level than the fact that we are treated equally in a distributive sense. Relational egalitarianism, so the argument goes, is a more coherent Rawlsian doctrine than Rawls himself offered.

Now, as I have said, I will eventually defend the idea that Rawls’ approach (as he himself presented it) can accommodate what is compelling about the relational approach to justice via his idea of society as a system of fair cooperation. I also argue that this does not make Rawls committed to a full-blown relational egalitarianism—a version of the approach that takes justice to be relational *tout court*—as this argument suggests. But, the important point for now is that we see that the case for viewing justice on relational terms pushes us to acknowledge the importance of relational goods and values in Rawls approach to justice. That much he cannot escape.

§2.5.2 *Relational principles to temper distributive concerns*

Next, I have presented the relational critique in such a way that makes it seem as if those who argue for distributive approaches to justice have no sense that social relations are morally significant or, perhaps, only consider the value of distributions of resources. This is an uncharitable characterisation.

Of the reasons provided for why we have negative claims in the face of certain social relations, some centred on their impact for individual welfare—for instance, one’s ability to attain certain

³⁸ However, Munoz-Dardé (2014, p.475) makes this point in the context of one luck egalitarian interpretations of Rawls.

goods or one's exposure to the psychological harm of inferiority. Other reasons concerned an individual's access to intrinsically valuable social relations—for instance, those based on equal regard. For at least the former set of reasons, the instrumental value of social relations, it might be argued that the distributive approach can account for the value of social relations. The argument would be that just as economic opportunities and goods matter to individuals, and have great bearing on how their lives go, so too do social relations and relational resources. Therefore, those concerned with distributive justice ought to care about the instrumental moral significance of social relations.

One way of arguing this would be to say that relational goods, such as trust, are an appropriate target for distribution in society. Those who make this sort of argument purport to take seriously the moral value of social relations, but contend that principles of distributive justice provide the right framework to reckon with these values (Cordelli, 2015, p.103). Another strategy would just be to concede that relational principles should temper or moderate concern with distributive justice because of the independent value of community (Cohen, 2009). The thought is that, given their moral significance, the value of social relations should be weighted alongside independent principles of justice. It is important to state that on this argument, values and principles that concern the structure of our social relations are not matters of justice, but other considerations that we might weigh alongside them.

So, some versions of distributive justice can account for the value of social relations. But this occurs on different terms than the relational approach which I have argued for in this chapter. Distributive approaches to justice are concerned, ultimately, with the value of distributions of resources and welfare as a matter of justice; we can add formal liberties to that list on liberal-egalitarian approaches. Including relational resources and goods as a target for distribution or, otherwise, seeing them as tempering factors that might moderate distributive values is not to see them as a matter of justice. This is not a problem by itself. But if part of the rationale of the relational approach is that some social relations are intrinsically valuable then it does seem that such things should not be balanced across different persons via some ideal or just distributive pattern or, as it may be, temper or moderate other distributive principles. To do so would miss that, by virtue of the intrinsic value (or disvalue) of some social relations, each individual has a negative complaint in the face of morally objectionable relations regardless of the complaints of others.

The argument is that social relations are a distinct object of normative concern that cannot be viewed on distributive terms or otherwise weighed against other values. Again, the moral significance of social relations is not determined by some ideal pattern in which everyone has access to their fair share (the interpersonally best distribution), but rather social relations can be intrinsically valuable (or objectionable) depending on facts about them. The negative claims social relations give rise to are premised on the intrinsic value of certain social relations to each individual; they are a source of both concern and value independent of their effects on some societal level distribution of relational resources (Dagan and Dorfman, 2018, p.173). Therefore the value of social relations is irreducible to distributive principles or values and, given what was said at the beginning of this subsection, we have reason to think they concern justice in a manner that distributive patterns do not.

So, although many forms of distributive justice can account for the value of social relations, they do so on different terms to the relational approach I am concerned with, and they are not committed to the claim that social relations matter for reasons of justice. And if you are convinced by the idea that some social relations are of intrinsic value then there are good reasons to think engendering such relations is fundamental to justice. Any approach which looks to balance or weigh up the value of such relations alongside other considerations does not go far enough to account for that.³⁹

§2.4.3 Relational justice as a negative view

Finally, I am discussing relational justice as a family of views unified by the idea that justice is fundamentally concerns the structure of our social relations. And I have posited that these approaches are marked by the thought that we have negative claims against certain social relations which matter, for reasons of justice, in ways that distributive goods and values do not. Yet by speaking in broad terms and providing a whole swathe of reasons to think social relations are intrinsically morally significant and entail negative claims, we do not yet have a clear sense that those committed to this position argue in the way that I have said. I will end this chapter by filling

³⁹ These points draw inspiration from Elizabeth Anderson's (2008, p.152) comments about state-mandated racial segregation in the United States which, she says, would have been wrong even absent the serious psychological harm to black people. What is wrong is to brand a certain population as 'inferior'; the impact on individual welfare only compounds the issue with this inherently objectionable hierarchy. And formal freedoms or a fair distribution of certain economic goods (even relational goods) only go so far in expressing this given it is the relations themselves that matter.

in this gap. I do so by briefly running through two approaches to relational justice and demonstrating the negative claims they are based upon.

Firstly, the relational egalitarianism of Elizabeth Anderson (1999) follows the structure I have posited. Anderson's view is positioned against distributive justice, specifically luck egalitarianism, which she argues is fundamentally misguided in its target—not only does it stamp people as “inferior” by virtue of its compensatory approach to brute luck inequalities, but it is based on intrusive assumptions regarding our uses of our freedom to pursue our own ends (Anderson, 1999, p.289). Instead, social institutions must be established to end oppression. The negative claim that inspires Anderson's approach is as follows: we have objections against social relations characterised by domination (Anderson, 1999, p.312). Domination consists of the capacity of others to arbitrarily interfere with our choices and the way we pursue our ends. Social relations and specifically equitable social relations—those characterised by their lack of domination—matter because of our objection to this circumstance.

Now, Anderson's view also comes with a positive proposal for how social institutions should be structured. This is a demand for democratic equality which requires all individuals to have equal opportunity to participate in socially important decision making (Anderson, 2007). This idea is still, at bottom, based on the negative claim against domination in our social relations. Democratic equality matters, at its core, because of the moral significance of that claim.

Let's look at another conception of relational justice, this time from Niko Kolodny (2023). Kolodny's argument, like Anderson's, is dense and difficult to summarise. But it does—and explicitly so—surround a negative claim: a claim against inferiority in our social relations.⁴⁰ For Kolodny, claims against inferiority are objections all persons have to being placed ‘beneath’ another in certain social hierarchies (Kolodny, 2023, p.87). Objectionable social hierarchies—those which are the source of such claims—are those which are characterised by disparities in authority, power, and regard; they are those hierarchies which are not tempered by factors which might preserve social equality between persons. These hierarchies are objectionable in some basic sense; Kolodny's argument is non-instrumental case against social hierarchy which sets up his view.

⁴⁰ For those familiar with Kolodny's argument, this may appear to be an odd characterisation given claims against inferiority constitute his ‘positive conjecture’ (2023, p.3). However, this is a clash in our terminology. By negative, I simply mean that this idea is an objection to some morally objectionable relation, as oppose to something positive which is owed or to which we are entitled. Kolodny uses “positive conjecture” to simply refer to his proposal that many of questions in social and political life (‘the received materials’) are ultimately explained not by (negative) claims to improvement or (negative) claims against invasion but (negative) claims against inferiority.

Now like Anderson, Kolodny's proposal comes with a positive proposal for how social institutions should be structured to achieve justice on the terms he proposes—these are 'primary and secondary tempering factors' which aim at equalising horizontal relations and checking vertical relations (Kolodny, 2023, p.98). But, and as Kolodny explicitly says, such a proposal is at bottom based on claims against inferiority or the moral significance of social relations characterised by objectionable hierarchies (Kolodny, 2023, p.259-288). So, we see that once again this account of relational justice is, at bottom, based on a negative claim against a morally objectionable social relation.

§2.6 Chapter summary

In this chapter I have sought to make the case for viewing justice on relational terms compelling. By retracing my own version of the relational critique of distributive justice, we have seen that relational justice presents an appealing view to consider justice exclusively on relational terms. How else can we account for the fact that social relations seem to matter at a more fundamental level than allocations of resources? In making this case I have also argued that at bottom relational approaches to justice are united by negative claims against objectionable social relations. It is this thought that I take into the next chapter. There I will assess whether we can move from these negative claims against certain social relations to a positive and unified account of justice. We will see that significant hurdles stand in the way of the view that sees justice as relational *tout court* in the way outlined.

Chapter 3: But is justice relational *tout court*?

§3.1 Aims

In the previous chapter I set out the case for viewing justice as relational *tout court*. I did this by presenting the relational critique of distributive justice, an argument which highlights that the way individuals interact and treat one another matters in ways not accounted for by distributive approaches to justice. In this chapter I want to spend some time criticising the account I just defended. My argument is that there are significant hurdles between the idea that we have negative claims against certain objectionable social relations and the notion that the structure of our social relations is fundamentally what justice is about.

My reason for pursuing this argumentative method—one which builds up an account of relational justice only to attempt to undermine it—is as follows. Over the next few chapters my aim is to argue that we can take the most compelling aspects of the relational approach to justice without either rejecting distributive principles and values, or conceding to the shortfalls of this approach when construed narrowly. My argument will be that both relational and distributive approaches can be anchored to a broader view which takes the way we relate and interact with one another to be fundamental to a just society. This argument, as I will show, is Rawlsian and takes the key takeaways from the relational approach forwards. But to reach it, I have to make clear my concerns with relational justice as currently presented.

With this framing in mind, I now turn to the problems I believe confront the relational view defended in Chapter Two. The problems I raise are (again) Rawlsian. The first questions whether relational principles and values fall into the domain of justice. I draw on two different arguments for a division of labour between principles of justice and other moral principles to make this point. Next, I highlight some ambiguities in the idea that certain relations, for instance those of inferiority or domination, are intrinsically objectionable and therefore unjust. As we saw in the previous chapter, this was key for getting relational justice off the ground. I end by reflecting, once again, on the place of Rawls' account of justice given these learnings about the limitations of relational justice. I do so by suggesting a rejoinder on behalf of those committed to the view that justice is relational *tout court* against the Rawlsian arguments made.

§3.2 The division of labour

The first set of problems I raise with relational justice concerns our understanding of the negative claims it hinges on. The argument that the relational approach to justice is built on negative claims against objectionable social relations was made in Chapter Two. We saw that (amongst other things) social relations can problematically discourage cooperation between persons, create enmity and resentment in how we regard others, or lead some to act in ways that damage their moral worth in virtue of being treated as “inferior”. And in these circumstances individuals have moral claims against the existence of these relations.

While the structure of our social relations can be morally significant, an initial point of concern might be that how we relate to others is not typically thought to be something that the state owes to us.⁴¹ Many of the features of social relations that yield negative claims concern horizontal wrongdoings in which the way one person treats or is treated by another is at issue. They involve one individual’s moral claim against another. Therefore, we might wonder whether justice is really at issue. On the loose definition provided, justice concerns what we owe to one another but at the level which sets the terms on which our shared enterprises and collective institutions should be structured. And while you might say we as individuals have duties not to violate the negative claims of other individuals, to speak of an injustice in this context could be a mischaracterisation of the interpersonal wrong in question. Of course, moral claims bear on questions of justice. But though we might have claims against certain social relations, this does not then imply a social institution or public body is duty-bound to provide remediation.

So, we might better describe these negative claims as falling within the domain of interpersonal morality—again, a domain characterised by moral claims that hold between individuals. This domain is well placed to account for the negative claims established in the previous chapter but does not indicate any positive duty on the part of the state’s institutions to remedy or attend to morally objectionable social relations. On these terms, certain social relations are morally objectionable, hence they result in negative claims, but they are not unjust (Miller, 1997; Nath, 2020, p.7).

Now this argument needs some backing which I provide in the form of two problems. The

⁴¹ For a concern along these lines see: Nath (2020, p.7). As I will eventually show, the Rawlsian take is that the state does owe us favourable circumstances in which valuable relationships can be formed. But it is not yet clear whether establishing just background conditions is sufficient to meet the demands of relational justice.

first relates to who shoulders the burden of securing justice within our social relations—the institutional division of labour. The second is a continuation of the point about the apparent difference between interpersonal moral wrongs and something we might consider unjust—the division of moral labour. The point I am trying to establish is that merely demonstrating we have negative claims against certain social relations does not imply that justice is relational *tout court*.

§3.2.1 *The institutional division of labour*

As we have just seen, the starting intuition behind the challenges at issue is that unlike other possible requirements of justice, say formal freedoms or allocations of goods, structuring social relations on certain terms does not seem like the sort of thing the state owes us or even could conceivably owe to us. A version of this concern is common in liberal-egalitarian thought, most prominently from Rawls (1993, p.268-9).⁴² The idea is that we have substantive reasons to distinguish between the demands of justice and the demands placed on individuals from interpersonal morality, special obligations or our commitments to others.⁴³

On this argument, the considerations of justice that bear on social institutions express a requirement to promote equality and liberty in society writ large, whereas the conduct of private individuals should be restricted only by: (a) duties to comply with society's institutions; and (b) duties to respect the negative claims and formal liberties of others. Rawls referred to this as the institutional division of labour (Rawls, 2001, p.57). An expression of this argument can be seen in the following passage:

Society, the citizens as a collective body, accepts the responsibility for maintaining the equal basic liberties and fair equality of opportunity, and for providing a fair share of the other primary goods for everyone within this framework, while citizens (as individuals) and associations accept the responsibility for their ends and aspirations in view of the all-purpose means they can expect, given their present and foreseeable situation (Rawls, 1997, p.371).⁴⁴

This institutional division of labour would indicate that private individuals, their conduct and interactions, are best governed by an equality of formal freedom that allows individuals to pursue their independent ends and diverse conceptions of the good. Social institutions, on the other hand,

⁴² Also see: Dworkin (1989, p.299).

⁴³ For a view to the contrary see: Murphy (1998)

⁴⁴ See also: Rawls (1993, p. 268–269) and Dagan and Dorfman (2018, p.180) for a useful discussion.

should be directed specifically at securing justice in society. So, the argument from Rawls and others is that private individuals should be absolved from a responsibility to realise principles of justice in their interpersonal interactions or horizontal relations. The burden of securing justice falls instead to the state or those institutions that fall within the basic structure. The point of this argument is to provide substantive reasons for dividing the principles that apply to institutions and the principles that apply to individuals (Freeman, 2013, p.242). Let us look closer at some of these reasons.

One distinctly Rawlsian reason might be the importance of individuals being able to pursue their own conception of the good. The thought is that private individuals must be free to be guided by their own moral, philosophical and religious doctrines in their interpersonal interactions, so consistent with those of others (Dagan and Dorfman, 2018, p.182; Scheffler, 2010, Chp 4). This is because each individual's conception of the good is valuable to them specifically and the freedom to pursue it is of intrinsic moral worth.⁴⁵ This provides a justification for formal freedom and equal basic liberties to regulate the domain of interpersonal morality and our horizontal relations, such that each is duty-bound to ensure that no other individual's negative rights are infringed. And questions of justice, which concern the structure of society as a whole, fall to the institutions of the basic structure. The point of this division is to settle any clash between doing justice and doing good by placing burdens for the former on social institutions, leaving private individuals, regulated by equal formal freedom, to pursue the latter (Dagan and Dorfman, 2018, p.181).

The argument is for a particular construal of justice that militates against individuals being subject to its requirements in a direct way: individuals are better off free to pursue their endeavours constrained by the background justice which the institutions of the basic structure have secured. So, the suggestion is that only the state or our social institutions, and not private individuals, are responsible for realising the demands of justice within social relations. Therefore, it rules out intervention into intimate or interpersonal relations or any attempt to regulate private personal conduct concerning how we treat and regard others.

I should note that my argument eventually suggests that an objection like this is only cause for a rethink of the upshot of the relational approach to justice. However, raising this concern here reveals a potential barrier to viewing justice as relational *tout court*. If relational justice requires

⁴⁵ One should take note that this justification aligns with what I was said about the moral significance of social relations—our ability to determine our own ends is morally significant.

individuals to structure their own relations in accordance with certain principles or values then this clashes with the reasons we have for an institutional division of labour. For instance, if you think, as relational egalitarians do, that justice requires structuring our social relations on equal terms then a quick look at HOUSE, PROMOTION, REGION or SHOP surely indicates some level of private individual involvement is necessary to make that so. Involvement that goes beyond adherence to social institutions and the rules set thereof. Of course, social institutions will still be involved in setting the terms of our relations writ large. But individuals also seem to bear some responsibility for further discharging the demands of relational justice. And that idea goes against this division of labour argument.

Now, this Rawlsian argument is not the only way to justify an institutional division of labour. Another is a neo-Kantian view that prioritises the formal independence of each individual to use their means to set and pursue ends as an exclusive regulative ideal (Ripstein, 2003; 2016). On this argument, the independence of private individuals can only be violated with consent, or otherwise when the activities of private individuals are done with public authority—i.e. an individual acting with an official mandate (Ripstein 2016, p.288-295; Dagan and Dorfman, 2018, p.183). In all other circumstances, private and morally independent individuals should be free to pursue their ends so consistent with the independence of others. This rationale presents a challenge to the idea that social relations fall within the domain of justice: either redraw the lines of what constitutes a “public” act to include putatively private interactions, or accept that social relations must be cordoned off from questions of justice by independence as an overarching regulative ideal. If we accept the latter, as the neo-Kantian thinks we should, then we must accept that the state ought not to be in the business of securing justice within social relations because such relations are regulated instead by private morality.⁴⁶

The arguments here provide reasons to think individuals should be not subject to the demands of justice or should only be subject to them indirectly via their obligations to adhere to the duties the state imposes. The idea that justice is relational *tout court* at least plausibly stands in tension with that view if we accept that it requires individuals to discharge some of what justice demands. One way around this argument would be to say that the state can adequately fulfil the demands of

⁴⁶ Some neo-Kantians might wish to say that this is an argument for the division of moral labour, not an argument for an institutional division of labour. The argument would be that this rationale speaks to how we characterise the requirements of justice versus the requirements of private morality. It is not, as I am presenting it, an argument that shows we have substantive reasons to separate the demands individuals are subject to from the requirements of justice. Given the neo-Kantian rationale for a division of labour stands regardless, I will not concern myself with this issue.

relational justice without requiring individuals to structure their relations or interactions on certain terms. To use a Rawlsian version of this response, perhaps securing background justice via the basic structure is sufficient to secure justice within our social relations. Whether such a response succeeds, remains to be seen.

§3.2.2 *The division of moral labour*

If the first challenge questioned whether we *should* view moral claims raised by social relations within the domain of justice, this second challenge questions whether we *can* view them this way. As noted, referring to something as not just morally wrong but also unjust is to suggest that some institution bears responsibility for mitigating the wrong or establishing a different outcome. This is not to say individual conduct is not regulated by moral values and principles. But it is just that it might be down to the state or other collective institutions to discharge the demands of justice, and not individuals, because of the distinctiveness of these demands. Unlike the argument for an institutional division of labour, which suggested we have substantive reasons for separating the demands of justice as they apply to institutions and the moral demands placed on individuals, the division of moral labour suggests that we will run into difficulties when characterising the moral demands and requirements individuals are subject to as requirements of justice.

I must emphasise that this argument is not without its critics. Many have expressed scepticism with the idea that the fundamental principles of justice that place demands on institutions will differ from the fundamental moral principles that place demands on individuals (Cohen, 2008; Murphy, 1998; Estlund, 1998). For example, if you think a form of utilitarianism should be used to design social institutions to ‘maximise aggregate weighted well-being over time’, you might also think the same utilitarian principle must set the moral demands individuals are subject to such that they promote the same end (Murphy, 1998, p.263).

But leaving this response aside for now, a division of moral labour stands in tension with the account of relational justice I have defended so far. This is because on the relational approach to justice, narrowly construed, individuals are subject to demands to structure their social relations on certain terms. The structure of our social relations will, in many cases, constitute private interactions and attitudes between persons, as well as the way private individuals treat and regard one another. If the relational approach to justice places demands on these relations it places

demands on individuals. But if we cannot characterise demands placed on individuals as requirements of justice then we have a problem.

In order to show the force of the division of moral labour argument we need to understand why we might run into difficulty when looking to characterise the moral demands individuals are subject to as demands of justice. Or at least why there is an ambiguity between these two domains. To see this, let's return to SHOP. A case that can be altered so as to tug on our intuitions about the difference between something being wrong and something being unjust. As a reminder, this was a case in which a man named Jesse decides not to shop at his local convenience store because he regards its owners, who belonged to a particular ethnic minority, as "inferior" (Mason, 2015, p.4-6). Instead, he chooses to walk to a further and more expensive shop down the road. The shop owners have a moral objection against treatment of this kind; to use the language of Chapter Two, they have a negative claim against the relation of inferiority that Jesse's attitudes and behaviour engender.

Where problems arise is when we alter the case; the prevalence of Jesse's attitude of inferiority, at least on its face, seems to change how we should consider it. In the first instance, Jesse's racist attitude and the actions that go with it are reasonably commonplace in society. While not publicly acceptable, many people regard this group as "inferior" and act in the same way that Jesse does. In such a case, it seems inevitable that the shop owners will be materially worse off as a result, or at least will be subject to significant harm by this widespread racism in society. Call this "prevalent Jesse". In the second, consider that Jesse is isolated in his belief. He might not be the only person who regards this group as "inferior", but it is at least not a commonly shared view and it is socially sanctioned in a significant way. Call this "isolated Jesse".

The point of the two variants of SHOP is to pull on our intuitions regarding which actions and attitudes we regard as immoral and which we regard as unjust—which are down to social institutions to remedy, and which are simply the attitudes of individuals regulated by interpersonal morality? While isolated Jesse should strike us as morally unacceptable and his attitude and behaviour as morally wrong, is it right to characterise it as unjust? And if we are more comfortable putting that label on prevalent Jesse, what changes?

Now, for those concerned with justice on relational terms there is no debate here. Both cases constitute an injustice—our objection to both is identical which is that Jesse's treatment constitutes

the instigation or perpetuation of an intrinsically objectionable social relation. Prevalent Jesse is precisely the sort of case that someone concerned with justice on relational terms would object to. The social relation is one of unequal regard; the attitude of inferiority held by Jesse is at odds with, *inter alia*, the equal moral status of all. Or, to use another rationale, holding others as “inferior” and acting accordingly is to treat others in ways that are inherently objectionable.

But the fact that Jesse’s attitude is prevalent in society only compounds our reason to object to it—the social branding of inferiority will damage the self-worth of those who belong to this group in problematic ways. The same is true for the material harms suffered by the shop owners. These compounding factors are not what determines the injustice. So, those concerned with justice on relational terms would have precisely the same objection in the case of isolated Jesse. This is because what is unjust is something intrinsic to the attitude and treatment that Jesse exhibits. The effects of that treatment or the fact that it contributes to some more pervasive social attitude are relevant only insofar as they compound our objection. Crucially, what is unjust is Jesse’s failure to treat the shop owners as his moral equals or with the regard required to be consistent with relational justice. The same negative claims against treatment of this kind explains both.

On the one hand, this solution might clash with our intuitions about what constitutes an injustice.⁴⁷ On the other, it does seem to be an appealing feature of relational justice that it provides a single and clear target when looking to identify something as unjust rather than merely morally objectionable. So, this answer provides a possible way around the division of moral labour for those who view justice as relation *tout court*. However, it is worth looking at a further way to press the division of moral labour to see how it forces those committed to a relational approach to justice to respond. This will also illustrate the costs of defining justice in this way.

Even if we accept that principles of justice should regulate private conduct, interactions and relations, it will still fall to society’s collective institutions to exercise some kind of coercive force or, at least, play a remedial role to enforce this. This is true at least if we follow an interpretation of justice which has it that the state or social institutions should enforce what justice demands. Let’s suppose that the state discharges this demand by placing the population under legal duties to refrain from discrimination in their choices about associations. Freedom of association is curtailed by this duty. The aim of this policy is to prevent racist social relations like those in the Jesse case. The first problem is that the legally mandated action could be seen to make what are duties to

⁴⁷ This is at least the intuition Mason (2015) is trying to evoke with this case.

avoid horizontal wrongs merely accessory to the collective intervention aimed at establishing justice. To this extent it fails to get to the heart of what is objectionable.

If the argument is that the injustice to be reckoned with is something the state must enforce, then Jesse's duty to refrain from discrimination in his choices about association are conditional on this state mandate. But that seems to get things the wrong way around. Jesse's duty not to discriminate should not be derivative or an accessory to his duty to adhere to the state's rules.

Now, there is a response to this claim available to those who view justice on relational terms. The response would be that the duty is not derivative from the mandate the collective institution imposes, but instead it is Jesse's duty not to engender morally objectionable relations of inferiority in this manner. All individuals have claims not to be subject to such objectionable relations so, for reasons of justice, Jesse has duties to establish social relations that are equitable or reflective of the equal moral value we all possess.

And yet, it seems Jesse's duty should not even be derivative from this broader requirement to establish just social relations in society; the demand that the relational approach would enforce. Rather, the duty should be one he bears precisely because the wrong in question is horizontal, interpersonal, or directed to a specific persons or group of people.⁴⁸ To use the language of justice here seems to come apart from the specific negative claims those who Jesse discriminates against have against him. This is because it suggests that Jesse's duty is not derivative from their claim—that the reason he shouldn't act in a discriminatory way is because of the wrongful social relation it engenders and not that it wrongs the shop owners specifically. The point is that Jesse's duty should not be to society but to them. It therefore shouldn't be characterised as a requirement of justice.

So, while a merit of viewing justice as relational *tout court* is that it is easy to characterise moral wrongs as unjust, this may create problems when we look to connect the specific claims individuals have not to be subject to moral wrongs at the hands of others, and our duties not to engage in these morally objectionable relations. And this speaks in favour of the division of moral labour because it suggests that we must separate the requirements of interpersonal morality and the requirements of justice. Or we must if we want to preserve a language that can adequately

⁴⁸ I am evoking something like Michael Thompson's notion of bipolar or directed duties (2003 p.334-8). Also see: Darwall's second-person account of normativity (2009).

distinguish between Jesse's morally reprehensible actions and injustices that society shoulders a collective burden to remedy.

§3.3 A relational rejoinder against Rawls

Before moving on from the division of labour, I want to offer a further response on behalf of those who view justice as relational *tout court*. This rejoinder will show what doubling down looks like from the relational perspective. Each of the arguments presented here could be overcome by being more ardent on the importance relational principles and values and therefore dismissing the concerns raised. Let me demonstrate this in the context of the argument for the Rawlsian division of labour.

As we have seen, the purpose of the division of labour is to separate the responsibilities of institutions and the responsibilities of individuals, ensuring that the latter can pursue their ends 'secure in the knowledge that elsewhere in the social system the necessary corrections to preserve background justice are being made' (Rawls, 1993, p.269). But what if we reject that contention? The arguments from Chapter Two at least appear to indicate that background justice cannot be secured without greater attention to the structure of our social relations. To reiterate the point there, if you think questions of justice arise from some of our more intimate interactions—the way we regard others, our ability to pursue ends in coordination with others, our possession of relational goods like trust and care—then you might have doubts that background justice ever will be secured without the inclusion of relational principles and values. This thought might lead some committed to justice on relational terms to reject the division of labour argument offered by Rawls.

This is precisely the strategy of Dagan and Dorfman, who reject the Rawlsian framework in favour of a position that accepts that individuals are responsible for discharging many of the demands of justice (Dagan and Dorfman, 2018, p.185-201). They reject the idea that it is or should be the unilateral responsibility of collective institutions to secure background justice and also that background justice alone will suffice. They instead point to the need for justice within our more intimate social relations. This argument is based on a concern that purely procedural justice is insufficient to deal with, say, racist attitudes by individuals like Jesse. As a matter of justice, they would argue, Jesse must be duty-bound to regard the owners of his local shop as equals. And it is to the detriment of any approach to justice if it cannot account for that.

Now, unlike the relational rejoinder from Chapter 2 (see: §2.5.1) this argument does not indicate that the best interpretation of Rawls is one that subsumes his position into the relational project. Instead, the argument is that relational justice is a rival to Rawlsian justice as fairness. The latter, so the argument goes, will not lead to a society characterised by equal concern and respect for all, so it must be rejected in favour of an approach to justice that can. Though in next chapters I will reject this argument, it is important to see how approaches to relational justice clash with Rawlsian justice as fairness in different ways. This is central to my response.

§3.4 Stock take

It is worth briefly pausing to take stock of how these arguments fit into my broader enquiry. I am raising objections to the account of relational justice defended thus far in my enquiry: a narrow view which sees justice as fundamentally about the structure of our social relations. These objections will be used to motivate a third way beyond the relational account currently under evaluations. The specific problems I have outlined suggest a difficulty with understanding the actions and behaviour of individuals as regulated by such a view. Though we might have grounds to object to certain social relations, it is unclear whether our claims against these relations result from interpersonal moral wrongs or whether we might properly characterise them as matters of justice.

I should note that by presenting objections to this aspect of aspect of relational justice, it has already been conceded that we can plausibly connect negative claims against certain “intrinsically” objectionable relations to justice. In the next section, I want to take a step back and put direct pressure on the notion of intrinsically objectionable social relations and how they provide the foundation for relational approaches to justice.

§3.5 What is intrinsically objectionable about relations of inferiority, domination, etc.?

To start, let me begin by rehearsing the move between intrinsically objectionable social relations and injustice. As we saw when critiquing distributive approaches to justice, the problem with accounts that do not focus on how individuals are treated, but rather on what they are entitled to receive, is the failure to recognise or account for the intrinsic value (disvalue) of certain forms of treatment. If you agree that relations characterised by domination or inferiority constitute an

intrinsically objectionable form of treatment then you would want an approach to justice to account for that. The contention was that such relations are the primary focus of justice; distributive considerations are downstream from these types of treatment. So, the fact these social relations are intrinsically objectionable makes them good candidates to centre an approach to justice around.

The objection I will raise in this sub-section asks how we should understand what is intrinsically objectionable about these relations. This idea is, at present, under motivated. To illustrate, I will need to specify which social relations are regarded as intrinsically unjust. Throughout my enquiry, I have referred to relational justice as a family of views connected by the claim that justice fundamentally concerns the structure of our social relations. I have therefore drawn on many different rationales that have been given to support this idea. Here I draw on the two specific examples of relational justice outlined earlier: Elizabeth Anderson's (1999) claims against domination and Niko Kolodny's (2023) claims against inferiority. The question I am asking is how we should understand what is intrinsically objectionable about these relations and why that objection indicates our concern is one of justice and not one of interpersonal morality.

Let's start by distinguishing between an instrumental view of a given social relation and a non-instrumental view. On the former, social relations are objectionable or valuable on account of their consequences or the relevant gains and losses we receive by virtue of them. Social relations might lead to social stigma, damage individual self-worth or constrain individuals. On the latter non-instrumental view, these consequences might play out and compound our reasons to value or object to certain social relations. But our objection to them is more fundamental—they are wrong regardless of their consequences and as a result of something intrinsic to them. But what is that?

For Anderson, our objection is to social relations of domination. Claims against social relations of this kind are fundamental to relational justice on the terms she provides. Our objection to domineering social relations is an intrinsic one that goes against something of fundamental moral value. However, there remains an open question as to how we explain this. Kolodny's claims against inferiority face a similar question. Claims against inferiority are the negative claims that sit at the heart of his objection to social hierarchy, and guides the structure of our social relations so as to achieve justice. But what explains their fundamental moral importance? Kolodny outlines the components of a relation of inferiority—he points to 'asymmetries of power', 'asymmetries of

authority’ and ‘disparities of regard’ (Kolodny, 2023, p.5; p.91-95)—but he says very little about their fundamental moral significance.

One possible explanation that both Anderson and Kolodny gesture towards, and one I have mentioned in my enquiry thus far, is a connection between the equal moral value of all persons and the treatment required to respect that value.⁴⁹ Social relations characterised by domination or inferiority clash with the equal value of all persons in some fundamental way, hence why they are unjust. But to pursue this line of response surely indicates that justice is about the fundamental moral equality of all individuals and not about the structure of our social relations. Any negative claims we have would be derivative to that equal moral equality and not to what is a fundamental objection to certain social relations.

This tension could be overcome, but only by making clearer the constitutive connection between the equal status of persons and the sorts of relations that undermine that connection. What’s more, the fundamental moral significance of certain social relations is also supposed to explain those social relations we have claims to—why certain positive fraternal relations are important and should be positively enhanced. Such a claim is highly intricate and, at the very least, Kolodny and Anderson do not provide a sustained defence of it.

A different line of response to this query would simply be to say that the objectionableness of social relations characterised by inferiority or domination is basic. Justification must bottom out somewhere so why not here? Perhaps these relations are just objectionable in and of themselves (Sharp, 2023, p.133).

This response is unsatisfying. The sort of claim being made by those concerned with relational justice is a strong one: concern for the structure of social relations is the primary consideration of justice. This contention entails a higher argumentative burden than other approaches to justice, or even the distributive approach seen previously. It demands a compelling reason for why other rationales for justice—distributive egalitarianism, say—are flawed or otherwise go wrong. The best way to reckon with this high argumentative bar is to show why claims against certain social relations constitute injustices in some fundamental way. Of course, this is what the arguments for the intrinsic objectionableness of relations of domination, marginalisation or inferiority purport to

⁴⁹ Anderson refers to the non-consequentialist ideal of equality: ‘racial segregation of schools is wrong on account of being *inherently* unequal’ (1999, p.288). Kolodny argues that without relations of inferiority we cannot explain many basic convictions against state power. But he also concedes that such a justification is not conclusive (2023, p.8).

do; the argument is that other objectionable features of our social relations also trace back to these core injustices (Schemmel, 2015, p.156). However, making such a case on the basis of our justificatory powers bottoming out at the objectionableness of these relations seems a stretch.

§3.6 Chapter summary

In the next chapter I will provide a brief lay of the land of what my enquiry thus far has established and the different options we have to proceed. Let me end this, however, by briefly summarising what I have just argued. I have already made the case that social relations are morally significant such that they ground negative claims; such claims laid the foundation for the narrow account of relational justice defended in Chapter Two. The problems raised here highlight that even if we accept these negative claims—objections to morally objectionable social relations—and even if you agree with the argument that distributive justice fails to account for them, it's not clear that what emerges is an argument that justice should be viewed on relational terms *tout court*.

Chapter 4: The emerging impasse

§4.1 Aims

This chapter will act as a bridge between my discussion of relational justice, its merits and its problems, and my positive defence of the Rawlsian notion of justice as a fair system of cooperation as a way forward. My aims are as follows. First, to lay out more clearly where the arguments of the previous chapters have taken us. Second, to return to the Rawlsian arguments drawn on so far to make plain the two different relational critiques of this view. Understanding these two critiques will be used to set up the following final chapter. There I present a positive defence of Rawls' conception of justice—a position I interpret as organised around the idea of society as a fair system of cooperation (Rawls, 1985, p.263; 2001, p.5)—as a way to take forward the most compelling features of relational justice without the costs.

§4.2 An impasse

Let me begin by reiterating the takeaways from each part of my argument so far in order to highlight the debate that is at the heart of my enquiry. The end of Chapter One and Chapter Two were intended to make relational justice, narrowly construed, compelling. We saw that there are morally significant aspects of our social relations that are of seemingly fundamental importance to how we live, relate, and interact with one another. Viewing justice on relational terms has the merit of being able to account for the fact that how we treat one another is morally significant. Distributive approaches to justice, we saw, did not account for that fact and seemed to miss the target by emphasising the significance of certain allocations of resources over how individuals live together.

But for all these merits, Chapter Three showed that considerable problems arise when looking to specify how the structure of our social relations might be a matter of justice specifically. Relational justice, I argued, is based on a series of negative claims against certain objectionable social relations—those characterised by domination, inferiority or subjugation etc. However, given relational justice concerns (amongst other things) intimate relations between individuals, it is not clear that it is up to the state or our collective institutions to reckon with these claims. This thought was based on the Rawlsian argument for a division of labour. What's more, it is not clear what grounds the intrinsic value of certain social relations or how we might justify that idea. Accounts

given for why we have claims against inferiority or domination were shown to be scarce in their justification for why such claims matter in this way.

So, we have reached an impasse. One might characterise it more neatly with the question of whether the way we treat and relate to others is a matter of justice or another sort of concern. Or, whether we should put relational principles and values at the heart of an approach to justice or not. To breach this impasse, I will return to Rawls. My argument is that Rawls' argument for a society structured as a fair system of cooperation allows us to take the most compelling aspects of the relational approach to justice forward. Specifically, the idea that how we treat and relate to others in society is of fundamental importance to justice. However, as I will show, Rawlsian justice is not also vulnerable to the numerous problems we have seen with viewing justice as relational *tout court*.

§4.3 Rawls: relational or not?

Before getting to this positive defence, some further setup is required. Specifically, I want to return to the different Rawlsian arguments that have appeared in my discussion so far. This will help us focus in on the connection between Rawlsian justice as fairness and relational approaches to justice.⁵⁰

The first connection between Rawls' approach and relational justice came in Chapter Two in the form of a relational critique of Rawlsian distributivism. The critique, however, was not a full-blown rejection of Rawls. Instead the argument had it that a proper understanding of the principles and values Rawls defends commits him to a form of relational egalitarianism. The argument made the following two steps:

- (i) The role of the basic structure is to secure background justice such that individuals can pursue their conception of the good freely and consistently with the ability of others to do the same.
- (ii) Social relations are fundamental to the pursuit of our ends in this manner. A fair system of cooperation between equals is one which ensures the way we relate to others takes

⁵⁰ This argumentative structure follows Munoz-Dardé (2014) who exposes two differing luck-egalitarian interpretations of Rawls. My argument makes a similar move, but in the context of relational interpretations.

place on terms consistent with that aim. This necessitates the inclusion of relational principles and values in our conception of what justice demands.

The upshot of this argument is the thought that Rawlsian justice as fairness should be ‘grounded in our claims to be treated as equals and not in our claims to equal treatment’ (Dworkin, 1977, p.273; Otsuka, 2023, p.61). Or more simply, a proper reflection on the principles and values Rawls is concerned with leads to a Rawlsian approach committed to relational egalitarianism (Scheffler, 2003). Even if Rawls himself omitted relational principles and values from the basic structure, the only consistent Rawlsian position is one which includes them. Failure to do so is incongruous with the principle aims of the basic structure; to allow individuals to pursue their conception of the good so consistent with others’ ability to do the same.

However, this was not the only argument presented from the relational camp in the context of Rawls. We saw in Chapter Three a more critical response. The argument was that in order to include relational principles and values within our understanding of what justice requires we must reject the Rawlsian argument for a moral and institutional division of labour. Defining a basic structure to secure background justice was inconsistent with relational principles and values:

- (i) The Rawlsian division of labour separates individual and institutional responsibility for justice, such that the requirements of the basic structure must remain separate from the moral requirements individuals themselves are subject to. Therefore, relational principles and values which concern the regulation of our more intimate interactions are not part of the basic structure.
- (ii) To establish a society with equal social relations requires the application of relational principles and values to individual acts and actions. This goes against the division of labour. Only by regulating our more intimate interactions can we secure relational justice so we should reject the division of labour to achieve justice on relations terms.

The upshot of this argument is a rejection of Rawlsian justice as fairness, regulated by the basic structure, in favour of a more ardently relational view. The idea is that to truly establish justice on relational terms we must look beyond Rawls, rather than looking to make his approach consistent (Dagan and Dorfman, 2018).

So, we have two differing critical responses to Rawls from those who adopt a relational approach to justice. One which looks to better Rawls at his own game—to show that a proper understanding of the Rawlsian ideal of a just society is one which is implicitly committed to relational principles and values as matters of justice. And another that states that only by rejecting Rawls' emphasis on the basic structure as the zone for discharging the demands of justice, and therefore rejecting Rawls altogether, can we secure justice within our social relations.

I believe that both of these arguments get things wrong. The correct reading of Rawls does not lead to the view that Rawls subscribes to a relational approach to justice *tout court*. Nor is a more ardent relational approach to justice a better alternative to Rawlsian justice as fairness. And this is central to showing a way past the impasse at the heart of my enquiry into the place of relational values and principles. My argument in the next chapter is that a proper understanding of Rawlsian justice as fairness is able to accommodate both for the central tenet of relational justice—that how we are treated matters at some fundamental level—without committing to an ambiguous perspective on where the duty for discharging the demands of justice lies. I argue this is a strong way to settle the matters at the heart of my enquiry concerning how we should consider the place of relational and distributive values when considering justice.

Chapter 5: Rawlsian social cooperation

§5.1 Aims

In this chapter I will complete my argument. I do so by arguing that a proper interpretation of Rawls' approach to justice is one that sees him as committed to establishing society as a fair system of cooperation. Using this as a basis, I argue for a Rawlsian position which can accommodate for the most compelling aspects of relational justice without suffering from the shortfalls of viewing justice as relational *tout court*. This position therefore offers a strong way to conceive of the demands of justice because it presents a way beyond the impasse at the heart of my enquiry, highlighted in Chapter Four.

My argument makes the following steps. I begin by clarifying what I interpret to be the central organising idea for Rawlsian justice as fairness which is that society should be a fair system of cooperation. I then use this clarified outline of Rawls' approach to justice to respond to the different interpretations of his position discussed thus far: the idea that Rawlsian justice as fairness is subsumed into relational egalitarianism (Scheffler, 2003); the idea that we must reject Rawls on relational terms (Dagan and Dorfman, 2018); and, also, the idea that Rawls is in fact committed to luck egalitarianism (Cohen, 1989; 2008). Finally, I use this view to argue that a Rawlsian perspective that is well placed to accommodate both relational principles and values without rejecting distributive principles and values outright. I argue that this is a strong way of conceiving the demands of justice as it can accommodate the most compelling aspects of relational justice without the shortfalls.

§5.2 Clarifying Rawls' approach

Let's begin by returning to what I have said so far about Rawls' approach to justice to see where further clarification is required. In Chapter Two, when outlining Rawls' views on distributive justice, I emphasised the centrality of the basic structure which plays the primary role in securing background justice in society. The basic structure refers to 'the background social framework within which the activities of associations and individuals take place' (Rawls, 2001, p.10; Freeman, 2013, p.288). It concerns how social institutions shape the ways individuals go about their endeavours in coordination with others. For Rawls, the institutions which comprise the basic

structure are to be organised according to two principles of justice. First, they are to be structured to ensure all individuals have equal basic liberties and, second, any social inequalities permitted by these institutions are only to exist under conditions of fair equality of opportunity and to the greatest benefit of the least well-off in society.

In addition to this, I want to highlight that the basic structure in Rawls' theory has a deeper motivation than merely acting as a vehicle to establish the two principles of justice. Some have read Rawls' principles of justice as prescriptions for certain allocative end-states; others as registering a fundamental commitment to the liberal-egalitarian values they reflect. On my reading of Rawls this gets things the wrong way around. Rawls' basic structure is part of his purely procedural and institutional conception of justice—one which centres on the idea that society must be a fair system of cooperation. So, while my presentation of Rawls' approach to distributive justice via the institutions of the basic structure stands (see Chapter Two), I will argue that, for Rawls, bringing about the social conditions necessary to realise reciprocity between free and equal citizens is a more fundamental motivation than any one principle or conception of equality (e.g. relational or distributive) (Freeman, 2013, p.227; Otsuka, 2023, p.59-63).

The first point to grasp in order to see this play out is Rawls' view that the basic structure takes primacy over other questions of social justice. By this Rawls means that establishing background justice, assigning fundamental rights, and making determinations regarding how social institutions allow individuals to interact, relate, and coordinate in society is the first priority of social justice. Institutional morality, for Rawls, and the principles that govern collective entities, take primacy over other matters.

Now, it is important to emphasise that the priority given to the basic structure is not an assertion that institutional morality is more important than, or takes normative priority over, interpersonal moral claims or duties. Rather the point for Rawls is that these institutional questions have to be settled first. Only then can we look to other questions of justice or morality. What's more, our institutions and social arrangements will be regulated by different principles than interpersonal morality and, crucially, these principles will be justified on different terms.⁵¹

It is also important to see how this connects to the division of labour arguments raised in Chapter Three. In giving primacy to questions of institutional justice, Rawls bifurcates the “principles for

⁵¹ Contra the aforementioned view of Murphy (1998). For a discussion see: Freeman (2013, p. 229-230).

institutions” that follow from the basic structure, from “principles for individuals” such as moral duties or obligations of fairness (Rawls, 1993, p.260; Freeman, 2013, p.230). But this bifurcation does not imply individuals are not subject to the demands of the basic structure, or that Rawlsian justice as fairness lacks the normative resources to assess interpersonal moral claims. The point, for Rawls, is that the principles of justice apply only indirectly to individuals via the constraints and regulations put on the basic structure; remember the goal of the basic structure is to determine background conditions of justice from which individuals can act. And, as we saw previously, individuals are responsible both for sustaining a just basic structure and for their own individual actions.

So—and to use the language of my enquiry thus far—Rawls is concerned with the structure of our social relations to the extent that he thinks individuals should be subject to initial constraints and conditions regarding how they treat one another and how they coordinate their activities. This is not a call for the regulation of our intimate interactions or social relations but merely expresses the need for background justice to exist such that we can interact and relate on certain terms.

Now what I have presented so far is Rawls’ (rather abstract) claim that the basic structure, and the principles that regulate it, takes primacy when considering questions of social justice. This also helps to further justify the division of labour arguments drawn on in Chapter Three. But why is this the case? Why does Rawls believe that shaping our social institutions to establish background justice take primacy over other matters of social justice?

The reason is one that has appeared throughout my enquiry and is, incidentally, a guiding rationale for relational approaches to justice. That is, the ‘social nature of human relationships’ or the importance of social relations and social institutions in shaping how our lives go or determining what matters in society (Rawls, 1993, p.278). For Rawls, the point here is just the observation that the social and institutional structures that individuals find themselves subject to have a significant bearing on how individuals lead their lives in coordination with others. This is fundamental to the relational approach to justice and it is fundamental to Rawls.

A further but related reason is that these social institutions and structures give normative relevance to many facts about us that would otherwise be inconsequential. For Rawls, many aspects of our lives are only morally significant in the context of certain social relations and structures. Let me illustrate this through an example. Suppose I live in a society in which I am far below the average

height. Fortunately, in this particular society, being short is a very advantageous characteristic. It not only makes me more economically mobile, but it improves my all-round social capital and my ability to pursue my endeavours. On its own the characteristic of being short is just some natural fact about me (Munoz-Dardé, 2014, p.475). It is a characteristic I happen to possess. However, in the context of certain social relations it can become highly consequential for how my life goes; in this society things may go very well by virtue of my height, but we can also imagine a scenario in which this is different. The point is that social relations, or structural features of our social arrangements, can add normative significance and moral relevance onto natural endowments like height. The same applies to a wide variety of characteristics or endowments I may happen to possess—the background conditions of the society I live in give them relevance far beyond the mere fact of the characteristic.⁵²

Now this observation is central to justifying the primacy of the basic structure and the principles which shape it, over other matters of social justice. It is also an acknowledgement that only within the context of social structures do seemingly unimportant natural endowments, features, or facts about us come to matter for how our lives go. It is these structural features of society, things like the social institutions we are subject to or the social relations we are a part of, that are of primary concern when considering justice on Rawlsian terms because they are what gives consequence to other facts about us. The background or structural conditions are crucial. And for Rawls, by instituting a basic structure the intention is that individuals are left to act and relate to one another within a setting that already expresses values of reciprocity. This is what it means to establish background justice—for a society to be directed towards establishing fair cooperation between persons.

The central point I want to make about Rawls' approach is this. The fundamental goal of Rawlsian justice as fairness, is establishing a system of fair cooperation between persons over time. And the basic structure, with the institutional principles that govern it, is the mechanism to do that. Rawls is at bottom guided by 'certain fundamental intuitive ideas' such as all persons being free and equal in society (Rawls, 1985, p.263). But this freedom and equality is an idealised conception of how citizens ought to live together and not the starting point from which principles of justice are derived. The starting point is the 'more fundamental' idea of society as a fair system of cooperation (Rawls, 2001, p.5); ensuring individuals live in this idealised manner, as free, equal, rational citizens

⁵² As Rawls (1971, p.87) says: '[natural distributions are] neither just nor unjust; nor is it unjust that persons are born into society at some particular position. These are simply natural facts. What is just or unjust is the way that institutions deal with these facts'.

who are able to fully express their moral powers consistently with others, is the ‘spelling out’ of what makes a society fair in the first place (Otsuka, 2023, p.60). The basic structure is the institutional expression of principles of reciprocity which allows individuals to cooperate fairly.

§5.3 Rawlsian structuralism, not relational or distributive egalitarianism

Now, my interpretation of Rawls still requires further elaboration and defence. Things are, as it stands, somewhat abstract. However, rather than continuing to do this exegetically, I will instead look to bolster it by showing how my understanding of Rawlsian justice as fairness can reckon with the interpretations that have cropped up in my enquiry thus far. From here I will demonstrate why a Rawlsian approach can breach the impasse that sits at the heart of my enquiry. Just how salient are we to take relational principles and values to be, compared to distributive considerations and values, when considering matters of justice?

Remember, the central organising idea Rawls develops as part of his political conception of justice is that society should be a fair system of cooperation. Not only can this interpretation of Rawls accommodate for distributive principles and values, but it can also be used to show how his view goes beyond the two relational interpretations summarised in Chapter Four. So, while this section is devoted to clarifying my own interpretation of Rawls, I do so by showing how this view is able to respond to two relational perspectives on Rawls outlined in the previous chapter. This sets up the following final section in which I argue that a Rawlsian view is also able to accommodate for the merits of these relational approaches to justice, without the shortfalls.

§5.3.1 Rawls as a luck egalitarian

Before turning to the relational arguments, it will be useful to start by responding to an interpretation of Rawls which takes him to be committed to a form of luck egalitarianism. Remember, luck egalitarianism is an approach to distributive justice which looks to redress inequalities that emerge from morally arbitrary factors like natural endowments or talents. This view centres on the claim that allowing some to gain advantages over others via morally arbitrary factors like luck is unjust. Therefore, any and all inequalities that arise from brute luck advantages must be addressed. So, for luck egalitarians the end goal or aspiration is an allocation of resources in which no one is left worse off via choices or facts that are no fault of their own.

Those who read Rawls as committed to luck egalitarianism do so via his assertion that certain natural endowments are morally arbitrary and individuals should not be able to gain advantage from them (Munoz-Dardé, 2014, p.474). In some sense, this perspective also lends itself to what I said in my own interpretation just outlined (§5.2). If the role of the basic structure is to establish background justice, then ensuring individuals cannot gain advantage from morally arbitrary natural endowments or characteristics is surely central to that aim. If Rawls himself conceded that exploiting natural endowments in this way is wrong somehow, then he should be concerned with reckoning with the inequalities that emerge from them. Or that's the argument at least.

While these concerns are no doubt present, where this view goes wrong is in attempting to read in a more sweeping luck egalitarian principle into Rawlsian justice as fairness than Rawls in fact permits. The point is not just that Rawls would disagree with the principle of establishing an allocation of resources on luck egalitarian grounds, but that Rawls was not concerned with particular allocations of resources in the first place. Rawls' approach is not about redressing inequalities that result from bad brute luck. The unfairness of some being less well-off through morally arbitrary factors might concern Rawls, but not in a purely distributive sense as the luck egalitarians have it. This is because, for Rawls, distributive patterns or allocations of resources have no moral significance in themselves, but only matter in the context of the social structures and relations that give them that significance. So, establishing background justice via the basic structure in a manner that is sensitive to morally arbitrary factors like the brute luck of our natural endowments does not call for the instigation of principles that might yield certain distributive patterns. That is what luck egalitarianism calls for but this is not Rawls' view.

Instead, the Rawlsian basic structure aims to rule out individuals being able to utilise or exploit their natural endowments and talents in ways that might compromise the fairness of social cooperation. But this is done via a principle of fair equality of opportunity and the difference principle. Distributive equality, on luck egalitarian grounds, is not the aim of the Rawlsian basic structure because distributive allocations do not themselves have value. What matters is the fairness of our system of social cooperation. Some principles of distributive egalitarianism are necessary in order to regulate social cooperation but distributive equality—whether luck egalitarian or otherwise—is not the goal. The distinction here is subtle. It is between a concern with equality as an allocation of resources as an end, versus a principle of equality being a means to achieve something else—namely, fair cooperation in society. On my view, Rawls' concern with equality starts and ends with its importance for facilitating or regulating cooperative activity (Quong, 2011,

p.83). Ensuring the terms of cooperation in society are fair is ultimately the end goal of a Rawlsian view.

§5.3.2 *Rawls as a relational egalitarian*

Now, the reason it is useful to begin with a response to this luck egalitarian interpretation of Rawls is that it can help bolster my response to the relational interpretations at the heart of my enquiry. As we will now see, a structurally similar response can be made against the first relational interpretation of Rawls highlighted in Chapter Four (and Two)—that Rawls’ approach to justice is subsumed into relational egalitarianism.

Let me begin by briefly retracing the interpretation. The argument took the idea that the basic structure is supposed to secure background justice such that individuals can pursue their own conception of the good, and tied it to the idea that the way we relate and interact with others is fundamental to that aim. Put more simply, if there is not justice within our social relations, that is if we do not relate to others on equal terms, then we cannot expect to be able to fully exercise our moral powers or pursue our ends consistently with the ability of others to do the same. So, the argument has it that on Rawls’ own terms he should be committed to a relational approach to justice.

Now, I am more sympathetic to this interpretation than either the view that takes Rawls as committed to luck egalitarianism or the view that sees relational justice as a perspective that goes beyond Rawls’ ideas.⁵³ However, I reject the idea that Rawls is committed to a relational approach to justice *tout court*. Let’s see why.

The response is structurally the same as the one I gave to the luck egalitarian view. An approach which sees justice as relational *tout court* calls, like luck egalitarianism, for a principle of redress. The difference is that luck egalitarianism calls for redressing unjust allocations of resources whereas relational egalitarianism (narrowly construed) calls for redressing unjust social relations. In this case, the argument is that relations like those seen in SHOP, PROMOTION or REGION involve treatment or types of regard that we should regard as morally concerning or objectionable. Therefore, principles of justice should remedy these injustices and establish social relations according to other principles or values, for instance equality.

⁵³ This is to say that I am more sympathetic with the view presented by Scheffler (2003).

However, Rawls' approach does not call for the equalisation of relations in this way. For Rawls, the demands of justice will not yield a principle-led intervention into morally objectionable or unjust social relations like those just mentioned. Nor, as we saw above, does Rawlsian justice call for intervention to redress morally objectionable inequalities in order to bring about some ideal allocation of goods.

Nevertheless, Rawls' approach still accommodates for the idea that a society which systematically engenders unequal or otherwise objectionable social relations *is* unjust.⁵⁴ But a just society, on Rawlsian terms, addresses these injustices at the outset, ensuring that the terms on which we relate to others are already equal or already reflect that fact that social relations should be structured on certain terms. This occurs via the institutions of the basic structure which promote background justice through a system of liberties, rights, and other institutional freedoms. These could, in theory, systematically promote the kind of regard relational egalitarians, or those concerned with relational justice, are concerned with.

It is from this point that one might say my view becomes more Rawlsian and not merely an interpretation of Rawls. Rawls' emphasis on just social relations is at the societal level—society should be organised as a fair system of cooperation between equals. And so long as one holds that relational justice can in fact be achieved via the basic structure—via background procedural justice rather than the regulation of individual conduct or intimate interaction—one holds a Rawlsian view. But what this entails—i.e. the principles and values that should regulate the basic structure to achieve relational justice—may start to take one away from Rawls' own view. I return to this point in what follows.

More important for now is why things occur this way around—why it is that establishing background justice is how we ought to promote justice within our social relations, rather than addressing unequal or objectionable relations via principled interventions. The reason, again, is because a Rawlsian theory is not motivated by a commitment to relational equality or a view that justice concerns the structure of our social relations *tout court*. Nor, as we saw, is Rawls committed

⁵⁴ To return to the cases of Jesse, a society in which his attitude of inferiority is prevalent is unjust on these terms. The background conditions that exist in society are unjust and the systematic disadvantages that the discriminated group experience are indicative of that. Isolated Jesse however is not unjust because there could still be just background conditions even if Jesse chooses to act on this attitude of inferiority himself. This indicates how the Rawlsian accommodation of relational justice I am proposing is weaker (in terms of not going as far) than a view that takes justice to be relational *tout court*.

to the “justness” of certain allocations of resources. Rather, the fundamental motivation is that society should be a fair system of cooperation; relational equality is a mechanism to achieve that and not the end.

§5.3.3 *Relational justice beyond Rawls*

One criticism that might be made of the view I have defended so far is that I have said nothing has been said about its merits. I have been using the primacy Rawls gives to the basic structure to counter relational and distributive egalitarian interpretations of Rawls. As we have seen, the primacy of the basic structure takes the sting out of the luck egalitarian or relational egalitarian perspectives. The argument has been that relational or luck egalitarian values might constitute principles to regulate social cooperation, but a Rawlsian view does not take equality on these terms to be anything more than one possible ideal to regulate fairness in society. Instead, the principle aim of a Rawlsian view is establishing society as a system of fair cooperation—the basic structure, which creates background justice and so sets the terms from which individuals transact, interact, and relate, does just that.

The worry one might raise is that we currently lack a rationale for placing things this way round, beyond the fact that Rawls thinks that we should. Given my aim in presenting a Rawlsian approach is to demonstrate that it provides a compelling way to adjudicate between on the different demands of justice—relational or distributive—this gap needs filling. To do so, I must say why it is that establishing background justice via the basic structure should be primary when considering social justice; or, why it is that we are not driven by promoting certain (relational or distributive) egalitarian ends first and foremost.

This brings me to the second relational interpretation of Rawls, pointed to in Chapter Four. There we saw a more critical perspective—the idea that to see justice as relational *tout court* involves rejecting Rawlsian justice as fairness. Responding to this perspective will also help clarify why it is that Rawls constructs his theory in this way such that social cooperation and not a principle of relational (or distributive) equality is at the heart of his theory.

Let me begin by briefly retracing the critique. It centres on Rawls’ argument for the division of labour, or the separation of individual and institutional responsibility for discharging the demands of justice. The thought is that it is neither feasible nor desirable for individual actions and relations

to be governed by principles of justice. Instead, social institutions should establish background justice so creating the conditions within which individuals can act on their own conception of the good in the knowledge that the demands of justice are satisfied. The problem was that an approach which views justice as relational *tout court* plausibly requires greater attention from individuals to the demands of justice. This is because in many instances only individuals themselves are capable of establishing equal regard in their more intimate social relations. As such, to truly achieve relational equality, or relational justice in accordance with certain principles, we must reject the division of labour and therefore reject Rawls' approach.

Responding to this criticism requires going back to the justification for the division of labour. Butressing this justification will also provide reasons to think this approach is a compelling one. On my view, Rawls can maintain the division of labour while still registering concern for the structure of our social relations. To see this, let me spell out why Rawls is committed to 'pure background procedural justice' (Rawls, 2001, p.52-54).⁵⁵ For Rawls, pure procedural justice allows individuals to 'abstract from the complexities of the innumerable transactions of daily life' freeing us from the burden of tracking each individual's relative position in a social relation (Rawls, 2001, p.54). The point is not just that it would be overly burdensome for individuals to assess each relation they enter by considering the relative position of another person and adjusting their behaviour accordingly. But this consideration is not all Rawls points to. He also argues that this freedom permitted to individuals leaves us better able to pursue our own life plans and endeavours safe in the knowledge that the necessary corrections of conditions to preserve background justice have been met (Freeman, 2013, p.243).

So, there are substantive reasons for not placing these demands on individuals, if we can possibly help it, namely that this freedom respects that we have differing conceptions of the good. Establishing background justice in society, creating the structural context in which individuals act, is simply a more desirable way to fulfil what justice demands. Or, it is more desirable if you accept Rawls' premise that each individual has an interest in pursuing their own conception of the good and that the human good is 'irreducibly heterogeneous' (Scheffler, 2003, p.25). So, once again, Rawlsian justice is about establishing fair terms of cooperation and not placing requirements on individuals to bring about specific states of affairs, such as particular allocations of goods or particular social relations structured on certain terms. This view still accounts for the fact that the

⁵⁵ Rawls own defence of pure background procedural justice is made in the context of a rebuttal of purely distributive approaches to justice—those which promote a particular allocation of resources as a requirement of justice. However, the arguments, as I present them here, apply just as well to this relational response.

structure of our social relations is an important consideration that bears on matters of justice. But it holds that background justice can facilitate social relations which are fair, without requiring individuals to act on certain (relational) principles of justice each time they act or relate to another.

Now there is a clear line of response available to those committed to a narrow relational approach to justice. The response is that while it might be plausible to say individuals lack the knowledge to maintain or preserve distributive justice because we lack the capacity to ensure our transactions are consistent with some fair allocation of resources, the same is not true for our social relations. We are more aware of the intricacies of our social relations, of the position of others with whom we relate and so we should be responsible for taking steps to regulate our interactions or the way we treat others in accordance with certain principles. To respond in this way is to doubt whether background procedural justice will succeed in establishing justice on relational terms.

In my view, this is where Rawls must depart from those committed to a relational approach to justice *tout court*. This response has therefore exposed a central difference between the Rawlsian and relational perspectives. On the one hand Rawlsians believe establishing background procedural justice via the basic structure is sufficient for bringing about the conditions within which individuals can act and interact with others on equal terms; or on terms that are consistent with justice. On the other, those committed to the relational project, such as a staunch relational egalitarian, might argue that to truly establish relational justice requires that individuals be subject to the demands of justice in their more intimate social relations (Dagan and Dorfman, 2018). That is, individual relations should be regulated by principles that demand equal treatment and regard. My own view is that we have reasons to side with Rawls in this debate.⁵⁶ To see why, I will now show that a Rawlsian can accommodate the most compelling aspects of the relational approach to justice without the shortfalls.

§5.4 Rawlsian justice as fairness

I will end this chapter by bringing things together. So far, I have been presenting a clarified interpretation of Rawls' justice as fairness. I have shown how this interpretation offers an alternative perspective to the two relational critiques raised in Chapter Four—the view that Rawls'

⁵⁶ Again, we might have to go further than Rawls does in placing relational principles and values under the remit of the basic structure. However, so long as relational justice can be achieved via background procedural justice this position is still Rawlsian and so comes with the merits outlined.

approach to justice is subsumed into relational egalitarianism and the view that to accommodate relational principles and values, we must reject Rawls' approach. With my responses set out, I will now show why I believe a Rawlsian approach to justice provides a better way of conceiving the demands of justice than an approach which take justice to be relational *tout court*.

The first point to make is why I believe Rawls' view can accommodate for the sentiments of the relational view without the baggage. Rawls' position takes as its basis the same initial intuition that the relational approach to justice takes: that persons are free and equal. Those committed to the view that justice is relational *tout court* connect this underlying intuition with the idea that it is within our social relations that matters of moral significance arise. Matters which bear upon this freedom and equality. Rawls' view, on my reading, is similar but differs in key respects. For Rawls, the question is how we should structure a society in which free and equal persons live together. In other words, how can society and its institutions best express this fundamental intuition about the status of persons and what does that tell us about the sort of society we are trying to establish? The principles we land on will constitute the ideals that govern relations between free and equal persons. Crucially, these principles are not attempts to conceive of some ideal end state distribution or some ideal set of social relations which principles can regulate or bring about. Rather, Rawls takes questions of justice to be broader, concerning how we consider the way persons relate or cooperate in society.

Now, the crucial and compelling insight from the relational approach to justice was the idea that how we are treated matters fundamentally for questions of justice. How social relations are to be structured is the key question to ask to that end (Chapter 'Two'). Rawls' approach takes this sentiment to the extent that he too is concerned with the structure of social relations in society. But Rawls' perspective is much broader than that which views justice as relational *tout court*. On the narrow relational view, the structure of our social relations starts and end questions of justice. The goal is to structure social relations in accordance with whatever principles you take to be salient—for instance, a principle of equalising social relations or promoting equal regard for relational egalitarians. As we saw above, this makes the same mistake as approaches to distributive justice that target particular allocations or distributions of goods as a matter of justice. It is 'inward-looking' in the same way given it requires an evaluation of the particulars of certain social relationships and the choices and sentiments that go into them (Scheffler, 2003, p.21).

Rawls' approach on the other hand can take a broader perspective on the place of social relations. As Rawls himself says, 'the idea is to find a practicable basis of interpersonal comparisons in terms of objective features of citizens' social circumstances open to view' (Rawls, 1998, p.454). So rather than conduct intrusive examinations into individual relations, the point is to set the terms on which people can relate and interact from the off. This, as we saw above, was at the heart of his justification for the primacy of the basic structure. However, we should acknowledge that Rawls is still tying the fundamental intuition that persons are free and equal with a perspective that looks to structure social relations in ways that respect that freedom and equality. Where Rawls lands, is a view that society should be a system of fair cooperation in which people can pursue their own conception of the good consistently with others ability to do the same. The aim of the basic structure is to promote institutional principles such that individuals relate on these terms. Which institutional principles we take to be salient in realising the demands of relational justice might take us away from Rawls own view, hence my view might be considered Rawlsian and not Rawls'. But so long as such principles are realised via the institutions of the basic structure, we can account for relational demands on Rawlsian terms. As this section has argued, we have good reasons for realising the demands of justice in this way.

It should now be clear that Rawls accounts for the significance of social relations. After all, it is only within the context of social institutions or social relations that many aspects of our lives come to have meaning or significance. Natural facts about our endowments or about our relations are not of moral significance, on Rawls' view. What matters is how our social institutions respond to these facts. This is a deeply structural perspective on justice, but one that does not prioritise principles like relational or distributive equality for their own sake but instead looks to engender social relations characterised by fair cooperation more broadly.

Another merit of this perspective is that it is not limited solely to relational or distributive concerns—Rawls' view can accommodate for both sorts of principles and values rather than placing them in direct competition with one another. Remember, key in motivating the relational approach to justice was the thought that distributive approaches miss the target because they place value on allocations of goods and not the treatments of persons. In response, we might say that though the way persons are treated matters at a more fundamental level than what individuals have, distributions of goods are still significant for the relations that exist in society.

As such, principles of distributive justice, like distributive egalitarianism, are good candidates when considering how we should regulate cooperative activity in society. Likewise, principles of

relational justice, like relational egalitarianism, will plausibly regulate the fairness of cooperative activity in society. Again, if you think the equal treatment and regard in our social relations matters, then this is a worthwhile consideration. Both approaches make claims about what is fair and how we should regard others. But these egalitarian ideals are not, on Rawls' view, the end goal—cooperative activity is not striving towards egalitarianism. Rather, a society which promotes fair cooperation between free and equal persons is the organising principle to structure society around.

The point I am making is that in arguing that society should be a fair system of cooperation, Rawls leaves open the question of what constitutes a fair society. So those who are convinced by the sentiments of distributive or relational egalitarianism may wish to assert that these principles matter a great deal for fairness in society. And a Rawlsian view, which uses Rawls' procedural approach to justice as its theoretical basis, can accommodate for that. Distributive and relational principles and values can be part of the picture if they ensure individuals in society can cooperate on fair terms. As we see, Rawlsian justice as fairness is not hostile to relational or distributive approaches but can take the insights from both. They can just be how we spell out the demand that society establish the fair terms of cooperation.

§5.5 Chapter summary

Let me end this chapter by reiterating why I believe this Rawlsian position provides a way past the impasse at the heart of my enquiry—an adjudication on just how salient relational goods and values should be in our considerations on justice. My argument has been that the main strength of Rawls' approach to justice is that it takes the structure of our social relations to be relevant when considering matters of justice—that is, the terms on which we relate and interact is central to Rawls' theory. Importantly, however, Rawls' broader structural perspective on justice means his approach does not make claims about each individual relation or aspire to establish particular regulations on the way we relate to others. As such, Rawls is not subject to the charge that justice intrusively regulates matters of interpersonal morality or private relations.

And so, Rawls' approach acts as a theoretical base from which other values and principles might be argued in. The organising principle is that society should be structured so as to promote fair cooperation between free and equal persons. But this does not exclude relational or distributive values. It only provides a hurdle for their inclusion, demonstrating their connection to fairness within our cooperative scheme. From here we can argue for a Rawlsian view which will

accommodate for different values and perspectives. This is core to why I think his approach is compelling in showing just how salient relational values are for matters of justice.

Concluding remarks

Discussions of justice, along with the principles and values that might fall under it, are often presented by contrasting perspectives or revealing tensions between different ideals. This thesis, at least initially, was no different. I began by presenting two competing visions of what justice demands: relational approaches, which hold that justice concerns the structure of social relations in society, and distributive approaches, which hold that the fair allocation of resources or opportunities in society is what justice is about. In what followed, I looked to argue that a narrow construal of justice, which takes it to be either fundamentally relational or fundamentally distributive, is misguided. Though the position I ultimately argued for is more sympathetic to the relational perspective, a key claim I have made is that viewing particular relations or specific patterns of resources as the primary goal of any just society is too narrow. Rather, we need to expand what falls under the rubric of justice by taking fair cooperation among free and equal persons as a starting point. This Rawlsian structural perspective offers a strong basis from which to argue for further principles that one takes to be important for a just society. And so long as one accepts the premise that establishing just background conditions is enough to foster conditions from which individuals can interact, relate, or treat others on fair terms, then we have good reason to think this Rawlsian approach is a strong way forward.

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