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# A Sociological Theory of Justice

Not sociology but political philosophy is largely responsible for the fact that the problem of justice has been a lively area of intellectual concern in recent times. A major share of the credit for this fact belongs, of course, to Rawls, whose Kantian inspired theory of justice as fairness has, whatever its limitations, managed to demonstrate the point that novel and potentially fruitful theorizing about justice is not beyond the capabilities of our era (Rawls, 1972).<sup>1</sup> However, within political philosophy, important contributions to our thinking about justice are not limited to Rawls. Decisive advances in how to address questions of justice have been made by the theorists critical of Rawls who have been labelled communitarians, in particular Sandel and Walzer (Sandel, 1982; Walzer, 1983).

As their work is still not well known within sociology, I begin by summarizing their (it seems to me) decisive objections to Rawls. Both are saying that Rawls premises his theory on an overly individualistic image of a self. He imagines a person as if he or she could be capable of freely deciding on the extent of their social involvement whereas Walzer and Sandel suggest that one needs to start with an image of an actor who is at least partly *constituted* by certain social commitments. It seems fairly clear that their version of an actor is much more compatible with sociology, at least since Parsons developed the idea of an actor who is largely formed by internalized norms. Given that notion, it is logical that, as what is proposed here is sociologically inspired, the attempt will be to found it on a conception of self more in keeping with the one portrayed by Walzer

and Sandel than Rawls.

However, there is also a basic difference that could perhaps be said to distinguish a sociological from a political approach to justice, whether the latter is Rawlsian or communitarian. Rawls, Walzer, and Sandel all assume that the basic problem of justice is the problem of how a society should *distribute* its goods, e.g. education, income, work. Another, and arguably more sociological way to think about justice involves seeing the underlying problem as the problem of *acting* justly, of just conduct or behaviour.

As yet what this new departure might mean is still vague but an initial point about it is that once the problem of justice is put in this way, it can be acknowledged that there has been some contemporary sociological work that has a relevance to justice. Both Habermas' *Theory of Communicative Action* and Lyotard's well known attempt at a criticism of it can be interpreted as theories of justice but ones in which the problem of justice is more the problem of the just way of acting rather than the just way of distributing social goods (Habermas, 1984/1987; Lyotard, 1984). So both Habermas, with his idea that the just action is the action that persons who are communicating in an 'undistorted' way would agree should occur and Lyotard with his competing idea that the just action is one that does not impose anything (including a Habermas style commitment to agreement) on other people at least have both introduced the theme of a possible sociological rather than political angle on justice. Habermas and Lyotard share an interest in just *action*.

However, although sociologists are

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<sup>1</sup> See also his more recent book, *Political Liberalism*, 1993.

accustomed to think of Habermas and thinking, there is at least one sense in which their work lags behind: arguably, both are still working with a Rawlsian rather than a communitarian version of a self. Whenever either of them discusses the self, the entity they presuppose tends to be an individual who, instead of being in a primordial sense social, begins by *deciding* whether or not to engage in some social activity. This 'atomistic' version of what a self might be is evident in Lyotard in that it informs his image of social life as when and where individual persons are willingly entering into and exiting from contracts for which they have freely negotiated all the terms. However, one can also see it in Habermas' theory, for example in the fact that persons must *choose* to act sincerely or in line with norms which, of course, assumes that these forms of behaviour would never come naturally as could be the case if we can imagine an actor with a self fundamentally constituted by norms, e. g. norms about telling the truth, norms about what behaviour is appropriate in a given situation.<sup>2</sup>

The work attempted here could be tentatively characterized as similar to what Habermas and Lyotard have been doing in the sense that it will conceive of justice as an issue of how we act rather than how we distribute goods but also as strongly differentiated from them in being based on a communitarian rather than a Rawlsian version of a self.

Such a version of a self could perhaps be taken directly from the work of the communitarian theorists but, as already mentioned, the modern sociological tradition since Parsons has been

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<sup>2</sup> The argument concerning the individualistic character of Habermas' and Lyotard's actor is developed in Raffel, 1992. See also Raffel, 1994. For a useful critique of 'atomism' see Taylor, 1985.

Lyotard as in the vanguard of current attempting to theorize on the basis of such a self for some sixty years. However, it is not my intention to rehearse this entire tradition. Instead, the plan is to: 1. introduce and then 2. relate to the problem of justice, what seems to me to represent the most advanced sociological attempt at a social or communitarian version of a self. This is the 'self-reflective' or 'analytic' work associated with Alan Blum and Peter McHugh. Our development of this approach will require considerable attention to detail. At times, we will seem to have strayed from our actual topic, justice. However, this discussion will prove to be the spadework required for seeing where justice could fit into a sociologically adequate version of action.

## 1

Even in their earlier work, Blum and McHugh give us a way of conceptualizing the self acting in society as fundamentally constituted by certain communally determined standards. The key source here is their paper on motives. (Blum and McHugh, 1974). In this paper, they are trying to develop as a criterion for saying that someone is a competent social actor the notion that fellow members would find the person's action to be intelligible. This seems initially plausible as a criterion for the social in that it does seem that one way to say someone's behaviour is not fully social, e. g. that it is anti-social, insane, etc. is to say that it is difficult to see any *sense* in the behaviour in question. Thus, we often say that an insane person's behaviour is anti-social and when we say that what we might concretely mean is that we find what they are doing unintelligible. Similarly, a very young child is often said to be not yet capable of full social life and again were we to concretize the meaning

of our conclusion, it would again probably turn out to mean that we find it difficult fully to see the sense in what they are doing.

The next issue is to seek to work out exactly what might be required for us to be able to conclude that some behaviour does manage to be intelligible. Blum and McHugh's idea is that a condition for an act's intelligibility is that we be able to see a possible motive for it. We can begin to explain their point here with the exception that proves the rule. Persons often do say of certain notorious cases of murder, e. g. in this country the Bulger killing, that they find the act unintelligible or senseless. Firstly, it confirms the argument thus far that it seems to fit with this conclusion that we also find these acts utterly anti-social. But the additional point to be noticed now is that the condition for the act being unintelligible to us does seem to be that we find it difficult or impossible to see any possible motive for the act. Or, turning to a case where we do potentially find someone's act intelligible, we can 'understand' (see the sense in) someone doing the act of leaving, say, a party early in so far as we can locate the motive. For example, boredom would work here (Blum and McHugh, 1974:40).

The next problem is to formulate a criterion for being able legitimately to say something could be a motive for an act. To concretize the problem, what is the criterion for being able to say that boredom could be a motive for leaving a party early? Of course, we are initially tempted to say that finding a motive is finding what is going on inside someone's head at the time they do the act. But Blum and McHugh are able to demonstrate that this is not really an accurate depiction of how we legitimately use the notion of motive in society. Thus, even if we waive the by now familiar philosophical objections to the idea that anyone can ever find out what is 'inside'

someone's head, there remains the following decisive objection to this way of thinking. Imagine that we *were* somehow able to determine that boredom was going on inside the Bulger murderers' heads at the moment they killed him. We would probably *still* hesitate to say that the crime therefore had a clear-cut motive or that we now do find the murder intelligible. The problem is not just that we cannot determine whether boredom is in the minds of the killers. The more basic problem is that even if we could, boredom is still not plausible as a *motive*. What Blum and McHugh derive from reasoning of this ilk is that the criterion for something being a motive for an act is that it must have the status of a publicly available method for doing the act in question:

He killed himself because he was depressed, or he left the party because he was bored—both are observers' way of saying that killing oneself is a method of doing depression, or that prematurely leaving the party is a way of doing boredom.

(Blum and McHugh, 1974:40).

That is, the criterion for it being possible to say that something is a possible motive for doing an act is that whatever one has done be publicly (socially) agreed upon as a possible way of doing whatever the attributed motive amounts to. The problem with trying to make sense out of acts like the Bulger murder by postulating that the killers were bored is not that boredom might not have been in their heads when the act was committed but that we (society) are unable to accept killing the young victim as an agreed upon method for doing boredom.

One thing that has been established is

that, in so far as one's action can be said to be motivated rather than unintelligible, there is a sense in which one is socially competent. In terms of our more general theme, the interesting feature of being social, if by that we now mean being motivated, is that this version of the social is clearly something that would constitute an actor rather than be 'chosen' by them. Examples may clarify this point. If someone leaves a party early and we find this intelligible via the assigned motive boredom, we are saying that their action seems social rather than, say, utterly insane. But what is interesting here is that we would certainly not be inclined to say their social competence is not really a constitutive feature of them. We would not be inclined to say it is some Rawlsian or Habermasian voluntary concession to the presence of other people in the world. The boredom is constitutive of the person rather than a reluctant concession to the presence of others. By the same token, if we imagine some act for which it is extremely difficult to locate anything like a motive, e. g. the Bulger murder, what is interesting is that such acts do not just fall into the category of behaviour we would eschew in Rawlsian fashion (because of the existence of multiple persons in the world). Even if we try to imagine ourselves alone with our fantasies and able to do whatever we 'want', it is highly doubtful that these sorts of acts would feature on our wish lists. The strength of the criterion of intelligibility, then, is that it helps us to conceptualize individuals acting socially, e.g. leaving parties prematurely out of boredom as distinct from killing people out of boredom, as *constituted* by socially shared methods rather than just voluntarily accepting them with all the unfortunate individualistic implications we have identified with this latter way of thinking.

Blum and McHugh's early work, then, leaves us with a version of social action

which involves an individual whose own desires could be social through and through. Anti-social persons by the same token are conceptualized not as persons unwilling to moderate their desires to accommodate others but persons whose very desires would be utterly foreign to most members of normal society. Their later work could be said to further develop this idea of a fundamentally social agent and also perhaps to moderate some of the excesses of the earlier work. (The latter point will be explained in due course.)

Turning now to this later work, it will again be helpful to summarize the major points, in so far as they will prove relevant to what is being attempted here (Blum and McHugh, 1984). Perhaps the major development compared to the motives paper is toward a clearer and almost definitely more adequate criterion for saying an act is social. Their proposal, flagged in the book's title, is that when we say that someone is acting socially, what we might mean is that they are acting 'self-reflectively.' In the book, they elucidate this idea at some length, eventually suggesting that there are three distinct ways of understanding it, all of which are backed by some significant sociological theorizing but with only the third way, they argue, being fully adequate, fully self-reflective (Blum and McHugh, 1984:114-21). We will need to explicate this but for the sake of readers of *this* work, it may be helpful to suggest some initial sense of why equating social action with self-reflective action might be plausible. For example, slightly varying the earlier example, imagine someone leaving a party prematurely without offering any alternative explanation and us concluding that he must have been bored. Were we to present this person with our conclusion and were he to express utter amazement that we see his action as revealing boredom, it would

certainly seem right to see this person as unself-reflective in the sense that he seems unable to see his own actions (here leaving the party prematurely) in the way they would tend to appear to other members of his society. And also, significantly, a person who acted in his way could properly be said to have an inadequate *social* sense. A more dramatic case of essentially the same phenomenon would be those accounts of some inexplicable murder where the murderer (bizarrely we feel) tries to explain that he did it 'out of love.' Again, the person seems fundamentally unself-reflective in a sense like not able to understand his own actions in a way that seems to have anything in common with how most members of his society would be able to see them: *He* may see his murder as an act of love but that seems totally unself-reflective in the sense of out of kilter with any socially accepted version of murder, love, how the two might be linked and so on. And again, when people are unself-reflective in this sort of way, we are inclined to see them as not fully formed social actors. Or, to reformulate a well-known example from Goffman, when Goffman's man waiting for a tardy friend examines his watch just as a stranger passes by, not to discover the time but to indicate to the stranger that he is doing the socially acceptable activity of waiting rather than the socially unacceptable activity of loitering, we could say that this actor reveals the ability to be self-reflective in the sense that he is aware that his waiting could be interpreted by the others to be loitering unless he counters that impression (Goffman, 1963:79). And, in keeping with the general argument seeking to equate self-reflective with social, we can see a person who is self-reflective in this sense as having a certain level of social awareness. Finally, this common-sense version of self-reflectiveness also provides a criterion for our intuitive sense that very young

children are not yet capable of fully competent social action. For example, if even the headmaster laughs when a five year old replies to an initial welcome to his new school by throwing a hat at the headmaster, presumably the grounds for the head's laughter are that the child is understood as not able to see the (social) meaning of what he is doing. He is acting unself-reflectively in some relatively ordinary sense of the word.<sup>3</sup> As in the above cases, this provides a criterion for why we do not think of the child as a fully competent social actor.

In general then, self-reflectiveness does seem plausible as a possible standard for what we might mean by fully social action. However there is considerable ambiguity in this term, as Blum and McHugh demonstrate by proposing three possible meanings for the idea that one is self-reflective:

1. In order to do x reflectively, it is essential to be seen to be seen to do x; x must be intelligible to any reciprocally oriented actor.
  2. In order to do x reflectively, it is essential that x be reasonable; x must be enforceable to any reciprocally oriented actor.
  3. In order to do x reflectively, it is essential that x be (principled) undertaken for its essential desirability; X must be moral to a reciprocally oriented actor.
- (Blum and McHugh, 1984:114).

We endeavor now to clarify both the meanings of these three ideas and, then, how a concern with justice might be

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<sup>3</sup>This example is adapted from a similar one in McHugh, 1970:167-68.

related to them. Obviously, the first version of reflectivity is closely akin to the version of social action that was put forward in the motives paper. However, what is, I think, put in more cogent form in the later work is the sense in which someone who follows agreed upon ways of doing, that is someone who, as we articulated it earlier, would have recognizable motives for their action, could be said to be self-reflective: they could be self-reflective in the sense that they could be seen to be doing whatever (they think) they are doing. For example, the person who prematurely leaves parties when bored could be said to be acting self-reflectively in that, because he is following agreed upon methods of doing (boredom), his boredom at least is likely to be seen as boredom. On the other hand, one who thinks he is killing out of love could be seen, precisely because he is not adopting an agreed upon method for doing (love), to not be acting self-reflectively in that he will certainly not manage to be seen to be doing love even though that is what he thinks he is doing.

However, and this will relieve those who may have noticed certain worrying implications as to what sorts of acts might qualify as social in the earlier work, e. g. that many forms of murder, for example some of those done out of jealousy might not be anti-social, Blum and McHugh now go on to argue that just managing to make oneself intelligible is not an adequate criterion for a self-reflective or, in other words, fully social act. Their objection to intelligibility is expressed as follows:

Some intelligible action may nevertheless be unacceptable, however; in some cases (e. g. Weber, Ethomethodology), whatever is social must be enforceable if the social is to sustain itself. Here the actor

needs to orient to the need of the life-world for the order that attends upon thoughtful compliance. It is not simply that the actor conforms (this would not require any reflection), but that the actor wants to conform, and so the reasonability of his behavior is for this actor a deep need rather than a mechanical or coerced reaction to demand.

(Blum and McHugh, 1984:114).

We shall begin by explicating this passage with just a common-sense version of what it might mean. Someone whose action could be perfectly intelligible, e. g. someone who kills out of jealousy, could easily be criticized by his or her fellow members of society on the grounds that what they did is unreasonable. Surely, more reasonable ways of doing jealousy than murder could be found, e. g. divorce, verbal expressions of anger, etc. In a similar vein, even prematurely leaving the party out of boredom could be socially unacceptable and so unreasonable though it remains intelligible, e. g. reflective persons could feel obliged to stay no matter how bored they were out of a feeling that they have some responsibility to keep the party going.

A more formal explication of the passage requires explaining how they are using the sociological sources they refer to, Weber and Ethomethodology. For reasons of space, I will restrict myself here to their interpretation of Ethomethodology. Firstly, it should be noted that what they have in mind are Garfinkel's detailed studies of real persons at work in real-life organizational settings, e. g. jurors doing the work of reaching verdicts, coroners' assistants attempting to decide which label to affix to an ambiguous death and so on

(Garfinkel, 1967). As these studies are often reported inaccurately, it is first necessary to remind the reader what Garfinkel has discovered. He finds repeatedly that persons in organizational settings do not just act intelligibly if by that we mean have recognizable motives. Instead, it seems that they are constrained by an overriding sense of 'what any reasonable person in such a setting must do' which turns out, in practice, to mean that their perceived sense of what the particular social world in which they are placed requires to sustain itself becomes their prime concern. For example, Garfinkel wants us to see that in producing their verdicts, jurors exert themselves to 'be reasonable' and one thing this means to them is that how long they imagine it would take to reach a verdict is a relevant factor in determining whether that would be the 'right' verdict (Garfinkel, 1967:108). Similarly, it is 'reasonable' for coroners' assistants to orient to who they might need to interview were they to attempt to pin a particular label on a death as one factor in deciding *whether* that label might be appropriate in the first place (Garfinkel, 1967:13).

In Blum and McHugh's terms, these Garfinklean actors are 'orienting to the needs of the life-world for the order that attends upon thoughtful compliance.' For example, the jurors seem to be orienting to the fact that if they do not pay attention to the time factor, there is the possibility that they would never reach a verdict and clearly that would be highly disruptive for their world. Or the coroners' assistants are attuned to the fact that there are important people in the world doing important things and that it could be disruptive to question these people. In both cases, it could be said that the participants have a strong sense of what their world needs to sustain itself and they see their job as being to do their best to uphold that. These actors could be said to

be self-reflective but not just in the sense of letting others see what they are doing in the same way that they see it themselves. Here to be self-reflective means that each member sees himself as having a responsibility for upholding the order. The reflectiveness consists in treating one's own action as having a part to play in sustaining perceived general life-world needs.

As with the first criterion for reflectiveness, it is possible to see this one via negative cases as well: if an actor is seen not to comply with perceived life-world needs, he or she will be criticized and the criticism can plausibly be reformulated as that they seem unself-reflective in the sense now that they seem not to see how disruptive of the order their actions could be. The juror who seems oblivious to how much his specific demands are delaying the proceedings will be criticized for being unself-reflective but not in the sense that no one understands what he or she is doing. Perhaps, for example, it is clear that their motive is to hold out for acquittal. The criticism would instead have the sense that they do not seem to see how the very possibility of having a jury requires a certain willingness of all concerned, he or she included, to be aware of the time decisions take.

Blum and McHugh would say that this second version of reflectiveness is the closest sociology has ever gotten to adequately depicting a self-reflective or fully social actor.<sup>4</sup> However, they do identify serious problems with it. Firstly addressing these problems in terms inherited from the Garfinklean actor we have just described, what can be unreflective about this actor is his version

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<sup>4</sup>We know that they associate it with Weber as well as Garfinkel. Other sections of their book identify similar versions of this idea with both Parsons and Habermas.

of need. We have already quoted Blum and McHugh to the effect that 'there remain several senses of need, conceived as that which is made essential for and by an oriented actor.' In particular, Garfinkel's actor would seem to be limited in his reflectiveness in that he or she seems to accept that forms of action might be 'necessary' for his life-world without reflecting on the essential desirability of those actions. Returning to the examples can perhaps make this point clearer. The interest in just reaching a verdict would seem to neglect issues connected to the essential desirability of there being jurors in the first place; an obvious one being that it is a procedure to promote less arbitrary typical verdicts than one could ever expect if the goal has become just reaching a decision. Similarly, when coroners' assistants cut short their investigations because of who they might have to interview, they could be seen as neglecting what might be essentially desirable about having investigations in the first place. For example, presumably this practice of investigating must be associated with some root commitment to seek the truth even if that search would take one to high places.

We attempt now to further develop what is meant by this emerging third version of being reflective. Blum and McHugh refer to a reflective act in this third sense variously as an act that is principled, an act undertaken for its essential desirability, or an act that would be moral to a reciprocally oriented actor. So, they would say that even as the jury, for example, could be said to be reflective in that they are not, in their own terms, being 'unreasonable' in orienting to time, still we should draw back from saying they are being fully self-reflective and therefore a fully adequate example of social action in that they seem to be sacrificing what is essentially socially desirable (principled, moral) about our

having juries in the first place just because of the 'need' for a verdict. How reflective, Blum and McHugh ask, is such a version of what we need? Basically the actor who is only reflective in the first two senses is convicted of the potential moral failure of just being interested in complying with the order, e. g. by orienting to producing a verdict. Or, to put it in terminology likely to be more familiar to sociologists, the actor whose reflectiveness stops with the first two criteria is probably just doing things because they are expected of him. Reaching a verdict is clearly expected of jurors, not suddenly demanding to question an important personage may well be expected of a coroner's assistant, and so we can see how a self-reflective actor would hesitate to violate these expectations. However, the problem for considering these expectations to be fully adequate grounds for conduct is, of course, that things can be expected irrespective of whether they are right.

Even as we might concede the force of Blum and McHugh's objections to the first two criteria for reflectiveness, an obvious objection to the third criterion does now arise: it presumably sounds as if they want us to do what is right as distinct from what is expected but does that not fly in the face of the basic premise of much of modernity and, even more clearly, post-modernity that what is right is impossible to identify definitely? However, this objection would be misleading because what they essentially argue is not that reflectiveness consists in *doing* what is right but in at least *orienting* to it. The critique of the jurors, coroners' assistants et al. is not that their decisions are not right (Blum and McHugh, in line with post-modern thought, concede the impossibility of definite determinations of this sort), but that Garfinkel's organizational actors seem to not even care about what *might*

be right because their interest seems limited only to orienting to what is expected.

The first two criteria for reflectiveness resulted in versions of what sort of action might be consistent with being reflective in those senses. The intelligible actor would have to have recognizable motives for his action; the reasonable actor would have to comply with the perceived needs of his life-world. What would it begin to look like to act self-reflectively in the third sense, to act morally, to act in a principled way, to do things out of their essential desirability, to orient to right? A first version would be that, obviously, this sort of actor would be required not just to do what is expected of him, e. g. reach a verdict, but to reflect on the desirability, the rightness of what he is doing in the first place. For example, he should at least ask what he is doing, what sort of juror he is if he would be happy just with *a* verdict. However, this makes it sound as if there must be a two part process in which before every action, one reflects on whether what one is about to do is right and then takes the plunge. This image of it does not really capture the full force of the Blum and McHugh idea. Instead the suggestion is that there are possible ways to think about what one is doing such that what one is doing might be reflective in this third sense:

We understand the actor as affirming the worthiness of the action in his very doing of it...(this) is to say that we see the action as making a statement that it is worth doing...

Any action is a sign (in de Saussure's sense) of excellence, a representation of the way in which community invests value in the structure of the world. A principled

actor orients to the (essential) significance of his action in that he understands its being undertaken as a sign of value. (Blum and McHugh, 1984:119).

So it is not just a matter of thinking first and then acting. Their idea is that instead of an action which has a motive or an action which is backed by a reason, there could be an action which makes a statement, a statement of worth or, in the words of the second quotation, an action that is a sort of sign of what the community in question values.

As we did with the previous criteria, we can attempt to elucidate and test the plausibility of this third formulation of self-reflective action with concrete examples. Firstly, reconsidering previous cases, it does provide a plausible sense of how a juror is not acting self-reflectively in orienting to producing just a verdict in that if we think of this action as making a statement of worth, what it would seem to be affirming (saying, signifying to the community) is that any verdict is better than nothing. Such a statement hardly manages to represent the distinctive forms of excellence we would wish to associate with the jury system. If one avoids an interview because of the disruption likely to be caused, the statement of value implicit here would presumably be something like that the truth is only worth pursuing up to a point. Again, while this might be an intelligible and even reasonable thing to say, it is hardly consistent with the level of commitment to truth that would justify investigations as desirable (moral) in the first place. These sorts of actions only make real sense in so far as one assumes an actor who is *not* really self-reflective in the sense of attuned to what sort of values his acts might be signifying, what sorts of statement of communal worth they might be making.

This third version of self-reflection is clearly asking persons to think very differently about what they do. An issue that arises at this point is how might they begin to do so. For example, what intellectual tools might be available for even beginning on such an enterprise? In particular, even as this approach admittedly represents a departure for sociology, might there not be available ideas in other and even related disciplines and traditions that could be utilized for this enterprise? Arguably, the whole idea of thinking about one's actions in terms of how they stand with regard to the virtues and vices could fit with being self-reflective in this third sense.<sup>5</sup> Firstly and most obviously, anything that we might want to consider a virtue would inevitably be not just a potential personal attribute but a quality that some community values. But a much more direct link is that anyone who orients their action to some version of the virtues would probably have to be analyzed as not just being interested in being intelligible or reasonable but as making some sort of statement by their action of what is essentially desirable (moral, principled) for people like themselves. For example, imagine the typical act of courage. In what sense can we say that might be a self-reflective act? Because of the nature of courage, it would sometimes or even often appear *unself-reflective* in the sense of unreasonable, i. e. many acts of courage defy rather than comply with expectations. Also, such acts could appear unintelligible in that there would almost always be 'safer' agreed upon methods for doing whatever the courageous person actually does. But yet at least some of us would vehemently disagree with the objection that a courageous act is

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<sup>5</sup> Many issues relevant to such an enterprise are considered in Taylor, 1992. Also clearly relevant are Macintyre, 1988, 1992.

therefore necessarily unself-reflective. In so doing, surely we would be implicitly utilizing something like the third idea. We would sense that the act is self-reflective in the sense that it manages to represent in action something we as a community positively value, something we consider desirable, even though many people would object to it as unreasonable or even unintelligible behaviour. Or, imagine an act of kindness. Again, there might be serious problems in ratifying this act as self-reflective. It is probably an inherent feature of many such acts that they violate the expectations of normal society so it may be difficult to say they are exactly a reasonable thing to do. Furthermore, the act could risk being unintelligible, e. g. if one, as it happens kindly, offers help to a stranger, there is every chance that the act will be treated with suspicion. If we do want to argue that an act of kindness could be a self-reflective act, we again seem to need the third criterion. Even as such an act risks not being seen as what it is and even though it would almost necessarily violate expectations, the act could manage to represent a value, a virtue that is worth affirming.

Recalling now that the essential point was that the self-reflective actor should *orient* to his act's significance, there is, however, something that must be clarified at this point. Contrary to the impression that may have been created by the first two examples, it would probably be more accurate to imagine the self-reflective actor not so much as someone who is interested in being virtuous (doing acts of courage, kindness etc) as someone at least interested in *orienting* to his acts in terms of how virtuous they might be. That is, while it might be difficult to imagine the self-reflective actor actually *wanting* to uphold not a communal virtue but a communal vice, as what really characterizes him is an interest in what

his acts signify, he or she would basically be defined by this interest in reflecting on actions and this could include reflecting on the possible vices as well as virtues of whatever he or she is doing.

As has been done with the previous criteria, it is worth assessing this criterion of self-reflectiveness for its plausibility and viability. That all one's acts actually be virtuous seems an impossible demand, as witness the fact that not even saints are ordinarily depicted as managing this. It also does not seem consistent with the grammatical force of the term self-reflection which of course suggests an ability to see oneself rather than necessarily to be something or other. On the other hand, at least having an interest in how one stands with regard to the virtues and vices both seems a realistic possibility for a person and in keeping with the grammar of the term. However, this raises a further major question: if we imagine a self-reflective actor as an actor who wants to know what he is doing and if by this we mean what virtues or vices his act might signify, the question that arises is how might one even begin to discover knowledge of this sort. It shall be argued that thinking about justice can be a way of doing this.

## 2

The following are typical examples of how actions are treated in Dante's *Inferno*. Flatterers have their heads so thickly plastered in dung as to be unrecognizable (Dante, 1979:184). Hypocrites are wearing coats that 'outwardly...were gilded dazzling bright but all within was lead, and weighed thereby...oh weary mantle for eternity.' (Dante, 1979:215). Persons who produced schisms in their communities find themselves cut apart: '...from the chin down to the fart-hole split as by a cleaver. His trips hung by his heels.' (Dante,

1979:246).

I take it we can see real justice here and, if so, that of course affords us the opportunity, if we can formulate what is going on in the examples, of arriving at some viable notion of what justice might be. Firstly, it can be noted that, though the specifics vary with each case, clearly there is one underlying method which allows Dante to do justice to flatterers, to hypocrites, and to schismatics. Second, justice seems something much more specific than it is usually portrayed to be: it is not merely one of the virtues. This specific role seems to be as a mode of treating, a way of relating to, the other virtues or, in these cases vices. So it would be much too vague to say that Dante is just doing justice. Specifically he does justice in his treatment of other things, in our examples in his treatment of flattery, hypocrisy, and divisiveness. Can we gather from the examples what doing justice to a virtue or a vice might consist in? What it seems to amount to is managing an adequate depiction of what it is to practice, to do, the virtue or vice in question. So here we feel we have a just treatment of hypocrisy when we have a sense of what it is really like to practice, to do, to be a hypocrite; namely it is like having a bright coat on but where the coat is not easy to wear because the bright exterior is so contradicted by everything that must be hidden within. Or, we feel we are getting a just treatment of what flattery is in that we are getting a sense of what it is like to practice flattery, to be a flatterer: it is to let dung come out of your mouth. Similarly, we feel we are getting a just treatment of a schismatic when we see what it is like to cause schisms: it is a sort of gratuitous splitting up of things in which all that is accomplished is public exposure of things that do not belong in public, represented in the quote by entrails spilling out.

Hopefully it is clear how this version of justice is relevant to the problem raised at the end of the first part of this paper. If we think of seeing the just treatment of a virtue or vice as seeing what it is to practice the thing, then seeing the just treatment of what one is doing could be a way of actually seeing *what* one was doing. To see what is just for an action could be a way of theorizing the nature of that undertaking; it could be a way of 'orienting to the nature of what one is doing' so it could be an essential interest for anyone who wants to be self-reflective in the third sense. That is, Dante's work, which clearly amounts to an attempt to do justice to all the various vices, can also be seen as giving us a glimpse of what a self-reflective version of all these various actions might be. The characters are all given the gift of seeing the significance of what they are doing. They see what they are doing, what a hypocrite is doing, what a flatterer is doing, what a schismatic is doing, by seeing what justice would consist in for each of these forms of action, justice for each activity being a version, a reflection of what it is actually like to practice, to do, whatever the activity in question might be.

Is it possible to see justice in this sense as an issue in a more modern setting, and also a setting in which the situation is less artificial than Dante's? Arguably. Modern interaction can reveal similar themes. As a first example, we shall draw some similar lessons out of a scene from a novel by Alison Lurie (Lurie, 1989:274-279). This scene culminates in a revealing quarrel. A woman called Polly owns a Manhattan apartment. Jeanne, a friend of Polly and Jeanne's lover, Betsy, are sharing Polly's apartment with her. Jeanne and Betsy are occupying the room belonging to Stevie, Polly's adolescent son, who is currently living in Colorado with Polly's ex-husband. The crunch

comes when Polly gets the good news that her son wants to return home. She naturally assumes that Jeanne and Betsy will be moving out. But they proceed, in the interaction that we see as raising the issue of justice, to challenge that assumption. Firstly, in a suggestion that shocks Polly, Jeanne and Betsy propose that Stevie instead be relocated in the maid's room. The following ensues:

'But-' Polly began, choking up again. The spare bedroom had been designed for a maid back when maids would put up with anything: it was cramped, unheated and disagreeable, with cheap rusted fixtures....'I think he'd hate it,' Polly said, trying hard to speak evenly. 'Having your own room is important for a kid; much more than for someone like you or me.' 'You may have a point,' Jeanne conceded. 'Well, maybe we should move into your room instead. It's not as big as Stevie's but it's large enough for two people.' 'I didn't mean to suggest-' Was Jeanne really proposing to turn her out of her own room? Polly looked at her friend as she stood by the stove. Everything about her was familiar...but Polly felt as if she had never seen her before. 'Now Polly, really,' Jeanne murmured, smiling...I think you are being just a little bit selfish, you know.' 'Well, I think you're being a little bit selfish,' Polly said, beginning to lose control....'And if you want to know, I don't think you want what's best for Stevie at all. I think you want what's best

for Jeanne and Betsy.' 'Oh, Polly!' her friend said in a soft shaky overdramatic voice. 'Don't talk that way!' But the storm of flies had boiled up into Polly's head. 'Don't tell me how to talk, OK?' she shouted.  
(Lurie, 1989:277-278).

Firstly, it is interesting that, though we tend to consider the whole issue of virtue and vice old-fashioned, typical moderns do still assess behaviour in these terms. So, here, clearly issues of generosity and selfishness, i.e. virtue and vice, are seen as a compelling topic for conversation. However, while it is true that generosity and selfishness are the virtue and vice being directly referred to here, still it does not seem fully adequate to say that what is bothering Polly (and also exercising the novelist) is just the charge of selfishness. Thus, as an initial sign that selfishness is not the whole problem, note that Polly gets very angry even though she is never accused of more than a *little* selfishness. What does seem to bother Polly appears to be firstly the idea that 'generosity' could ever consist in turning her own son out of his room and secondly, when Jeanne at last seems to accept the problems with that notion herself, that she then moves on to the notion that 'generosity' might then consist in Polly turning *herself* out of her room. What can be suggested is that, though it is generosity and selfishness that are the topic here, it is actually the *injustice* in how they are dealt with that is exercising Polly (and Lurie). Concretely, we especially see this injustice at the two points when the virtue of generosity is cited as necessitating the practice of Stevie giving up his room and then, again, when it is cited as necessitating the practice of Polly sacrificing her own room. Polly clearly senses the injustice of both of these proposals. If we generalize, what then is injustice? Injustice seems to

consist in the specific phenomenon of inadequate translation into practice, into behaviour, of some recognized virtue or vice. Here the injustice is that the virtue of generosity can be defined so as to make it seem to require particularly odd forms of giving, i. e. giving up one's son room and when that proves unworkable giving up one's own room. The issue of injustice, then, seems to be the issue of how we should practice, what it is to adequately do, a virtue or vice. What Polly is objecting to here is then injustice and that seems to take the form of defining a behavior in terms of some agreed upon virtue or vice, here generosity or selfishness, but in such a way that the practice, here giving up rooms, does not seem to deserve its identification with the relevant virtue or vice.

The example from Lurie is Dantesque in that, as we located justice in his work as the problem of what it is to practice, to be, a hypocrite, flatterer, or schismatic, we see the issue of justice in her work as the problem of what it is to practice generosity or selfishness, to *be* generous or selfish. However, a limitation of this first modern example is that we do not actually get a clear-cut example of justice so whereas Lurie indicates that sacrificing one's own or one's son's room is *not* selfish, she is somewhat less clear on what *is* selfish in the sense of what positive practice might decisively embody it.<sup>6</sup> Here is an example that seems to me to do better in this regard and also has the additional virtue of being drawn from real-life rather than fiction. A group was experiencing serious internal problems

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<sup>6</sup> Of course, to an extent we get an embodiment of selfishness if we examine not Polly's behaviour but Jeanne's. However, while such an examination would certainly give us some hints as to what it is to practice selfishness, it seems to me that we are given just hints rather than the full-blown delineation of what it is to do a vice that we get in Dante.

and one of the group's members seemed to take every opportunity to share these problems with non-members. When a senior member of the group asked him why he was doing it, he replied: 'Because it is the truth.' His colleague retorted: 'And who are you, a reporter?'

It is the final remark that seems to be to provide us with another instance of justice. To unpack this, we could note first that more than one possible virtue is potentially being practiced in this example. There are issues concerning the virtue of truth here, of course, but also, given group membership, issues of loyalty, commitment, caring for one's own, etc. Given all these background virtues, the problem of justice would be to find a practice that adequately embodies all of these. The group member's initial idea is clearly to simply tell the truth to everyone and, furthermore, even to volunteer it, presumably on the grounds that that would make him a particularly good example of a truthful person. But really reflecting on justice requires that we consider, given all the circumstances and all the relevant virtues that could be brought to bear, whether his practice really amounts to (as he presumably would expect) being an exceptionally honest person. What the senior member is arguing is that what justice to his behavioural constellation really requires is the label 'reporter' rather than the label 'honest man'. This implies that, while there is no denying his commitment to truth, he seems to be pursuing it in a state of singular obliviousness to his own personal involvement in sustaining the object in question, namely his group. He is being objective all right, but the objectivity has taken on the neutral, indifferent, even brutal character we associate with the average reporter. So if the label, 'you are being a reporter' is just for the practice of sharing one's group's secrets at an

inopportune time, what has been revealed? We would say the actor who can see this has become self-reflective in much the same way as Dante's characters, here about aspects of what it is to practice, to do, the virtue of truth. In particular, he is learning that sometimes when one is truthful, what one is doing is not adequately (justly) formulated as being honest so much as being a reporter with all the negative as well as some of the admittedly positive connotations of that idea.

Some theories of justice assume that justice is only relevant when something negative is occurring: when there is faulty behaviour to be rectified or some good concerning which hard decisions are called for due to limited supply. Logically, in the theory being developed here, justice should be as relevant to positive as negative forms of conduct since with the virtues as much as with the vices, there will still be the issue of what it is to practice, to do the form of conduct in question. However, it is true that all the examples utilized so far have concerned vices rather than virtues. Firstly returning to our classical source, Dante can be brought to bear on this positive side of the problem as well, though the appropriate text now becomes his *Paradise* rather than his *Inferno* (Dante, 1986). Here we get the same pattern of an attempt to do justice to forms of behaviour by attempting to formulate what it is to practice, to do, that form of behaviour, the only difference being that, in *Paradise*, the behavior to be formulated as a practice is a virtue rather than a vice.

For example, Dante's description of the great religious contemplatives (mystics, etc.) is:

I saw color of gold as it  
reflects the sun-a ladder  
gleaming in the sky stretching

beyond the reaches of my  
sight.  
(Dante, 1986:248).

What he is saying then is that what contemplation is, what it is to practice it, what it amounts to, is to be on a very valuable (i. e. gold) ladder that will let one's vision extend way above that of people who do not use this method.<sup>7</sup> Allowing of course that he might have some root commitment to this specific practice that we, as products of another era may lack, we could say that Dante manages to illuminate contemplation, to let us be self-reflective about it by a version of what it might be to actually practice it: it is like having access to a huge ladder that lets one climb (see) much further than persons with ordinary vision, even very wise persons or for that matter even a poet like Dante.

Another example is Dante's treatment of soldiers who died in battle serving the Christian cause:

...with such mighty sheen,  
such ruby glow, within twin  
rays, such splendour came to  
me, I cried: 'O Helios, who  
adorns them so!'...these rays  
of light crossed in the holy  
sign which quadrants make  
when joining in a circle; but  
here my memory defeats my  
art. I see that cross as it  
flames forth with Christ, yet  
cannot find the words that will  
describe it...From top to base,  
across from arm to arm, bright  
lights were moving, sparkling  
brilliantly as they would meet  
and pass each other's glow.  
So, here on earth, along a

shaft of light...our eyes see  
particles of matter move  
straight or aslant, some swift,  
some floating slow- an ever-  
changing scene of shapes and  
patterns. (Dante, 1986:171).

Firstly, to clarify the image, what Dante actually sees is an enormous, glowing, ruby-coloured cross. The dead soldiers are in the cross, each of them being a glowing dust-like particle that manages to sparkle brilliantly even against the background of the ruby glow. To belabour the obvious, the red colour has something to do with the fact that all of these people have spilt blood. But the root idea seems to be a formulation of what all these sacrifices are doing, what they are, what it is to die in this sort of way. For one thing, he is saying that it is not in the end an isolated act. Each death is isolated, certainly, but overall they amount to the sustaining of something collective. There is also a formulation of what is actually being sustained by all these individual acts. The idea, embodied in the enormous glowing cross, is that the deaths are sustaining or perpetuating the Christian ideal, i. e. they make it into something massive and something massive that has a remarkably bright glow. So, again, we would say that we see the same basic idea as in *The Inferno*: justice (in this instance with regard to the virtue of a courageous death in battle for Christianity), is being formulated as what it is as a practice; in this case the idea being that even as or even because one dies in this way, what one is doing is managing to keep the Christian ideal vividly and splendidly alive.

What would be a more modern example of the just treatment of a virtue? The following conversation took place between two persons who had watched the actress Diane Keaton collecting an Academy Award some years ago:

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<sup>7</sup> Including even very wise persons such as Aquinas and St. Augustine. They are treated differently from contemplatives. See Dante, 1986:119-168.

Person A: God, what a silly speech.

Person B: I don't know. I kind of liked it. She is light and bubbly, like champagne.

At first, this reads like just a typical difference of opinion but, in fact, it may be important to note that Person A did not see it this way. In fact, B's remark caused him to reevaluate the Keaton speech, seeing a virtue in it that he had originally missed. Can we characterize the process at work here? The idea that Keaton's conduct deserves the label 'silly' is only just (is only adequate as a formulation of her practice) if it is not possible to find any virtue that her practice might embody, that her practice might *be*. Person B manages to find such a virtue in the fact that even as she remains undeniably light, this lightness can be seen as a kind of vivacious bubbiness. This is clinched by the location of something that is certainly light but that even A would not be prepared to totally dismiss, namely champagne. A can then see a kind of injustice in his initial remark. He made the mistake of assuming that the serious, the substantial is the only virtue, that everything that does not fit into this category simply fails. He sees his mistake by seeing that a practice that admittedly is not 'serious' or 'substantial' does not really deserve the label 'silly'. The attempt to do justice to Keaton, consistent with the theme of this paper as a whole, helps our interlocutors to see what something is, here what unseriousness can be as a practice, a form of conduct: it need not be negative and can be a virtue.

### 3

As was said at the outset, sociology has not been at the forefront of recent

discussions about justice. And this is an exceptionally unfortunate fact because real progress in this area is currently being made, particularly, it seems to me, by the communitarians. What sociology could potentially contribute here is firstly a body of work that puts the notion of the actor as fundamentally social on a much firmer footing than is perhaps available in the communitarian tradition. Second, once some of the ramifications of this 'self-reflective' actor are appreciated, it becomes apparent that justice- thought of as the issue of what it is to practice the virtues and vices- can be an important problem for this actor. I see this paper as a tentative attempt to establish this link between justice and self-reflective action and so further the work of what might constitute a *sociological* way to examine justice and its relation to the overall moral life.

## Bibliography

- Blum, Alan and McHugh, Peter, (1974). 'Motives,' in McHugh et al. *On The Beginning of Social Inquiry*, London: Routledge.
- Blum, Alan, and McHugh, Peter, (1984). *Self-Reflection in the Arts and Sciences*, New Jersey: Humanities Press.
- Charles, Taylor, (1985). 'Atomism' in *Philosophy and the Human Sciences*, Cambridge, Cambridge University Press.
- Dante, (1986). *The Divine Comedy, Vol III, Paradise*, translated by Musa, Mark, London: Penguin.
- Dante, (1979). *The Divine Comedy, I, Hell*, translated by Dorothy Sayers, London: Penguin.
- Garfinkel, Harold, (1967). *Studies in Ethnomethodology*, New Jersey: Prentice-Hall.
- Goffman, Erving, (1963). *Behavior in Public Places*, New York: The Macmillan Company.

- Habermas, Jurgen, (1984/1987). *The Theory of Communicative Action*, 2 Vols., Cambridge: Polity Press.
- Lurie, Alison, (1989). *The Truth About Lorin Jones*, London: Abacus.
- Lyotard, Jean-Francois, (1984). *The Post-modern Condition*, Minneapolis: University of Minnesota Press.
- Macintyre, Alasdair, (1992). *After Virtue*, London: Duckworth, Second Edition.
- Macintyre, Alasdair, (1988). *Whose Justice? Which Rationality*, London: Duckworth.
- McHugh, Peter, (1970). 'A Common-Sense Perception of Deviance,' in Hans Peter Dreitzel, *Recent Sociology*: No. 2 , London: Collier-Macmillan, p. 167-68.
- Raffel, Stanley, (1994). 'Identity, Self-Reflection and the Problem of Validating Standards,' *History of the Human Sciences*, Vol 7, No. 2.
- Raffel, Stanley, (1992). *Habermas, Lyotard, and the Concept of Justice*, London: Macmillan.
- Rawls, John, (1972). *A Theory of Justice*, Oxford: Oxford University Press.
- Rawls, John, (1993). *Political Liberalism*, New York: Columbia University Press.
- Sandel, Michael, (1982). *Cambridge, Liberalism and the Limits of Justice* Cambridge University Press.
- Taylor, Charles, (1992). *Sources of the Self*, Cambridge: Cambridge University Press.
- Walzer, Michael, (1983). *Spheres of Justice*, Oxford, Basil Blackwell.